

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 689629	§	
issued to ANGELA LEA GONZALES	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ANGELA LEA GONZALES, Registered Nurse License Number 689629, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(9),(10),(12)&(13), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on September 9, 2019.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from Trident Technical College, Charleston, South Carolina, on December 1, 1999. Respondent was licensed to practice professional nursing in the State of Texas on August 9, 2002.
5. Respondent's nursing employment history includes:

08/2002 – 04/2004	Unknown	
04/2004 – Unknown	Owner/Registered Nurse	Elite Nurse Staffing Inc. San Angelo, Texas
06/2015 – 11/2016	Registered Nurse	Brownwood Regional Medical Center Brownwood, Texas

Respondent's nursing employment history continued:

11/2016 – 09/2018 Unknown

09/2018 – 04/2019 Registered Nurse San Angelo Medical Center
San Angelo, Texas

04/2019 – Present Unknown

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Brownwood Regional Medical Center, Brownwood, Texas, and had been in that position for one (1) year.
7. On or about November 11, 2016, while Owner and Operator of Elite Nurse Staffing Inc., San Angelo, Texas, and contracted to work as a Registered Nurse with Brownwood Regional Medical Center, Brownwood, Texas, Respondent lacked fitness to practice professional nursing in that she was observed to be lethargic and falling asleep. Respondent's condition could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
8. On or about November 11, 2016, while Owner and Operator of Elite Nurse Staffing Inc., San Angelo, Texas, and contracted to work as a Registered Nurse with Brownwood Regional Medical Center, Brownwood, Texas, Respondent engaged in the intemperate use of Alprazolam in that she submitted a specimen for a for cause drug screen which resulted positive for Alprazolam. Unlawful possession of Alprazolam is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health & Safety Code. The use of Alprazolam by a Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing a patient in potential danger.
9. On or about March 27, 2019 through March 29, 2019, while employed as a Registered Nurse with San Angelo Community Medical Center, San Angelo, Texas, Respondent withdrew Norco, Dilaudid, Morphine, Tramadol, Demerol, Tylenol #3, and Toradol for patients, but failed to document, or accurately and completely document, the administration of the medications in the patients' Medication Administration Record (MAR) and/or Nurse's Notes. Respondent's conduct created inaccurate medical records and was likely to injure the patients, in that subsequent caregivers would rely on his documentation to further medicate the patients, which could result in an overdose. Furthermore, Respondent's conduct placed the hospital in violation of Chapter 481(Controlled Substance Act) of the Texas Health and Safety Code.

10. On or about March 27, 2019 through March 29, 2019, while employed as a Registered Nurse with San Angelo Community Medical Center, San Angelo, Texas, Respondent withdrew Dilaudid, Toradol, Tylenol #3, Norco, and Demerol for patients, but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications. Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy, and placed the pharmacy in violation of Chapter 481 (Controlled Substance Act) of the Texas Health & Safety Code.
11. On or about March 27, 2019 through March 29, 2019, while employed as a Registered Nurse with San Angelo Community Medical Center, San Angelo, Texas, Respondent misappropriated medications, including, but not limited to, Norco, Dilaudid, Demerol, Tylenol #3, and Toradol belonging to the hospital and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients, thereof, of the cost of the medications.
12. On or about April 7, 2019, while employed as a Registered Nurse with San Angelo Community Medical Center, San Angelo, Texas, Respondent lacked fitness to practice professional nursing in that she exhibited impaired behavior while on duty that included, but not limited to, glassy eyes, flat affect, intense shaking, slow to speak, forgetful and disheveled. Respondent's condition could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
13. In response to Findings of Fact Numbers Seven (7) through Twelve (12), Respondent states she mistakenly took her husband's Xanax with her Effexor, and she did not remember going to work that day. She noticed she was going to sleep as she was driving there but does not remember walking into the building or anything. She stated she has never been prescribed Alprazolam or any other benzodiazepine, and she currently takes Effexor, Estradiol, Hydrocodone and Adderall, for ADHD. Respondent states she would never knowingly or willingly take a medication that was not prescribed to her. Respondent states when she started her job at Community Hospital in San Angelo it was a whole new type of nursing for her. Respondent states at times it was overwhelming especially with all of the things going on in her personal life. Respondent states the medications that were not on the MAR or in the nurses notes, she is not sure. Respondent states she did not take these medications for personal use and most certainly did not sell these medications. Respondent states everything in her personal life was affecting her health. Respondent states she was mentally, emotionally and physically exhausted and battered. Respondent states she started taking Ambien for sleep. Respondent states Ambien was causing her to have periods of time that she could not recall. Respondent states she does not remember driving to work, caring for patients or even her daughter picking her up. Respondent states that was her breaking point, she took too many Ambien.
14. This agreement resolves all issues arising from SOAH Docket No. 507-20-2656.
15. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(A), (1)(B), (1)(C) & (1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A), (1)(B), (1)(C), (1)(E), (4), (5), (6)(G), (8), (10)(A), (10)(C), (10)(D), (10)(E) & (11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9), (10), (12) & (13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 689629, heretofore issued to ANGELA LEA GONZALES.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.
6. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

TERMS OF ORDER

I. PEER ASSISTANCE PROGRAM REQUIREMENTS

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the **Texas Peer Assistance Program for Nurses (TPAPN)**:

- A. **Within forty-five (45) days** following the effective date of this Order, RESPONDENT SHALL apply to TPAPN.
- B. **Within ninety (90) days** following the effective date of this Order, RESPONDENT SHALL sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee payable to TPAPN in the amount of five hundred dollars (\$500.00), if licensed as a registered nurse, or in the amount of three hundred fifty dollars (\$350.00), if licensed as a vocational nurse.

- C. Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.
- D. RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas in current status.
- E. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.
- F. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- G. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- H. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed Order.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) within one (1) year of the effective date of this Order, unless otherwise specifically indicated:

A Board-approved course in Texas nursing jurisprudence and ethics that shall be a minimum of six (6) hours in length. The course's content shall include the

Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft, and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. Home study and video programs will not be approved.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

IV. EFFECT OF NONCOMPLIANCE

SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of RESPONDENT'S license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

V. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) and/or privilege(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

RESPONDENT'S CERTIFICATION

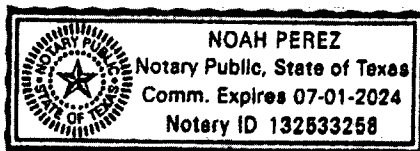
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the entry of this Order and all conditions of said Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, and/or possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 26 day of August, 2020.

Angela L. Gonzales
ANGELA LEA GONZALES, RESPONDENT

Sworn to and subscribed before me this 26th day of August, 2020.

SEAL



Noah Perez
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 26th day of August, 2020, by ANGELA LEA GONZALES, Registered Nurse License Number 689629, and said Agreed Order is final.

Effective this 26th day of August, 2020.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

Katherine A. Thomas, MN, RN, FAAN
Executive Director on behalf
of said Board