



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

IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 616817	§	COMMITTEE OF THE BOARD
	§	
ISSUED TO	§	OF NURSE EXAMINERS OF THE
	§	
JENNIFER L. CARPER	§	STATE OF TEXAS

ORDER OF THE BOARD

TO: JENNIFER L. CARPER
2507 McNeil Ave.
Wichita Falls, Texas 76309

During open meeting held in Austin, Texas, on November 10, 2003, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to file a written response to the Formal Charges as required by 22 TEX. ADMIN. CODE, §213.16.

The Committee of the Board of Nurse Examiners 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 (c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of Texas Occupations Code, for retention of Respondent's license to practice professional 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 of the violations alleged in the Formal Charges were given to Respondent in this matter, Respondent has failed to file an answer in accordance with 22 TEX. ADMIN. CODE, §213.16.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code, §2001.056 and 22 Texas Administrative Code, §213.16.

The Eligibility and Disciplinary 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 to set aside the default order (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 Certificate Number 616817, previously issued to JENNIFER L. CARPER, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.


IT IS FURTHER ORDERED that Permanent Certificate Number 616817, previously issued to JENNIFER L. CARPER, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 10th day of November, 2003.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

BY:



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

Re: Permanent Certificate Number 616817
Issued to JENNIFER L. CARPER
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of November, 20 03, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via first class mail, and addressed to the following person(s):

JENNIFER L. CARPER
2507 McNeil Ave
Wichita Falls, Texas 76309

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

In the Matter of Permanent License	§	BEFORE THE BOARD
Number 616817, Issued to	§	OF NURSE EXAMINERS
JENNIFER L. CARPER, Respondent	§	FOR THE STATE OF TEXAS

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JENNIFER L. CARPER, is a Registered Nurse holding license number 616817, 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 May 8, 2003, Respondent became non-compliant with the Agreed Order issued by the Board of Nurse Examiners for the State of Texas on March 27, 2003. Non-compliance is the result of Respondent's failure to apply to and be accepted into the Texas Peer Assistance Program for Nurses (TPAPN). Stipulation number one (1) of the Agreed Order dated March 27, 2003, states:

"RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN."

The above action constitutes a violation of Section 301.452(b)(1), Texas Occupations Code.

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NOTICE IS GIVEN that staff will present evidence in support of any recommended disposition of this matter pursuant to the factors stated in the Board's rule regarding penalty/sanction factors, 22 TEX. ADMIN. CODE, Section 213.33.

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.bne.state.tx.us.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated March 27, 2003.

Filed this 19th day of August, 2003.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

James W. Johnston, General Counsel

Board Certified - Administrative Law
Texas Board of Legal Specialization
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Attachments: Order of the Board dated March 27, 2003

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 616817
issued to JENNIFER L. CARPER

§ AGREED
§ ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred

to as the Board, considered the matter of JENNIFER L. CARPER, License Number 616817,
hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have
violated Section 301.452(b)(9)&(10), Texas Occupations Code. Respondent waived representation
by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on
September 25, 2002, by Katherine A. Thomas, MN, RN, Executive Director.

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.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Vernon Regional Junior College, Vernon, Texas, on May 1, 1995. Respondent was licensed to practice professional nursing in the State of Texas in June 1995.

5. Respondent's professional employment history includes:

6/95 to 3/01

Unknown

4/01 to Unknown

Agency Nurse

Timely Nursing Agency
Grand Prairie, Texas

Unknown-Present

Staff Nurse

BestCare Home Health, Inc.
Arlington, Texas

6. On or about June 18, 2001, Respondent pled guilty to the offense of Possession of a Controlled Substance, PG 1<1g, a Class A Misdemeanor, in the 371st District Court, Tarrant County, Texas, case number 0791479D. Respondent's sentence was deferred and she was issued two (2) years Community Supervision.
7. On or about April 27, 2001, while employed with Timely Nursing Agency, Grand Prairie, Texas, and on assignment at Baylor Medical Center, Dallas, Texas, Respondent lacked fitness to practice professional nursing as evidenced by Respondent exhibiting lethargic behavior while on duty. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments and decisions regarding patient care, thereby placing the patient in potential danger.
8. On or about April 27, 2001, while employed with Timely Nursing Agency, Grand Prairie, Texas, and on assignment at Baylor Medical Center, Dallas, Texas, Respondent engaged in the intemperate use of Benzodiazepines as evidenced by a positive drug screen. Possession of Benzodiazepines is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Benzodiazepines by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the 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 the patient in potential danger.
9. On or about April 27, 2001, while employed with Timely Nursing Agency, Grand Prairie, Texas, and on assignment at Baylor Medical Center, Dallas, Texas, Respondent misappropriated Demerol from the facility and patients thereof. Respondent's conduct was likely to defraud the facility and the patients of the cost of the medication.

10. On or about April 27, 2001, while employed with Timely Nursing Agency, Grand Prairie, Texas, and on assignment at Baylor Medical Center, Dallas, Texas, Respondent withdrew Demerol 25mg and Phenergan 25mg from the pyxis for patient Medical Record Number 2463250, but failed to document the administration of Demerol and Phenergan on the patient's Medication Administration Record (MAR) and Nurses Notes, as follows:

DATE/TIME	PATIENT	PYXIS RECORD	PHYSICIAN'S ORDER	MAR	NURSES NOTES	WASTAGE
4/27/01@0802	2463250	DEMEROL 25MG	DEMEROL 25MG Q 8HRS PRN	NO	NO	NO
4/27/01@0848	2463250	PHENERGAN 25MG	PHENERGAN 25MG INJ Q 8HRS PRN	NO	NO	NO
4/27/01@0849	2463250	DEMEROL 25MG	DEMEROL 25MG Q 8HRS PRN	NO	NO	NO
4/27/01@1052	2463250	DEMEROL 25MG	DEMEROL 25MG Q 8HRS PRN	NO	NO	NO

Respondent's conduct above was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient which could result in overdose.

11. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
12. 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 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1),(4),(12),(19)&(20).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 616817, heretofore issued to JENNIFER L. CARPER, including revocation of Respondent's professional license to practice nursing in the State of Texas.

5. 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.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, 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):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, 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 revocation of Respondent's license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this 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 Board of Nurse Examiners, 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 revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 24 day of March, 2003.

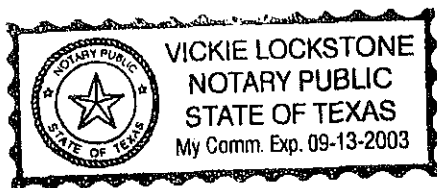
Jennifer Carper
JENNIFER L. CARPER, Respondent

Sworn to and subscribed before me this 24 day of March, 2003.

SEAL

Vickie Lockstone

Notary Public in and for the State of Texas



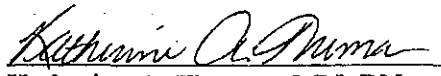
WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the

Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that

was signed on the 24th day of March, 2003, by JENNIFER L. CARPER,

License Number 616817, and said Order is final.

Entered and effective this 27th day of March, 2003.



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