



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or its of record in the offices of the Texas Board of Nursing.
Stephanie P. Thomas
Executive Director of the Board

IN THE MATTER OF PERMANENT
PERMANENT REGISTERED NURSE
LICENSE NUMBER 685452 &
PERMANENT VOCATIONAL NURSE
LICENSE NUMBER 147101
ISSUED TO
TERESA LYNNE DE VELASCO,
RESPONDENT

§ BEFORE THE TEXAS
§ BOARD OF NURSING
§ ELIGIBILITY AND
§ DISCIPLINARY COMMITTEE
§
§

ORDER OF THE BOARD

TO: TERESA LYNNE DE VELASCO
122 STONEY BROOK RD.
MILLBROOK, AL 36054

During open meeting held in Austin, Texas, on December 13, 2016, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054©) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and

conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.


All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 685452 and Permanent Vocational Nurse License Number 147101, previously issued to TERESA LYNNE DE VELASCO, to practice nursing in the State of Texas be, and the same are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 13th day of December, 2016.

TEXAS BOARD OF NURSING

BY: 

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed October 24, 2016.

d17r(RN-LAN)(2016.05.11)

Re: Permanent Registered Nurse License Number 685452
& Permanent Vocational Nurse License Number 147101
Issued to TERESA LYNNE DE VELASCO
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of December, 2016, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

TERESA LYNNE DE VELASCO
122 STONEY BROOK RD.
MILLBROOK, AL 36054

Via USPS First Class Mail

TERESA LYNNE DE VELASCO
4333 N. 173RD STREET
OMAHA, NE 68116

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of	§	BEFORE THE TEXAS
Permanent Registered Nurse	§	
License Number 685452 &	§	
Permanent Vocational Nurse	§	
License Number 147101	§	
Issued to TERESA LYNNE DE VELASCO,	§	
Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TERESA LYNNE DE VELASCO, is a Registered Nurse holding License Number 685452, which is in delinquent status at the time of this pleading, and is a Vocational Nurse holding License Number 147101, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about July 22, 2016, Respondent's Nebraska registered nurse license was Revoked by the State of Nebraska Department of Health and Human Services, Lincoln, Nebraska. A copy of the Nebraska Department of Health and Human Services' Order dated July 22, 2016, is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on adopted policies related to Substance Use Disorders and Other Alcohol and Drug Related

Conduct; and related to Behavior Involving Fraud, Theft, and Deception, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Nebraska Department of Health and Human Services' Order dated July 22, 2016.

Filed this 24th day of October, 2016.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

John R. Griffith, Assistant General Counsel
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

John F. Legris, Assistant General Counsel
State Bar No. 00785533

Jacqueline A. Strashun, Assistant General Counsel
State Bar No. 19358600

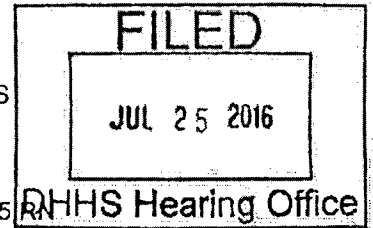
John Vanderford, Assistant General Counsel
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-8657
F: (512) 305-8101 or (512)305-7401

Attachments: Nebraska Department of Health and Human Services' Order dated July 22, 2016

D(2016.10.03)

STATE OF NEBRASKA
DEPARTMENT OF HEALTH AND HUMAN SERVICES



STATE OF NEBRASKA ex rel. DOUGLAS)
J. PETERSON, Attorney General,)
)
Plaintiff,)
)
vs.)
)
DE VELASCO, TERESA)
)
Defendant.)

161005

ORDER ON
AGREED SETTLEMENT

A proposed Agreed Settlement was filed with the Department on June 29, 2016.

ORDER

1. The Agreed Settlement is adopted, attached hereto and incorporated by reference.
2. The facts as set out in the Petition are taken as true and adopted herein.
3. The parties shall comply with all of the terms of the Agreed Settlement.

DATED this 22nd day of July, 2016.

Thomas J. Safranek
Thomas J. Safranek, M.D.
Acting Chief Medical Officer
Division of Public Health
Department of Health and Human Services

Civil penalty, if imposed, should be mailed to: DHHS, Division of Public Health, Licensure Unit, ATTN: Diane Pearson, P.O. Box 94986, Lincoln, NE 68509.

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 25th day of July, 2016, a copy of the foregoing ORDER ON AGREED SETTLEMENT was sent certified United States Mail, postage prepaid, return receipt requested to the Defendant, Teresa De Velasco, 4333 N 173rd Street, Omaha NE 68116, and by e-mail to Mindy Lester, Assistant Attorney General, ago.health@nebraska.gov.

Beth Davidson
DHHS Hearing Office
P.O. Box 95026
Lincoln, NE 68509-5026
P. (402) 471-4731 F. (402) 742-2374
dhhs.hearingoffice@nebraska.gov

7002 2410 0000 8566 9318

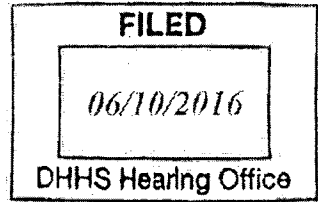
6. The Defendant acknowledges that she has read the Petition for Disciplinary Action filed by the Attorney General's Office and admits the allegations in the Petition.

7. The Plaintiff and the Defendant consent to the Department's Chief Medical Officer entering a final disciplinary order which a) finds that the allegations of the Petition for Disciplinary Action are true, b) finds that grounds exist to revoke the Defendant's registered nursing license, and c) revokes the Defendant's registered nursing license.

8. The Defendant acknowledges that the revocation of her Nebraska Registered Nurse License is for a minimum period of two (2) years and reinstatement of her license is at the discretion of the Department and upon approval of the Nebraska Board of Nursing.

9. The Attorney General's Office has given notice of this Agreed Settlement to the Board of Nursing and has received their input in accordance with Neb. Rev. Stat. § 38-190 (Reissue 2008).

10. If this Agreed Settlement is not approved by the Chief Medical Officer, this Agreed Settlement shall become null and void and will not be admissible for any purpose at any hearing that may be held on this matter.



STATE OF NEBRASKA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH

STATE OF NEBRASKA ex rel. DOUGLAS)
J. PETERSON, Attorney General,)
)
Plaintiff,)
)
vs.)
)
TERESA LYNNE DE VELASCO, R.N.)
)
Defendant.)

PETITION FOR DISCIPLINARY
ACTION

The Plaintiff alleges as follows:

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

1. Jurisdiction is based on Neb. Rev. Stat. §§ 38-176 (Reissue 2008) and 38-186 (2014 Cum. Supp.).
2. The Department is the agency in the State of Nebraska authorized to enforce the provisions of the Uniform Credentialing Act regulating the practice of nursing.
3. The Nurse Licensure Compact authorizes the Department to discipline the multistate nurse licensure privilege of the Defendant to practice in the State of Nebraska in accordance with Neb. Rev. Stat. § 38-196 (Reissue 2008).
4. The Nebraska Board of Nursing considered the investigation of this matter and made a disciplinary recommendation to the Attorney General, which recommendation has been considered. Such matters are privileged pursuant to Neb. Rev. Stat. §§ 38-1,105 and 38-1,106 (Reissue 2008).

5. At all times relevant herein, the Defendant was employed by M.C.H.C., in Omaha, Nebraska.

6. In November, 2015, the Defendant was working at M.C.H.C.. A Department investigator determined that during one shift, the Defendant's response time to coworkers became slow and her speech was slurred after she passed medicine to several patients. The Defendant was then observed staggering as she walked and was unable to stand upright without assistance from coworkers. M.C.H.C. employees contacted emergency services and the Defendant was transported to A.C.H.I. Medical Center by emergency vehicle.

7. At A.C.H.I. Medical Center, a bottle of liquid lorazepam 2 mg/ml, a controlled substance, one pill identified as 1 mg of Ativan, and other unidentified pills were found hidden in the Defendant's clothing. The prescription bottle of liquid lorazepam was prescribed to a resident of M.C.H.C. The Defendant tested positive for lorazepam at this time. The Defendant was admitted to A.C.H.I. Medical Center for benzodiazepine overdose.

8. The Defendant was terminated from her employment at M.C.H.C. for alleged "unprofessional conduct, and physical, mental or chemical impairment".

9. In November, 2015, the Defendant completed a drug and alcohol evaluation at C.H.I.H, in Omaha, Nebraska, which diagnosed the Defendant with Severe Sedative Use Disorder. The recommendations included outpatient treatment. The Defendant began outpatient treatment.

10. In December, 2015, during an interview with a Department Investigator, the Defendant admitted the following:

- a. In 2000 and 2004, the Defendant participated in the Texas Peer Assistance Program for Nurses for treatment related to opiate and benzodiazepine use;
- b. The Defendant enrolled in a thirty day inpatient treatment program in Texas for treatment for opioid use in 2001;
- c. The Defendant further admitted that she has a history of abusing benzodiazepines and that once she starts taking benzodiazepines, she cannot stop;
- d. In 2014, the Defendant was charged with Driving Under the Influence, Any Substance, in Alabama. The Defendant advised an Investigator for the Department that this event occurred after she took Ambien and then drove her car, resulting in a car accident. As a result of this incident, the Defendant advised she entered a plea of "conditional guilty" where she was required to take a two day drug and alcohol class but that the conviction would be removed from her record after two years pending completion of education and/or treatment; and
- e. The Defendant further admitted that in November, 2015, on the date emergency services were contacted on her behalf, the Defendant took Xanax, a controlled substance, after arriving at M.C.H.C. to begin her shift.

FIRST CAUSE OF ACTION

11. Paragraphs 1 through 11 are incorporated herein by reference.
12. Neb. Rev. Stat. § 38-178(2) (2015 Cum. Supp.) provides that a professional license may be disciplined for dishonorable conduct evidencing an unfitness to practice the profession in this state.
13. The Defendant's theft of liquid lorazepam from M.C.H.C. constitutes dishonorable conduct and is grounds for discipline.

SECOND CAUSE OF ACTION

14. Paragraphs 1 through 13 are incorporated herein by this reference.
15. Neb. Rev. Stat. § 38-178(1) (2015 Cum. Supp.) provides that a professional license may be disciplined for violated the Uniform Controlled Substances Act.
16. The Uniform Controlled Substances Act, Neb. Rev. Stat. § 28-418(1) (Reissue 2008) states, "It shall be unlawful for any person to knowingly or intentionally...(c) to acquire or obtain or to attempt to acquire or obtain possession of a controlled substances by theft, misrepresentation, fraud, forgery, deception, or subterfuge."
17. The Defendant's theft of liquid lorazepam, a controlled substance, from M.C.H.C. constitutes a violation of the Uniform Controlled Substances Act and is grounds for discipline.

THIRD CAUSE OF ACTION

18. Paragraphs 1 through 17 are incorporated herein by reference.

19. Neb. Rev. Stat. § 38-178(23) (2015 Cum. Supp.) provides that a professional license may be disciplined for unprofessional conduct as defined in section 38-179.

20. Neb. Rev. Stat. § 38-179 (2014 Cum. Supp.) defines unprofessional conduct as "...any departure from or failure to conform to the standards of acceptable and prevailing practice of a profession or the ethics of the profession, regardless of whether a person, consumer, or entity is injured, or conduct that is likely to deceive or defraud the public or is detrimental to the public interest, include, but not limited to:...(15) such other acts as may be defined in the rules and regulations."

21. Title 172 NAC 101-007.03 of the Regulations Governing the Practice of Nursing defines unprofessional conduct as (9) misappropriating medications, supplies, or personal items of a patient or agency.

22. The Defendant's theft of liquid lorazepam from M.C.H.C. constitutes unprofessional conduct and is grounds for discipline.

FOURTH CAUSE OF ACTION

23. Paragraphs 1 through 22 are incorporated herein by reference.

24. Neb. Rev. Stat. § 38-178(3) (2015 Cum. Supp.) provides that a professional license may be disciplined for abuse of, dependence on, or active addiction to alcohol, any controlled substance, or any mind-altering substance.

25. The Defendant's diagnoses of Severe Sedative Use Disorder is grounds for discipline.

FIFTH CAUSE OF ACTION

26. Paragraphs 1 through 25 are incorporated herein by reference.

27. Neb. Rev. Stat. § 38-178(7) (2015 Cum. Supp.) provides that a professional license may be disciplined for the practice of the profession while the ability to practice is impaired by alcohol, controlled substances, drugs, mind-altering substances, physical disability, mental disability, or emotional disability.

28. The Defendant's practice of the profession while her ability to practice was impaired by controlled substances and/or mind-altering substances is grounds for discipline.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that the Chief Medical Officer set this matter for hearing, order appropriate disciplinary action pursuant to Neb. Rev. Stat. § 38-196 (Reissue 2008), and tax the costs of this action to the Defendant.

STATE OF NEBRASKA, ex rel. DOUGLAS J. PETERSON, Attorney General, Plaintiff,

BY: DOUGLAS J. PETERSON, #18146
Attorney General

BY: Mindy L. Lester
Mindy L. Lester, #24421
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(402) 471-1815
Attorneys for the Plaintiff.