



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 Registered Nurse           §       AGREED  
License Number 642973                       §  
issued to DENISE ANN ALLEN               §       ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DENISE ANN ALLEN, Registered Nurse License Number 642973, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2),(8)&(10), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on March 29, 2011, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 informal proceedings, 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 Masters Degree in Nursing from Georgia, on June 1, 1977. Respondent was licensed to practice professional nursing in the State of Texas on July 14, 1997.
5. Respondent's professional nursing employment history is unknown.
6. On or about August 26, 2010, Respondent's license to practice professional nursing in the State of Louisiana was issued a Sanction of Voluntary Surrender by the Louisiana State Board of Nursing, Baton Rouge, Louisiana. A copy of the Order dated August 26, 2010, is attached and incorporated, by reference, as part of this Order

7. On or about June 5, 2009, Respondent entered a plea of Guilty and was convicted of RECKLESS OPERATION OF VEHICLE (a Misdemeanor offense committed on December 29, 2007), in the 26th Judicial District Court of Bossier Parish, Benton Louisiana, under Case Number 160790. As a result of the conviction, Respondent was sentenced to pay a fine and court costs or serve sixty (60) days in confinement.
8. On or about December 29, 2009, Respondent submitted a Texas Online Renewal Document Registered Nurse to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question: "Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:
  - A. been convicted of a misdemeanor?
  - B. been convicted of a felony?
  - C. pled nolo contendere, no contest, or guilty?
  - D. received deferred adjudication?
  - E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
  - F. been sentenced to serve jail or prison time? court-ordered confinement?
  - G. been granted pre-trial diversion?
  - H. been arrested or have any pending criminal charges?
  - I. been cited or charged with any violation of the law?
  - J. been subject of a court-martial; Article 15 violation; or received any form of military judgement/punishment/action?"
9. Respondent failed to disclose that on or about December 29, 2007, Respondent was arrested by the Bossier City Police Department, Bossier City, Louisiana, and subsequently charged under Cause Number 160790 with DRIVING WHILE INTOXICATED (a misdemeanor offense). On or about June 5, 2009, Respondent entered a plea of Guilty and was convicted of RECKLESS OPERATION OF VEHICLE (a Misdemeanor offense committed on December 29, 2007), in the 26th Judicial District Court of Bossier Parish, Benton Louisiana, under Case Number 160790.
10. In response to Findings of Fact Number Eight (8), Respondent states the charge filed by the Bossier City Police Department was reduced to reckless operation and a fine of \$200.00 with court costs applied. She further states, that upon renewal of her license she reported the outcome as required by the state renewal questionnaire. On September 13, 2007, she underwent reconstructive surgery on her left foot which had her house bound and unable to walk for two months. She had just begun rehabilitation the beginning of December where she progressed to wearing a boot. She went to a birthday party and had on color contacts, her boot on and a pump on her good foot. She had stopped at Wendy's on the way home and drove past the park near her house where she passed two police cars. Almost immediately, a car was on her tail. It was so close that she sped up because she was just about ready to turn on her street and she turned without signaling so the police lights came on. Respondent

stated when the officer approached her he was rude and accused her of drinking. She was asked to get out of the car. He asked her to stand on one foot till the count of 10 which she could not do. He flashed a light in her eyes and remarked she had on contacts. He asked her to follow his fingers which she did but then he wanted her to walk putting her feet one in from of the other and she couldn't because of her foot. She had limited motion in the movement of the toes which provided balance. They arrested her. Respondent pled not guilty and they were set for trial off and on during 2008 because they could not get a copy of the arrest. Once the copy was received the copy of the report was not substantiated and eventually the prosecutor offered a reduction of the charge where she pled guilty to the reckless operation and fined.

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.

#### 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)(2),(8)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(I).
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 642973, heretofore issued to DENISE ANN ALLEN, 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 RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS AND A FINE, and 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.

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, 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.

IT IS FURTHER AGREED that:

(1) 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>.*

(2) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250). RESPONDENT SHALL pay this fine within forty-five (45) 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 STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) 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 STIPULATION PERIOD:**

(3) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. 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 stipulations on RESPONDENT'S license. 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.

(4) 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.

(5) 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.

(6) 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 one (1) year of employment as a nurse.

(7) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of 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 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.**

(8) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines

Meperidine

Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT'S place of employment at any time during the stipulation period and require RESPONDENT to produce a specimen for screening.

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 period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY 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.(Stips)

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.

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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 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.

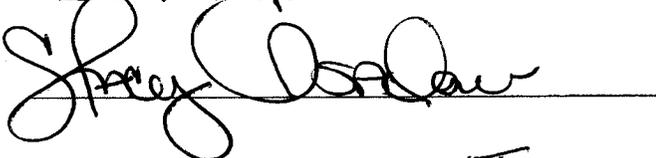
Signed this 13 day of April, 2011.



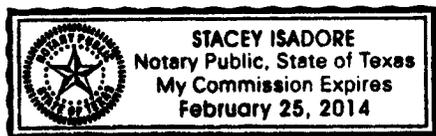
DENISE ANN ALLEN, Respondent

Sworn to and subscribed before me this 13 day of April, 2011.

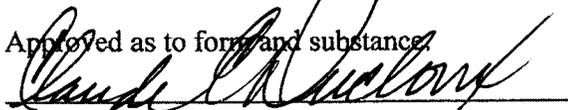
SEAL



Notary Public in and for the State of Texas



Approved as to form and substance



Claude E. Ducloux, Attorney for Respondent

Signed this 14 day of April, 2011.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 13th day of April, 2011, by DENISE ANN ALLEN, Registered Nurse License Number 642973, and said Order is final.

Effective this 14th day of June, 2011.



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

# Louisiana State Board of Nursing

17373 Perkins Road

Baton Rouge, LA 70810

Telephone: (225) 755-7500 Fax: (225) 755-7582

<http://www.lsbn.state.la.us>

October 6, 2010

Texas Board of Nursing  
Barbara Darling, Administrative Assistant III  
333 Guadalupe Suite 3-460  
Austin, Texas 78701

STATE OF LOUISIANA

EAST BATON ROUGE PARISH

I, Barbara L. Morvant, Executive Director of the Louisiana State Board of Nursing, do hereby certify that I am Custodian of Records of the Board of Nursing and that the copy of the Final Order pertaining to the matter of **DENISE ANN JOHNSON-ALLEN, RN069411**, is a true and correct copy of said documents as they appear among the files and records of this office.

WITNESS by my hand and seal of the Board of Nursing this October 6, 2010.

LOUISIANA STATE BOARD OF NURSING

*Barbara L. Morvant, MN, RN*

BARBARA L. MORVANT, MN, RN  
EXECUTIVE DIRECTOR

BOARD SEAL

By



Joy Peterson, BSN, RN  
Director of Hearings

BLM/JP/hf

Enclosures

# Louisiana State Board of Nursing

17373 Perkins Road

Baton Rouge, LA 70810

Telephone: (225) 755-7500 Fax: (225) 755-7582

<http://www.lsbn.state.la.us>

September 24, 2010

Ms. Denise Ann Johnson-Allen  
1656 Williamsburg Drive  
Bossier City, LA 71112

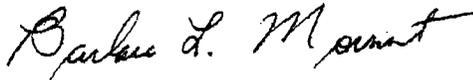
**RE: ORDER Approving and Accepting  
Voluntary Surrender Agreement**

Dear Ms. Johnson-Allen:

This is official notification that the signed Voluntary Surrender Agreement submitted by you was approved and accepted by the Louisiana State Board of Nursing in a regularly scheduled meeting on September 15, 2010.

**Note: If you have not returned your current RN/APRN license(s), please do so at this time.**

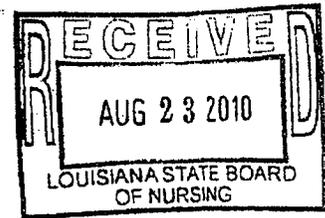
Sincerely,



Barbara L. Morvant, MN, RN  
Executive Director

BLM/lr

LOUISIANA STATE BOARD OF NURSING  
BATON ROUGE, LOUISIANA



IN THE MATTER OF  
DENISE ANN JOHNSON-ALLEN  
1656 WILLIAMSBURG DRIVE  
BOSSIER CITY, LA 71112  
Respondent

\*  
\*  
\*

RN069411, AP01906  
Voluntary Surrender of License

Terms Agreed to by Respondent

I, DENISE ANN JOHNSON-ALLEN, (Respondent), voluntarily agree to sign and have witnessed the terms of this agreement for the purpose of avoiding formal administrative proceedings with the Louisiana State Board of Nursing.

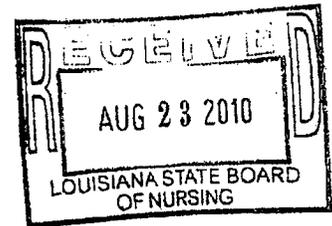
I, DENISE ANN JOHNSON-ALLEN, do freely, knowingly and voluntarily enter into this agreement. I understand that I have a right to a hearing in this matter and I freely waive such right. I understand that I have a right to legal counsel prior to entering into this agreement.

I hereby voluntarily surrender my license to practice as a Registered Nurse and Advanced Practice Nurse in Louisiana, and I agree that by so doing I subject myself to formal disciplinary action as per Title 46, Professional and Occupational Standards, Part XLVII, Subpart 2, Section 3409. C.

I understand that this voluntary license surrender shall have the consequences set forth in Section 3409.C., including, but not limited to, the following:

1. Be deemed a disciplinary action.
2. Be deemed an admission of the allegations under investigation, listed below as Findings of Fact:
  - i. On December 30, 1991, Respondent was licensed by endorsement to practice as a Registered Nurse in Louisiana. On January 1, 1996, Respondent was licensed as an Advanced Practice Registered Nurse (APRN) Clinical Nurse Specialist; on February 5, 2003, Respondent's APRN license became delinquent.
  - ii. On or about September 27, 1999, Respondent was arrested on Barksdale Air Force Base in Shreveport, Louisiana, for Driving While Intoxicated (DWI). On January 13, 2000, in the U.S. District Court, Western District of Louisiana, Respondent entered a plea of guilty to the charge and was sentenced to one-year probation.
  - iii. On or about September 10, 2000, while still on probation from the first DWI conviction, Respondent was arrested by the Bossier City Police Department for a second DWI, causing the probation to be revoked by the court. On January 23, 2001, the Bossier City Court sentenced Respondent to one-year probation.
  - iv. On May 11, 2001, Respondent was diagnosed with Alcohol Dependency by a board-approved evaluation center. On August 19, 2001, Respondent entered Recovering Nurse Program (RNP); on October 21, 2004, Respondent successfully completed the RNP program.
  - v. On January 28, 2002, the Bossier City Court released Respondent from criminal probation related to the prior DWI convictions of January 13, 2000, and January 23, 2001.

LOUISIANA STATE BOARD OF NURSING  
BATON ROUGE, LOUISIANA



IN THE MATTER OF  
DENISE ANN JOHNSON-ALLEN  
1656 WILLIAMSBURG DRIVE  
BOSSIER CITY, LA 71112  
Respondent

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RN069411/AP01906  
Voluntary Surrender of License

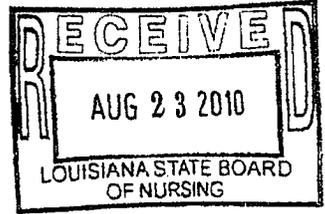
Terms Agreed to by Respondent (Cont'd)

- vi. On or about December 29, 2007, Respondent was arrested by the Bossier City Police Department for a third DWI. Although Respondent refused the Intoxilyzer test, Respondent exhibited red, glassy, eyes; slurred speech, the odor of alcohol; rapid nystagmus; and swaying from side to side. In addition, Respondent stated to the arresting officer that she had ingested two glasses of wine.
  - vii. On March 18, 2008, at the 26<sup>th</sup> Judicial District Court, Parish of Bossier, in Benton, Louisiana, Respondent entered a plea of not-guilty to the DWI charge. From May 2008 to June 2009 the court granted four (4) continuances of trial.
  - viii. On June 5, 2009, Respondent entered a plea of guilty to Careless and Reckless Operation; the matter of DWI was not addressed in the court minute entries.
3. Cause Respondent's licenses to become invalidated and have an "inactive" status at the time of surrender of licenses.
  4. Voluntary Surrender agreement shall become public record to be reported and distributed in the same manner as a final decision of the Board. This will be reported to the **Healthcare Integrity and Protection Data Bank (HIPDB)** as F 2, **Unable to Practice Safely by Reason of Alcohol or Other Substance Abuse.**

**HIPDB Narrative: Respondent agreed to Voluntary Surrender of RN and APRN licenses after Respondent demonstrated alcohol relapse.**

5. Cause ineligibility for licensure reinstatement of licenses for a minimum of two (2) years and until such time as the Respondent meets the requirements for reinstatement as described in Chapter 34 of the Board Rules.
6. Prohibit Respondent from practicing as an RN or an APRN in Louisiana for a minimum period of two (2) years. Such illegal practice shall be subject to penalties provided in Chapter 34 of the Board Rules.
7. Will require Respondent to submit payment of \$200 to the Board as cost within six months from the date of this Voluntary Surrender.
8. Will require that, prior to reinstatement, a hearing or conference shall be held before the Board or with Board staff to afford Respondent the opportunity to present evidence that the causes/conditions that led to the voluntary surrender of licenses no longer exist and to afford the Board or Board staff the opportunity to evaluate changes in the person or condition. The burden of proof shall be for the Respondent to prove that conditions that led to the voluntary surrender of Respondent's license no longer exist and/or no longer affects Respondent's ability to practice safely.

LOUISIANA STATE BOARD OF NURSING  
BATON ROUGE, LOUISIANA



IN THE MATTER OF  
DENISE ANN JOHNSON-ALLEN  
1656 WILLIAMSBURG DRIVE  
BOSSIER CITY, LA 71112  
Respondent

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RN069411/AP01906  
Voluntary Surrender of License

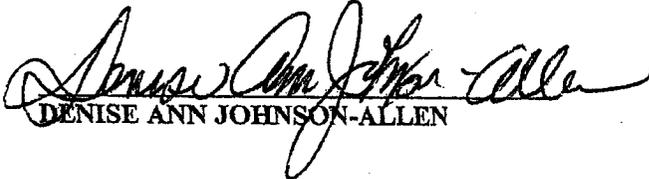
Terms Agreed to by Respondent (Cont'd)

9. Will require Respondent to submit to various inpatient evaluations (physical, psychological, psychiatric, and/or substance abuse) by board-approved evaluation center and follow recommendations of same. If any evaluations give any findings to warrant concern for patient safety, Respondent must demonstrate, to the satisfaction of the Board, that Respondent poses no danger to the practice of nursing or to the public and can safely and competently perform the duties of a Registered Nurse and Advanced Practice RN.
10. Will result in a period of probation, in the event that Respondent resumes practice as an RN or APRN in Louisiana after the period of surrender is completed.
11. Will require that Respondent's licenses be reinstated by Consent Order, Settlement Order, or Board Order which would become public record published in The Examiner.

I further acknowledge that I have fully cooperated with the Louisiana State Board of Nursing in resolving these charges, and intend to comply with all stipulations of this Order.

I, DENISE ANN JOHNSON-ALLEN, understand that this agreement is effective immediately upon signature of the Executive Director and will become an ORDER of the Board.

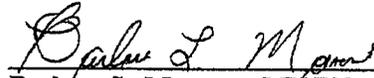
Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

  
DENISE ANN JOHNSON-ALLEN

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

LOUISIANA STATE BOARD OF NURSING

 08/26/2010  
Barbara L. Morvant, MN RN Date  
Executive Director