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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Advanced Practice Registered Nurse License §
Number AP108161 with Prescription §
Authorization Number 26200 §
& Registered Nurse License Number 551311 §
issued to JENNIFER ANN GARZA §

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JENNIFER ANN GARZA, Advanced Practice Registered Nurse License Number AP108161 with Prescription Authorization Number 26200, and Registered Nurse License Number 551311, 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 May 12, 2020.

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. Respondent's license to practice as an advanced practice registered nurse in the State of Texas with authorization as a Nurse Anesthetist is in current status with Prescription Authorization Number 26200 in current status.
4. Respondent received a Diploma in Nursing from the University of Texas Health Science Center-Houston, Houston, Texas, on May 1, 1988. Respondent completed a Nurse Anesthetist Program from the University of Texas Health Science Center-Houston, Houston, Texas, on May 9, 1997. Respondent was licensed to practice professional nursing

in the State of Texas on April 4, 1989. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Nurse Anesthetist with Prescription Authorization on September 15, 1997.

5. Respondent's nursing employment history includes:

4/1989 – Unknown

Unknown – 8/2017	CRNA	Greater Houston Anesthesiology/ U.S. Anesthesia Partners Houston, Texas
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9/2017 – 8/2019	Unknown	
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9/2019	CRNA	Dallas Oral Surgery Dallas, Texas
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10/2019 – Present	Unknown	
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6. At the time of the initial incident, Respondent was employed as a Certified Registered Nurse Anesthetist with Greater Houston Anesthesiology/U.S. Anesthesia Partners, Houston, Texas.

7. On or about August 18, 2017, while employed as a Certified Registered Nurse Anesthetist with Greater Houston Anesthesiology/US Anesthesia Partners, Houston, Texas, and on assignment at HCA Houston Healthcare North Cypress, Cypress, Texas, Respondent lacked fitness to practice nursing in that she was found lying on the bathroom floor, with the contents of her purse spilled out. A person entered the bathroom and Respondent awoke, grabbed her purse and ran out of the bathroom, dropping an unopened vial of Midazolam. Respondent was later found unconscious in a bathroom with two (2) opened vials of Diprivan and two (2) empty syringes with residual white fluid in them. Furthermore, Respondent cooperated with a drug screen and stated it may also be positive for alcohol. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and 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 August 29, 2017, Respondent was referred to the Texas Peer Assistance Program for Nurses (TPAPN) for impairment at work, diversion, and having a positive urine drug screen, and subsequently signed a Participation Agreement. On or about September 20, 2019, while participating in TPAPN, TPAPN was informed that Respondent lacked fitness to practice nursing in that she exhibited signs of impaired behavior while on duty, including, but not limited to: slurred speech and unsteady gait. Respondent was required to submit to observation when an empty vial of Fentanyl and needle packaging were subsequently found in the trash can next to where Respondent was sitting.

Consequently, Respondent was dismissed from TPAPN and referred to the Texas Board of Nursing. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in conditions, and could have affected her ability to make rational, accurate and appropriate assessments, judgements and decisions regarding patient care, thereby placing patients in potential danger.

9. In response to Finding of Fact Number Seven (7), Respondent states that in August 2017, she had a relapse due to a stressful relationship problem, but that her lack of fitness occurred during her shift, and not when she accepted the initial assignment. In response to Finding of Fact Number Eight (8), Respondent states she was not impaired by any illicit substances, but may have appeared impaired because she was not feeling well.
10. Formal Charges were filed on February 7, 2020.
11. 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)(T) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(E),(4),(5), (9),(10)(A)&(10)(C).
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 Advanced Practice Registered Nurse License Number AP108161 with Prescription Authorization Number 26200, and Registered Nurse License Number 551311, heretofore issued to JENNIFER ANN GARZA.
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. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that Advanced Practice Registered Nurse License Number AP108161 with Prescription Authorization Number 26200, and Registered Nurse License Number 551311, previously issued to JENNIFER ANN GARZA, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **ENFORCED** until RESPONDENT:

- A. Applies to, is accepted into, and completes enrollment in the Texas Peer Assistance Program for Nurses (TPAPN), including payment of a non-refundable participation fee 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;
- B. Is cleared to safely practice as a nurse based on a fitness evaluation, as may be required by TPAPN; and
- C. Waives confidentiality and provides a copy of the fully executed TPAPN participation agreement to the Board.

IT IS FURTHER AGREED, upon verification of successful completion of the above requirements, the Suspension will be **STAYED**, and RESPONDENT will be placed on **PROBATION** for such time as is required for RESPONDENT to successfully complete the TPAPN **AND** until RESPONDENT fulfills the additional requirements of this Order.

- D. RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.
- E. RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable licenses to practice nursing in the State of Texas in current status.
- F. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

- G. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- H. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- I. 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 suspension being stayed, 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. SUBSEQUENT CRIMINAL PROCEEDINGS

IT IS FURTHER AGREED, should the RESPONDENT'S conduct, as outlined in the findings of fact of this Agreed Order, result in subsequent judicial action, including a deferred disposition, RESPONDENT may be subject to further disciplinary action, up to, and including, revocation of RESPONDENT'S license(s) to practice nursing in the State of Texas.

V. 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.

VI. 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.

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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. 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.

Jennifer Garza

Signed this _____ day of _____, 20____.

JENNIFER ANN GARZA, RESPONDENT

2021-04-13

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.

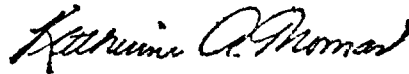
Marc M Meyer

Marc Meyer, Attorney for Respondent

Signed this 13th day of April, 2021.

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 13th day of April, 2021, by JENNIFER ANN GARZA, Advanced Practice Registered Nurse License Number AP108161, and Registered Nurse License Number 551311, and said Agreed Order is final.

Effective this 13th day of April, 2021.



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