



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.
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 AP105958 | § | |
| & Registered Nurse License Number 544499 | § | |
| issued to JEANNE KIRKSEY PEREZ | § | |

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JEANNE KIRKSEY PEREZ, Advanced Practice Registered Nurse License Number AP105958, and Registered Nurse License Number 544499, 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)(1)&(10), 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 21, 2022.

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 without Prescription Authorization is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from University of Texas Medical Branch, Galveston, Texas, on December 1, 1987. Respondent completed a Nurse Anesthetist Program from St. Luke's Medical Center, on September 30, 1992. Respondent was licensed to practice professional nursing in the State of Texas on March 29, 1988. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Nurse Anesthetist on August 30, 1994.

5. Respondent's nursing employment history includes:

| | | |
|-------------------|------|---|
| 09/1992 – 10/1994 | CRNA | Rush Presbyterian St. Luke's Medical Center Chicago, Illinois |
| 10/1994 – 11/2013 | CRNA | Capitol Anesthesiology Association Austin, Texas |
| 01/2013 – 12/2013 | CRNA | Staff Care Dallas, Texas |
| 01/2013 – 12/2013 | CRNA | American Anesthesiology Group College Station, Texas |
| 01/2013 – 12/2013 | CRNA | Brazos Anesthesiology Associates Bryan, Texas |
| 12/2013 – 12/2015 | CRNA | Advanced Pain Care Austin, Texas |
| 02/2015 – 06/2016 | CRNA | Akesis Services, LLC Austin, Texas |
| 06/2015 – 08/2015 | CRNA | Austin Surgico Austin, Texas |
| 12/2015 – 07/2017 | CRNA | Easter Medical Staffing Cedar Park, Texas |
| 12/2015 – Unknown | CRNA | Synergy Plastic Surgery Austin, Texas |
| 12/2015 – Unknown | CRNA | Austin Plastic Surgery Center Austin, Texas |
| 11/2016 – 02/2017 | CRNA | Hill Country Endoscopy Center Cedar Park, Texas |
| 05/2017 – 10/2017 | CRNA | Optimal Research Austin, Texas |

| | | |
|-------------------|------|--|
| 09/2017 – Unknown | CRNA | Precision Plastic Surgery Austin, Texas |
|-------------------|------|--|

Respondent's nursing employment history continued:

| | | |
|-------------------|------|---|
| 12/2017 – 03/2018 | CRNA | Stonegate Plastic Surgery Center Round Rock, Texas |
|-------------------|------|---|

| | | |
|-------------------|---------|--|
| 04/2018 – 11/2018 | Unknown | |
|-------------------|---------|--|

| | | |
|-------------------|------|---|
| 12/2018 – 12/2019 | CRNA | San Gabriel Surgery Center Georgetown, Texas |
|-------------------|------|---|

| | | |
|-------------------|---------|--|
| 01/2020 – 03/2021 | Unknown | |
|-------------------|---------|--|

| | | |
|-------------------|----|-------------------------------------|
| 04/2021 – 05/2021 | RN | Recovery Unplugged Austin, Texas |
|-------------------|----|-------------------------------------|

| | | |
|-------------------|---------|--|
| 06/2021 – Present | Unknown | |
|-------------------|---------|--|

6. On or about June 18, 2020, Respondent was required to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) through an Order of the Board. A copy of the June 18, 2020, Order is attached and incorporated herein by reference as part of this Agreed Order.

7. On or about January 7, 2022, Respondent became noncompliant with the Agreed Order issued to her by the Texas Board of Nursing on June 18, 2020. Noncompliance is the result of Respondent's failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement. Respondent admitted to her case manager to using Adderall and being removed from a sober house on or about August 5, 2020. Respondent also submitted a urine specimen that produced a positive result for Ethyl Glucuronide, a metabolite of alcohol, on August 14, 2020, and produced a positive result for Phosphatidyl ethanol, a direct alcohol biomarker, on August 28, 2020. Additionally, Respondent failed to submit to random drug screens on February 5, 2021, March 26, 2021, and May 24, 2021. Further, Respondent failed to submit a required participant medication report from her medical provider to determine if she was safe to work while taking Tramadol, for which she produced a positive result on December 22, 2021, and January 3, 2022. Section I, Stipulation D of the Agreed Order dated June 18, 2020, states:

"(D) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term..."

On or about January 7, 2022, Respondent was dismissed from TPAPN and referred back to the Board.

8. In response to Finding of Fact Number Seven (7), Respondent states that in regard to the December 2021 positive test for Tramadol, she was a candidate for a left hip replacement and the Tramadol was prescribed to control intense pain. Respondent states her TPAPN case manager, directed Respondent to provide documentation for any medications that would lead to a positive drug screen and to update her medication list. Respondent says she attempted to comply in good-faith.

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 §217.12(9)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP105958, and Registered Nurse License Number 544499, heretofore issued to JEANNE KIRKSEY PEREZ.
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, subject to ratification by the Texas Board of Nursing, the **VOLUNTARY SURRENDER** of Advanced Practice Registered Nurse License Number AP105958 is accepted by the Texas Board of Nursing and Registered Nurse License Number 544499, previously issued to JEANNE KIRKSEY PEREZ, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **STAYED** and RESPONDENT is hereby placed on **PROBATION** for a

minimum of three (3) years **AND** until RESPONDENT fulfills the additional requirements of this Order.

IT IS FURTHER AGREED AND ORDERED that:

- A. RESPONDENT SHALL NOT practice advanced practice registered nursing, use the title "advanced practice registered nurse" or the abbreviation "APRN" or wear any insignia identifying herself as an advanced practice registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is an advanced practice registered nurse during the period in which the license is surrendered.
- B. RESPONDENT SHALL NOT petition for reinstatement of licensure as an Advanced Practice Registered Nurse until Respondent has successfully completed at least one (1) year under the terms of this Order.
- C. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- D. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- E. Until successfully completed, RESPONDENT may not practice nursing in the State of Texas except in accordance with the terms of this Order.
- F. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

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. SUPERSEDING ORDER

IT IS FURTHER AGREED and ORDERED that the sanction and conditions of this Agreed Order SHALL supersede all previous stipulations required by any Order entered by the Texas Board of Nursing.

IV. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders", which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

V. 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. **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.
- B. **The course "Sharpening Critical Thinking Skills,"** a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) International Center for Regulatory Scholarship (ICRS).

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.*

VI. MONITORING FEE

RESPONDENT SHALL pay a monitoring fee in the amount of five hundred dollars (\$500.00) within forty-five (45) days of the effective date of this Order.

Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

VII. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for twelve (12) quarterly periods [three (3) years] of employment. This requirement will not be satisfied until twelve (12) quarterly periods of employment as a nurse have elapsed. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment"

form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.

- C. **No Night or Rotating Shifts, Overtime, or On-Call:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which RESPONDENT is regularly assigned.
- D. **No Critical Care:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL NOT practice as a nurse in any critical care area. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.
- E. **No Administration of Controlled Medications:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, Propofol, or other synthetic opiates.
- F. **Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this order, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- G. **Indirect Supervision:** For the remainder of the stipulation/probation period, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years of experience in the same or similar practice setting to which the RESPONDENT is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL

NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

- H. **Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the RESPONDENT by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for twelve (12) quarters [three (3) years] of employment as a nurse.

VIII. DRUG AND ALCOHOL RELATED REQUIREMENTS

- A. While under the terms of this Order, RESPONDENT SHALL abstain from the use of alcohol, nalbuphine, propofol and all controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that the prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.
- B. While working as a nurse under the terms of this Order, RESPONDENT SHALL submit to random periodic screens for alcohol, nalbuphine, propofol and all controlled substances. The Board will provide instructions on how to enroll in the Board's drug and alcohol testing program following the entry of this Order and screening will begin when RESPONDENT obtains employment and submits the Notification of Employment form to the Board.
- For the first three (3) month [1st quarter] period RESPONDENT works as a nurse under the terms of this Order, random screens shall be performed at least once per week.
 - For the next three (3) month [2nd quarter] period, random screens shall be performed at least twice per month.
 - For the next six (6) month period [3rd & 4th quarters], random screens shall be performed at least once per month.

- For the remainder of the probation period, if any, random screens shall be performed at least once every three (3) month quarterly period.

All random screens SHALL BE conducted through urinalysis. Any test result for a period of time in which the RESPONDENT is not working as a nurse under the terms of this Order will not count towards satisfaction of this requirement. All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation/probation period.

Specimens shall be screened for any or all of the following substances and/or their metabolites:

| | | |
|--------------------|------------------------|---------------|
| Amphetamine | Methamphetamine | MDMA |
| MDA | Alprazolam | Diazepam |
| Alpha-o-alprazolam | Alpha-Hydroxytriazolam | Clonazepam |
| Desmethyldiazepam | Lorazepam | Midazolam |
| Oxazepam | Temazepam | Amobarbital |
| Butabarbital | Butalbital | Pentobarbital |
| Phenobarbital | Secobarbital | Codeine |
| Hydrocodone | Hydromorphone | Methadone |
| Morphine | Opiates | Oxycodone |
| Oxymorphone | Propoxyphene | Cannabinoids |
| Cocaine | Phencyclidine | Ethanol |
| Heroin | Fentanyl | Tramadol |
| Meperidine | Carisoprodol | Butorphanol |
| Nalbuphine | Ketamine | Propofol |

Upon enrollment in the Board's drug and alcohol testing program, **RESPONDENT SHALL, on a daily basis, call or login online to the Board's designated drug and alcohol testing vendor to determine whether or not RESPONDENT has been selected to produce a specimen for screening that day** and SHALL, if selected, produce a specimen for screening that same day at an approved testing location and/or comply with any additional instructions from the vendor or Board staff. Further, **a Board representative may appear** at the RESPONDENT'S place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

Consequences of Positive or Missed Screens. Any positive result for which RESPONDENT does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject RESPONDENT to 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. Further, failure to report for a drug screen, excessive dilute specimens, or failure

to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

- C. While under the terms of this Order, RESPONDENT SHALL **attend at least two (2) support group meetings each week**, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month quarterly period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IX. 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.

X. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against RESPONDENT'S license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

XI. RESTORATION OF UNENCUMBERED REGISTERED NURSE LICENSURE

With the exception of Advanced Practice Registered Nurse License Number AP105958, upon full compliance with the terms of this Agreed Order, all other

encumbrances will be removed from Registered Nurse License Number 544499 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.

Upon full compliance with the terms of this Order, Advanced Practice Registered Nurse License Number AP105958 shall remain in **VOLUNTARY SURRENDER** status until such time, if ever, that RESPONDENT petitions for and obtains written reinstatement of licensure and authority to prescribe from the Board, subject to the following additional requirements:

- A. Upon petitioning for reinstatement of licensure, RESPONDENT SHALL satisfy all then existing requirements for relicensure.
- B. The Board may impose additional restrictions or stipulations to accompany the re-issuance of the RESPONDENT'S license to practice as an advanced practice registered nurse, as deemed appropriate and necessary by the Board.

XII. REINSTATEMENT OF LICENSURE AS AN ADVANCED PRACTICE REGISTERED NURSE

Advanced Practice Registered Nurse License Number AP105958 shall remain in **VOLUNTARY SURRENDER** status until such time, if ever, that RESPONDENT petitions for and is granted reinstatement of licensure as an Advanced Practice Registered Nurse from the Board, subject to the following additional requirements:

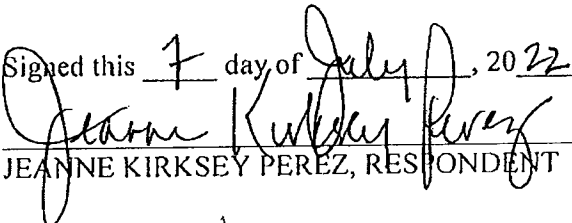
- A. Upon petitioning for reinstatement of licensure as an Advanced Practice Registered Nurse, RESPONDENT SHALL satisfy all then existing requirements for relicensure.
- B. The Board may impose additional restrictions or stipulations to accompany the re-issuance of the RESPONDENT'S license to practice as an advanced practice registered nurse, as deemed appropriate and necessary by the Board.

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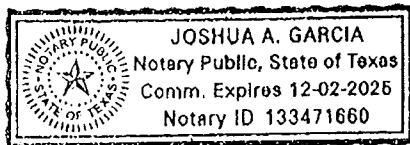
RESPONDENT'S CERTIFICATION

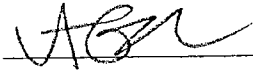
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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 7 day of July, 2022.

JEANNE KIRKSEY PEREZ, RESPONDENT

Sworn to and subscribed before me this 7 day of July, 2022.

SEAL




Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 7th day of July, 2022, by JEANNE KIRKSEY PEREZ, Advanced Practice Registered Nurse License Number AP105958, and Registered Nurse License Number 544499, and said Agreed Order is final.

Effective this 2nd day of August, 2022.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas", is written over a horizontal line.

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