

Respondent's nursing employment history continued:

3/1996 - 11/1996	Case Manager	Amedisys Home Health Agency League City, Texas
11/1996 - 9/2000	Director of Nurses	Excel Home Care Houston, Texas
9/2000 - 9/2001	Charge Nurse	Orange Dialysis Center Orange, Texas
9/2001 - 6/2006	Peritoneal Dialysis Manager	Renal Care Group Beaumont, Texas
6/2006 - 9/2007	Clinic Manager	Fresenius Medical Care Beaumont, Texas
9/2007 - 12/2008	Program Manager	Fresenius Medical Care Home Therapies Beaumont, Texas
12/2008 - Present	Nurse Manager, Peritoneal Dialysis	American Renal Associates Beaumont, Texas

6. On or about April 10, 2005, through June 3, 2009, Respondent telephonically communicated and/or submitted thirty-five (35) unauthorized prescriptions for herself, her sister, a friend and her former mother-in-law to various Walgreens Pharmacies using the prescribing information of Dr. Harvey H. Hiner, Jr., as follows:

Date	Patient	Walgreens Location	Prescription Number	Medication
4/10/05	Respondent	Orange, Tx	1303002	Terconazole 0.8% cream
10/22/05	Respondent	Orange, Tx	1405276	Levothyroxine 0.075mg (30)
10/3/05	Respondent	Port Neches, Tx	1488988	Diclofenac 75mg (60)
11/9/05	Respondent	Orange, Tx	1410517	Lexapro 20mg (30)
11/9/05	Respondent	Orange, Tx	1410551	Apri tabs (28)
12/14/05	D.F.G. (former mother-in-law)	Orange, Tx	1419110	Methylprednisolone 4mg (21 tabs)
12/14/05	D.F.G. (former mother-in-law)	Orange, Tx	1419111	Levaquin 500 mg (10 tabs)
12/15/05	Respondent	Orange, Tx	1419678	Lexapro 20mg (30)
12/27/05	Respondent	Orange, Tx	1422133	Azithromycin 250mg (6pak)

Date	Patient	Walgreens Location	Prescription Number	Medication
12/27/05	Respondent	Orange, Tx	1422134	Clonazepam 1mg (30)
1/3/06	D.F.G. (former mother-in-law)	Orange, Tx	1423956	Bontril SR 105mg (30)
1/5/06	Respondent	Orange, Tx	1424747	(Bactrim DS) (5)
1/8/06	Respondent	Orange, Tx	1425231	Ofloxacin 0.3% oph solution
3/24/06	Respondent	Port Arthur, Tx	2229531	(Bactrim DS) (10)
4/19/06	Respondent	Port Neches, Tx	1551990	Azithromycin 250mg 6pak
4/19/06	Respondent	Port Neches, Tx	1551991	Benzonatate 200mg (30)
5/24/06	Respondent	Port Neches, Tx	1562412	Methylprednisolone 4mg dosepak
5/24/06	Respondent	Port Neches, Tx	1562413	Hydrocodone/APAP 7.5/750 (60)
5/25/06	Respondent	Port Neches, Tx	1562688	Diclofenac 75mg (60)
5/25/06	Respondent	Port Neches, Tx	1607577	Diclofenac 75mg (60)
11/13/06	Respondent	Beaumont, Tx	2963438	Levaquin 500mg (7)
12/26/06	Respondent	Port Neches, Tx	0528022	Levaquin 500mg (10)
2/8/07	S.B. (friend)	Port Neches, Tx	1644082	Tamiflu 75 mg (10)
4/10/07	S.B. (friend)	Port Neches, Tx	1664905	Diclofenac 75mg (60)
6/30/07	Respondent	Tempe, Az	0400954	Levaquin 500 mg (10)
8/1/2007	S.B. (friend)	Port Neches, Tx	1698423	Cephalexin 250 mg (14)
12/26/07	Respondent	Tempe, Az	0449179	Fluconazole 150 mg (1)
01/23/08	Respondent	Tempe, Az	0457960	Azithromycin 250mg (6)
7/16/08	Respondent	Tempe, Az	0566444	Levothyroxine 0.1mg (30)
8/13/08	S.B. (friend)	Port Neches, Tx	1808010	Diclofenac 75 mg
8/17/08	S.B. (friend)	Port Neches, Tx	1808985	Azithromycin 250 mg (6)
9/6/08	S.B. (friend)	Groves, Tx	0109543	Azithromycin 250 mg (6)
12/1/08	S.R.V. (sister)	Beaumont, Tx	0849392	Lexapro 10mg tabs
12/27/08	Respondent	Tempe, Az	0610063	Azithromycin 250mg
6/3/09	S.B. (friend)	Groves, Tx	0139013	Diclofenac 75 mg

Respondent's conduct was deceptive, likely to injure herself and others from adverse reactions to medications taken without the benefit of a physician's expertise, and violated Chapters 481 (Controlled Substances Act) and 483 (Dangerous Drug Act) of the Texas Health and Safety Code.

7. In response to the incidents in Finding of Fact Number Six (6), Respondent states that she has not telephonically communicated unauthorized prescriptions, using Dr. Hervy Hiner's name, for the benefit of friends and family.

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 of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A)&(1)(B) and 217.12(1)(A),(4),(6)(A),(6)(H),(10)(E)&(11)(B).
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 621185, heretofore issued to MONIQUE NICHOLE GIPSON, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 621185, previously issued to MONIQUE NICHOLE GIPSON, to practice nursing in Texas is hereby SUSPENDED for a period of two (2) years with the suspension STAYED and Respondent is hereby placed on PROBATION for two (2) years with the following agreed terms of probation:

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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

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

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*

<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: <http://learningext.com/hives/a0f6f3e8a0/summary>.*

(4) RESPONDENT SHALL pay a monetary fine in the amount of three thousand five hundred dollars (\$3500.00). RESPONDENT SHALL pay this fine within two hundred twenty-five (225) days of entry 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.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the probation conditions on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) For the first year of employment as a Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse 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). The 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.

(8) For the remainder of the stipulation/probation period, RESPONDENT SHALL be supervised by a Registered 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 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.

(9) 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 Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for two (2) years of employment as a nurse.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the 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.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT shall 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 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, 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 Board. When this Order is ratified, the terms of this Order become effective, 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

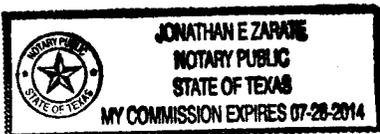
Signed this 2nd day of May, 2011.

Monique Nichole Gipson
MONIQUE NICHOLE GIPSON, Respondent

Sworn to and subscribed before me this 2nd day of May, 2011.

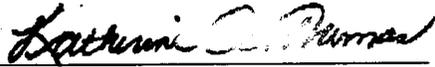
SEAL

Jonathan Zarate
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 2nd day of May, 2011, by MONIQUE NICHOLE GIPSON, Registered Nurse License Number 621185, and said Order is final.

Effective this 14th day of June, 2011.



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