

# BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 930320	§	
issued to REBECCA LEE HUTCHISON	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of REBECCA LEE HUTCHISON, Registered Nurse License Number 930320, 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)&(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 March 6, 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 Anne Arundel Community College, Arnold, Maryland, on December 1, 2007. Respondent was licensed to practice professional nursing in the State of Texas on September 8, 2017.
5. Respondent's nursing employment history includes:

9/2017 – 12/2017	RN	AYA Healthcare San Diego, California
------------------	----	---

Respondent's nursing employment history continued:

01/2018 – 08/2018	RN	Medical City Dallas Dallas, Texas
03/25/2019 - Present	RN	University of Maryland Capital Region Health, Prince George's County, Maryland

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Medical City Dallas, Texas, and had been in that position for seven (7) months.

7. On or about August 4, 2018, and August 5, 2018, while employed as a Registered Nurse with Medical City Dallas, Dallas, Texas, Respondent withdrew two (2) of Tramadol HCL 50mg tablets, and two (2) vials of Hydromorphone 0.5mg/ml from the medication dispensing system for patients without a valid physician's order. Respondent's conduct was likely to injure the patients, in that the administration of the medications without a valid physician's order could result in the patients suffering from adverse reactions, and Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

8. On or about August 4, 2018, August 5, 2018, and August 7, 2018, while employed as a Registered Nurse with Medical City Dallas, Dallas, Texas, Respondent withdrew two (2) of Tramadol HCL 50mg tablets, two (2) vials of Morphine Sulfate 4mg/ml, two (2) vials of Hydromorphone 0.5mg/ml and one (1) tab of Norco 10/325mg from the medication dispensing system for patients, but failed to document, and/or completely and accurately document, the administration of the medications in the patients' Medication Administration Records and/or nurses' notes. Respondent's conduct could have injured the patients in that subsequent caregivers would rely on her documentation to further medicate the patients, which could result in an overdose. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

9. On or about August 4, 2018, August 5, 2018, and August 7, 2018, while employed as a Registered Nurse with Medical City Dallas, Dallas, Texas, Respondent withdrew two (2) of Tramadol HCL 50mg tablets, two (2) vials of Morphine Sulfate 4mg/ml, two (2) vials of Hydromorphone 0.5mg/ml and one (1) tab of Norco 10/325mg from the medication dispensing system for patients, but failed to follow the facility's policy and procedures for wastage of the unused portions of the medications. Respondent's conduct left medications unaccounted for, could have deceived the hospital pharmacy, and placed the pharmacy in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

10. On or about August 4, 2018, August 5, 2018, and August 7, 2018, while employed as a Registered Nurse with Medical City Dallas, Dallas, Texas, Respondent misappropriated or failed to take precautions to prevent misappropriation of two (2) tablets of Tramadol HCL from Patient Medical Record Number H00737659308, one (1) vial of Morphine Sulfate 4mg/ml from Patient Medical Record Number H00737663244, two (2) vials of Hydromorphone 0.5mg/ml from Patient Medical Record Number H00737662672, one (1) vial of Morphine Sulfate 4mg/ml from Patient Medical Record Number H00737663270, and one (1) tablet of Norco 10/325mg from Patient Medical Record Number H00737676760. Respondent's conduct could have defrauded the facility and patients of the cost of the medications.

11. On or about August 9, 2018, while employed as a Registered Nurse with Medical City Dallas, Dallas, Texas, Respondent engaged in the use of Tramadol and Hydrocodone, in that she admitted to facility staff misappropriating Tramadol and Hydrocodone and on her time off from work, ingesting the said medications to help her sleep. The use of Tramadol and/or Hydrocodone by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a patients' condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing a patient in potential danger.

12. Respondent provided two years of negative drug screens from August 11, 2018 through September 29, 2020. Also, the reasonable suspicion drug test conducted by the facility on Respondent was negative.

13. In response to Findings of Fact Numbers Seven (7) through Eleven (11), Respondent states her family was embroiled in crisis at the time as a result of her partner's sexual abuse of her minor daughter, and she was understandably distraught. Respondent states she had tremendous difficulty sleeping due to the situation and began self-medicating after she was unable to receive timely services from her employer's employee assistance program. Respondent states when she was confronted about medication discrepancies, she admitted to taking Tramadol and Hydrocodone and cooperated fully with the facility's investigation. Respondent is appropriately regretful and remorseful for her one-time lapse in judgment.

#### 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)&(3) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(6)(G),(8),(10)(C),(10)(E)&(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 930320, heretofore issued to REBECCA LEE HUTCHISON.
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.

### **TERMS OF ORDER**

#### **I. SANCTION AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **REPRIMAND WITH STIPULATIONS** and RESPONDENT'S license(s) shall be placed in **INACTIVE** status.

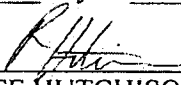
Should RESPONDENT decide in the future to reactivate his/her license(s) to practice nursing in the State of Texas, RESPONDENT SHALL be required to petition the Board for reactivation of the license and satisfy all then existing requirements for reactivation. Further, RESPONDENT'S reactivated license(s) SHALL BE subject to, at a minimum, the remedial education courses, work restrictions, supervised practice, and employer reporting which would have been requirements of this Order had RESPONDENT not chosen to inactivate his/her nursing license(s).

Until such time that RESPONDENT'S license(s) to practice nursing in the State of Texas is/are reactivated, RESPONDENT SHALL NOT use a Privilege to Practice Nursing in the State of Texas from any Nurse License Compact member state.

**RESPONDENT'S CERTIFICATION**

I understand that I have the right to legal counsel prior to signing this Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order and all conditions of said Order 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 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 12th day of November, 2020.

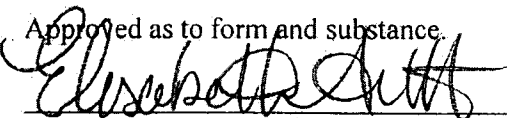
  
\_\_\_\_\_  
REBECCA LEE HUTCHISON, Respondent

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_

Approved as to form and substance.

  
\_\_\_\_\_  
Elisabeth "Betty" Smith, Attorney for Respondent

Signed this 12th day of November, 2020.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 12<sup>th</sup> day of November, 2020, by REBECCA LEE HUTCHISON, Registered Nurse License Number 930320, and said Agreed Order is final.

Effective this 21<sup>st</sup> day of January, 2021.

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