



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 BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

\*\*\*\*\*

In the Matter of Registered Nurse  
License Number 518350  
issued to JANE H. HAYCRAFT

§  
§  
§

AGREED  
ORDER

An investigation by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, produced evidence indicating that JANE H. HAYCRAFT, hereinafter referred to as Respondent, Registered Nurse License Number 518350, may have violated Section 301.452(b)(10), Texas Occupations Code.

An informal conference was held on April 5, 2005, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Richard C. Collins, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Jonathan Teisher, Investigator; Paula Longoria, Investigator; and Sonia M. Vega, Investigator.

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 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 a Baccalaureate Degree in Nursing from the University of Texas, Galveston, Texas, on May 1, 1984. Respondent was licensed to practice professional nursing in the State of Texas on August 24, 1984.

5. Respondent's professional nursing employment history includes:

06/84 - 12/90	GN/Staff Nurse I/ Staff Nurse III	UTMB at Galveston Galveston, Texas
01/91 - 12/99	Organ Recovery Coordinator/ Senior Recovery Coordinator	Southwest Transplant Alliance Dallas, Texas
01/00 - 01/01	Clinical Research Nurse	PPD Development Austin, Texas
02/01 - 12/05/03	Registered Nurse Emergency Unit	St. David's Medical Center Austin, Texas
12/06/03 - 12/04		Unknown
12/04 - 09/05	Registered Nurse	Warm Springs Hospital Luling, Texas

6. At the time of the incidents, Respondent was employed as a Registered Nurse in the Emergency Unit with St. David's Medical Center, Austin, Texas, and had been in this position for two (2) years and ten (10) months.
7. On or about November 2003, through December 2003, while employed with St. David's Medical Center, Austin, Texas, Respondent withdrew Norco from the Accudose Medication Dispensing System for patients, but failed to document the administration of the medication in the patients' Medication Administration Records and Nurses Notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patients.
8. On or about November 2003, through December 2003, while employed with St. David's Medical Center, Austin, Texas, Respondent withdrew Norco from the Accudose Medication Dispensing System for patients without a valid physician's order. Respondent's conduct was likely to injure the patient in that the administration of Norco without a physician's order could result in the patients suffering adverse reactions.
9. On or about November 2003, through December 2003, while employed with St. David's Medical Center, Austin, Texas, Respondent withdrew Norco from the Accudose Medication Dispensing System for patients but failed to follow the facility's policy and procedure for the wastage of the medication. Respondent's conduct was likely to deceive the facility's pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

10. On or about November 2003, through December 2003, while employed with St. David's Medical Center, Austin, Texas, Respondent misappropriated Norco belonging to the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.
11. On or about August 5, 2004 and August 17, 2004, Respondent underwent a forensic psychological evaluation, performed by Dr. Matthew L. Ferrara, Ph.D. Dr. Ferrara stated that it appeared that Respondent wanted to portray herself in a positive light and did well on tests performed. Respondent appeared defensive in her approach to the tests, which caused Dr. Ferrara to question the accuracy of the tests. The polygraph exam performed by Peter Heller resulted in a finding of "deception indicated." Questions included: "Did you steal narcotics from St. David's for your personal use?" Answer "NO," and "Are you telling the truth when you say you did not steal narcotics from St. David's for your use?" Answer "YES." When Respondent was told that she failed the polygraph exam, she reportedly told the polygrapher that "on three occasions she left the hospital with morphine and on two occasions with Ativan. She denies using any of the narcotics when she arrived at home but admitted that she did not follow procedures for disposal of the drugs." After review of tests and the polygraph, Dr. Ferrara believes there is cause for the Board to be cautious and at this time believes it would be unwise to allow Respondent to practice as a nurse.
12. On or about June 8, 2005, Respondent underwent a psychological evaluation for depression, performed by Dr. Alexander Howe, Ph.D. Dr. Howe recommends Ms. Haycraft maintain frequent and open communication with a trained rheumatologist/pain management professional, that can respond and provide appropriate physical, psychological/behavioral, and pharmaceutic treatment; Ms. Haycraft's depressive disorder requires comprehensive psychotherapeutic treatment that involves both psychological-based counseling and psychotherapeutic medication; Ms. Haycraft could benefit from the utilization of specific psychopharmacological medication designed to elevate and stabilize her mood over an extended period of time. Dr. Howe states noticeable improvement should be expected within a 3 to 6 month involvement with the comprehensive psychotherapeutic program.
13. On or about December 2004, through September 2005, while employed with Warm Springs Hospital, Luling, Texas, Respondent admitted to misappropriating Lortab 7.5 and Vicodin from the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.
14. On or about December 2004, through September 2005, while employed with Warm Springs Hospital, Luling, Texas, Respondent admitted to making false entries regarding the narcotics count of Lortab and Vicodin by signing out thirty (30) tabs, then changing the amount to twenty (20) tabs at a later time. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.

15. On or about June 21, 2005, Respondent underwent an evaluation for Pain Management, performed by Dr. Angel M. Roman, M.D. Dr. Roman states, "this is a patient with polyarticular rheumatoid arthritis, multiple joints involved including the wrists, hands, lumbar spine, both hips, and both ankles. She has entrapment neuropathy in the wrists and elbows probably also as a consequence of her rheumatoid disease, systemic disease. She has chronic pain syndrome on the basis of the above and she does require the analgesic medication that has been prescribed quite judiciously by her rheumatologist, and the average of approximately 3 Lortabs per day over the course of a 30 day period of time is not unusual or unexpected for patients with this condition, i.e., rheumatoid involvement, multiple joints, upper and lower extremities as well as the spine. I would grade her narcotic medication usage as appropriate and controlled, and medically necessary. The dose range is also appropriate." Dr. Roman's final recommendation is that Ms. Haycraft remain on the pain management program set up for her by her Rheumatologist.
16. 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.
17. 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.
18. Charges were filed on November 2, 2004.
19. Charges were mailed to Respondent on November 8, 2004.
20. Respondent's conduct described in Finding of Fact Numbers Seven (7) through Ten(10) and Thirteen (13) and Fourteen (14) was significantly influenced by Respondent's impairment by dependency on chemicals.
21. 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),(3),(4),(18),(19)&(20) and 22 TEX. ADMIN. CODE §217.12(6)(A),&(6)(G),(8),&(10)(B)(effective September 28, 2004).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 518350, heretofore issued to JANE H. HAYCRAFT, 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, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500) payable to 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 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.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

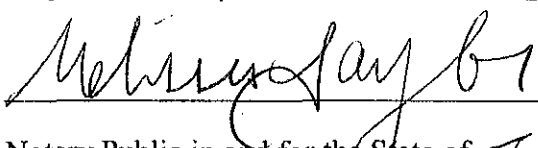
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the 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.

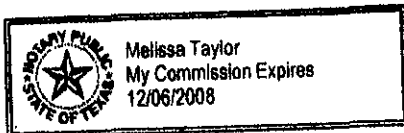
Signed this 20 day of December, 2005

  
JANE H. HAYCRAFT, Respondent

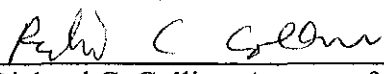
Sworn to and subscribed before me this 20 day of December, 2005.

SEAL

  
Notary Public in and for the State of Texas



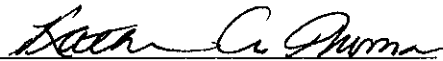
Approved as to form and substance.

  
Richard C. Collins, Attorney for Respondent

Signed this 20 day of December, 2005.

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 20<sup>th</sup> day of December, 2005, by JANE H. HAYCRAFT, Registered Nurse License Number 518350, and said Order is final.

Entered and effective this 27<sup>th</sup> day of December, 2005.

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