

BEFORE THE TEXAS BOARD OF NURSING



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

In the Matter of Vocational Nurse § AGREED
License Number 68066 §
issued to SUZANNE ELISE HART § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SUZANNE ELISE HART, Vocational Nurse License Number 680 hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4528c, Section 10, TEX. REV. CIT. STAT. (effective January 1978), and Article 4528c, Section 10(a)(2)&(9), TEX. REV. CIV. STAT. (effective September 1, 1985). Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on May 10, 2010, 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from McLennan Community College, Waco, Texas, on February 27, 1976. Respondent was licensed to practice vocational nursing in the State of Texas on May 20, 1976.
5. Respondent's nursing employment history is unknown.

6. On or about April 3, 1980, Respondent was arrested by the Austin Police Department, Austin, Texas for DELIVERY OF METHAMPHETAMINES (a 1st Degree felony offense).

On or about August 28, 1980, Respondent entered a plea of Guilty and was convicted of the lesser included offense of POSSESSION OF A CONTROLLED SUBSTANCE, NAMELY: METHAMPHETAMINE (a 2nd felony offense committed on March 12, 1980), in the 147th Judicial District Court of Travis County, Texas, under Cause No. 59835. As a result of the conviction, Respondent was sentenced to confinement in the State Penitentiary for a period of three (3) years ; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of three (3) years. Additionally, Respondent was ordered to pay one hundred and twenty dollars (\$120) in restitution and court costs.

7. In response to Finding of Fact Number Six (6), Respondent states she was naive and trusting and got involved with a bad crowd, and was unaware of the dangers or consequences of getting involved with them. Respondent states she was set up by an informant with the Austin Police Department. She states she was indicted and convicted and received three years probation. As part of her probation, Respondent was required to do urine analysis -- of which she never had a dirty UA--complete drug counseling, and attend A.A and N.A. meetings for three years. Respondent states she did not notify the board based on the advice of her attorney at the time, who said she should disclose the matter to us only if confronted about it.

8. On or about April 20, 1987, Respondent was arrested by the Austin Police Department, Austin Texas for POSSESSION CONTROLLED SUBSTANCE (a felony offense).

On or about January 11, 1988, Respondent entered a plea of Guilty and was convicted of POSSESSION OF A CONTROLLED SUBSTANCE, NAMELY: METHAMPHETAMINE (a 2nd Degree felony offense committed on April 20, 1987), in the 299th Judicial Court, Travis County, Texas, under Cause No. 87828. As a result of the conviction, Respondent was sentenced to confinement in the State Penitentiary for a period of eight (8) years; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of eight (8) years. Additionally, Respondent was ordered to pay a fine and court costs.

9. In response to Finding of Fact Number Eight (8), Respondent states she married in 1981, had her first child in 1983, and while pregnant with her second child, divorced in 1985. She states as she was the sole provider for her children, she decided to move back to Waco to be near her parents. Respondent states that in April 1987, she went back to Austin to visit an old friend, who unbeknownst to her was under surveillance as a suspected drug dealer. She states after an hour of visiting, the house was raided and she was arrested for some meth found in her purse, which Respondent states she did not put there. Respondent states she was charged with possession and because of her previous charge, she was placed on eight years

of probation. She states she completed her probation in Waco, Texas, again, never failing a Urine Analysis, regularly attended A.A, N.A. and Children of Alcoholics meeting, and received private counseling. Respondent states she was again advised not to disclose the matter to the Board of Nursing. She states she is embarrassed by these events and knows it was wrong to not contact the board at the time.

10. On or about February 1, 1988, Respondent was arrested by the Travis County Sheriff's Office, Austin, Texas and subsequently charged under Cause No. 280,925 for THEFT BY CHECK (a misdemeanor offense). The THEFT BY CHECK charge was taken into consideration in the sentencing phase of Cause No. 87,828.
11. In response to Finding of Fact Number Ten (10), Respondent states she moved several times when living in Austin, and she was not made aware of the charge. She resolved the charge when she went to court the second time (in 1988).

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 violations of Article 4528c, Section 10, TEX. REV. CIT. STAT. (effective January 1978), and Article 4528c, Section 10(a)(2)&(9), TEX. REV. CIT. STAT. (effective September 1, 1985), and 22 TEX. ADMIN. CODE § 231.81 (2)(A)(effective January 1, 1985).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 68066, heretofore issued to PATRICIA ANNE HART, including revocation of Respondent's license 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 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 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 is 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 pay a monetary fine in the amount of seven hundred and fifty dollars (\$750). RESPONDENT SHALL pay this fine within forty-five 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.

(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>.

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 VOCATIONAL NURSE (LVN) 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 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 or Licensed Vocational 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 year of employment as a nurse. Stips)

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license to practice nursing in the State of Texas and 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 violations 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 to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 4 day of 4, 2011.

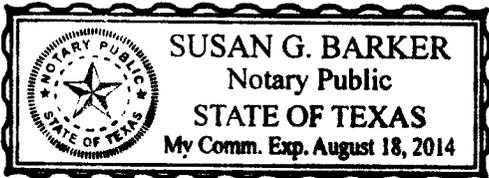
Suzanne Elise Hart
SUZANNE ELISE HART, Respondent

Sworn to and subscribed before me this 4 day of April, 2011

SEAL

Susan A Barker

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 4th day of April, 2011, by SUZANNE ELISE HART, Vocational Nurse License Number 68066, and said Order is final.

Effective this 10th day of May, 2011.



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