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Katherine A. Thomas
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 672592
issued to RAYELYNN JEANETTE YOUNG

§ 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 RAYELYNN JEANETTE YOUNG, License Number 672592, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1),(9)&(10), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on February 5, 2003, 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 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 Montana State University, Bozeman, Montana, on May 1, 1995. Respondent was licensed to practice professional nursing in the State of Texas in September 2000.

5. Respondent's professional employment history includes:

1995 - 1998	Staff Nurse Geriatrics	Park Place Health Care Center Great Falls, MT
2/98 - 7/98	Staff Nurse Med Surg	Benefits Healthcare Great Falls, MT
1998 - 2001	Traveling Nurse	Clinical One National Healthcare Professionals Woburn, MA
7/01 - Present	Staff Nurse	Austin State School Austin, Texas

6. At the time of the incident, Respondent was employed as a traveling nurse with Clinical One National Healthcare Professionals, Woburn, Massachusetts, and had been in this position for approximately three (3) years.

7. On or about April 5, 2001, through April 9, 2001, while employed with Clinical One National Healthcare Professionals, Woburn, Massachusetts, and on assignment at Seton Medical Center, Austin, Texas, Respondent withdrew Demerol from the Sure Med Medication Dispensing System for patients without a physician's order, as follows:

Date/Time	Medical Record	Sure Med Medication System	Physician's Order	MAR	Nurses Note	Waste
4/5/01 @ 2145	489346	(1) 100mg Demerol	No Order	Not documented	Not documented	No
4/6/01 @ 0348	"	"	"	"	"	"
4/8/01 @ 2040	243396	"	"	"	"	"
4/9/01 @ 0413	"	"	"	"	"	"
4/9/01 @ 0522	263152	"	"	"	"	"

Respondent's conduct was likely to injure patients in that administration of Demerol without a physician's order could result in the patient suffering from respiratory depression.

8. On or about April 4, 2001, through April 9, 2001, while employed with Clinical One National Healthcare Professionals, Woburn, Massachusetts, and on assignment at Seton Medical Center, Austin, Texas, Respondent withdrew Demerol from the Sure Med Medication Dispensing System and failed to document the administration of Demerol in patient medical records, as follows:

Date/Time	Medical Record	Sure Med Medication System	Physician's Order	MAR	Nurses Note	Waste
4/4/01 @ 1941	723069	(1) 100mg Demerol	Demerol 50mg IM q 4-6 hrs	Not documented	Not documented	No
4/4/01 @ 2009	"	"	"	"	"	"
4/4/01 @ 2049	"	"	"	"	"	"
4/5/01 @ 0120	"	"	"	"	"	"
4/5/01 @ 0153	"	"	"	"	"	"
4/5/01 @ 0433	"	"	"	"	"	"
4/5/01 @ 0546	"	"	"	"	"	"
4/5/01 @ 2145	489346	"	No Order	"	"	"
4/6/01 @ 0348	"	"	"	"	"	"
4/8/01 @ 1918	159694	"	Demerol 50mg IM q 3-4 hrs prn	"	"	"
4/8/01 @ 2225	"	"	"	"	medicated for pain @ 2000	"
4/8/01 @ 2040	243396	"	No Order	"	Not documented	"
4/9/01 @ 0413	"	"	"	"	"	"
4/9/01 @ 0522	263152	"	"	"	"	"
4/9/01 @ 0317	230615	"	Demerol 50-75mg IM q 4-6hrs prn pain	"	"	"
4/9/01 @ 0540	"	"	"	"	"	"

Respondent's conduct 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 an overdose.

9. On or about April 4, 2001, through April 9, 2001 while employed with Clinical One National Healthcare Professionals, Woburn, Massachusetts, and on assignment at Seton Medical Center, Austin, Texas, Respondent misappropriated Demerol from the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of medications.
10. On or about April 4, 2001, through April 9, 2001, while employed with Clinical One National Healthcare Professionals, Woburn, Massachusetts, and on assignment at Seton Medical Center, Austin, Texas, Respondent withdrew Demerol from the Sure Med Medication Dispensing System in excess of the physician's orders, as follows:

Date/Time	Medical Record	Sure Med Medication System	Physician's Order	MAR	Nurses Note	Waste
4/4/01 @ 1941	723069	(1) 100mg Demerol	Demerol 50mg IM q 4-6 hrs	Not documented	Not documented	No
4/4/01 @ 2009	"	"	"	"	"	"
4/4/01 @ 2049	"	"	"	"	"	"
4/5/01 @ 0120	"	"	"	"	"	"
4/5/01 @ 0153	"	"	"	"	"	"
4/5/01 @ 0433	"	"	"	"	"	"
4/5/01 @ 0546	"	"	"	"	"	"
4/8/01 @ 1918	159694	"	Demerol 50mg IM q 3-4hr prn	"	"	"
4/8/01 @ 1945	"	"	"	1930	"	"
4/8/01 @ 2225	"	"	"	Not documented	Medicated for pain @ 2000	"
4/9/01 @ 0317	230615	"	Demerol 50-75mg IM q 4-6 hrs prn pain	"	Not documented	No
4/9/01 @ 0540	"	"	"	"	"	"

Respondent's conduct was likely to injure the patient in that the administration of Demerol in excess frequency/dosage of the physician's order could result in the patient suffering from respiratory depression.

11. On or about April 8, 2001, while employed with Clinical One National Healthcare Professionals, Woburn, Massachusetts, and on assignment at Seton Medical Center, Austin, Texas, Respondent withdrew Demerol from the Sure Med Medication Dispensing System and failed to waste the unused portions, as follows:

Date/Time	Medical Record	Sure Med Medication System	Physician's Order	MAR	Nurses Note	Waste
4/8/01 @ 1918	159694	(1) 100mg Demerol	Demerol 50mg IM q 3-4hr prn	1930	Not documented	No

Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

12. On or about October 18, 2001, while employed with Austin State School, Austin, Texas, Respondent engaged in the intemperate use of alcohol in that Respondent produced a specimen for a drug screen which resulted positive for alcohol. The use of alcohol 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, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
13. On or about February 2002, while employed with Austin State School, Austin, Texas, Respondent engaged in the intemperate use of alcohol. The use of alcohol 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, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
14. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
15. 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.
16. 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 violations of Section 301.452(b)(1),(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1),(3),(4),(18)&(19).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 672592, heretofore issued to RAYELYN JEANETTE YOUNG, 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 have reviewed this Order. I neither admit nor deny the violations 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 6 day of March, 2003.

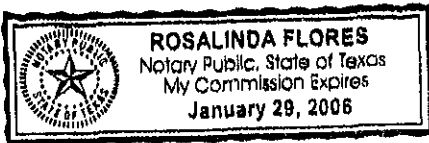
Rayelynn Jeanette Young
RAYELYNN JEANETTE YOUNG, Respondent

Sworn to and subscribed before me this 6 day of March, 2003.

SEAL

Rosalinda Flores

Notary Public in and for the State of Texas



Approved as to form and substance.

Taralynn R. Mackay
TARALYNN MACKAY, Attorney for Respondent

Signed this 26th day of February, 2003.

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 6th day of March, 2003, by RAYELYNN JEANETTE YOUNG, License Number 672592, and said Order is final.

Entered and effective this 14th day of March, 2003.



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