



7. On or about June 4, 1985, Respondent was arrested by the Galveston County Sheriff's Department, Galveston, County, for DRIVING WHILE INTOXICATED (LIQUOR). On or about September 15, 1986, Respondent was convicted of DRIVING WHILE INTOXICATED (LIQUOR), Cause Number 78223 in the County Court of Galveston County. Respondent was sentenced to three (3) days confinement, ordered to pay a seven hundred dollar fine, and court costs.
8. In response to Finding of Fact Number Seven (7), Respondent states: "I was arrested for DWI and was convicted of this on September 16, 1986."
9. On or about November 10, 2007, Respondent was arrested by the North Lake Police Department, North Lake, Texas, for DRIVING WHILE INTOXICATED (a Class B Misdemeanor).
10. In response to Finding of Fact Number Nine (9), Respondent states: "was arrested for DWI, but the charges were dropped, I did not have an attorney. It was proven that the charges were incorrect."
11. On or about November 18, 2007, Respondent submitted a Texas Online Renewal Document, Registered Nurse, to the Board of Nurse Examiners for the State of Texas, in which she provided false, deceptive, and/or misleading information, in that Respondent answered "No" to the following 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. Plead 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 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?"

Respondent failed to disclose that on November 10, 2007, she was arrested by the North Lake Police Department, North Lake, Texas, for DRIVING WHILE INTOXICATED (a Class B Misdemeanor).

12. In response to Finding of Fact Number Eleven (11), Respondent states: "I did renew my license on November 18, 2007, having believed that I had answered the question correctly since I was not convicted of the above arrests."

13. On or about July 26, 2009, Respondent was arrested by the Pearland Police Department, Pearland, Texas, for DRIVING WHILE INTOXICATED/3 OR MORE (a Third Degree Felony). On or about April 1, 2010, Respondent plead guilty to the misdemeanor offense of DRIVING WHILE INTOXICATED, Cause Number 60701, Brazoria County Court, and was placed on two (2) years community supervision.
14. In response to Finding of Fact Number Thirteen (13), Respondent states: "I was found guilty of a misdemeanor offense of DWI on April 1, 2010 and placed on two years probation. Currently, I am on probation for the DWI. I have completed 90% of my community service. I have completed all tother requirements related to the offense."
15. On or about November 23, 2009, Respondent submitted a Texas Online Renewal Document, Registered Nurse, to the Board of Nurse Examiners for the State of Texas, in which she provided false, deceptive, and/or misleading information, in that Respondent answered "No" to the following 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. Plead 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 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?"

Respondent failed to disclose that on July 26, 2009, she was arrested by the Pearland Police Department, Pearland, Texas, for DRIVING WHILE INTOXICATED/3 OR MORE (a Third Degree Felony).

16. In response to Finding of Fact Number Sixteen (16), Respondent states: "I did renew my license online November 23, again believing that since there was not a conviction, I did not have to disclose."
17. On or about December 9, 2009, Respondent's temporary permit to practice professional nursing in the State of Louisiana was Recalled/Suspended by the Louisiana State Board of Nursing, Baton Rouge, Louisiana, for failure to disclose her prior arrests.
18. In response to Finding of Fact Number Seventeen (17), Respondent states: "On March 17, 2010, the temporary permit in Louisiana was revoked because I was not aware of all of the charges against me."

19. 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)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(H),(I)&(13).
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 641205, heretofore issued to FRANCES COX, 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 REPRIMAND 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 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, 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://www.learningext.com/products/generalce/critical/ctabout.asp>.

(3) RESPONDENT SHALL pay a monetary fine in the amount of seven hundred and fifty dollars (\$750). RESPONDENT SHALL pay this fine within ninety (90) 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 TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION 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 STIPULATION PERIOD:**

(4) 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.

(5) 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.

(6) For the duration of the stipulation 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.

(7) 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.

(8) 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 an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(9) 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. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis is 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 and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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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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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 19<sup>th</sup> day of March, 2011.

Frances Cox

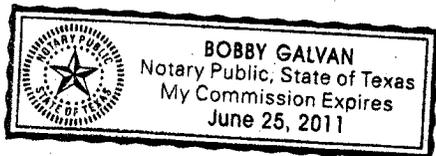
FRANCES COX, Respondent

Sworn to and subscribed before me this 19 day of March, 2011.

SEAL

Bobby Galvan

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 19<sup>th</sup> day of March, 2011, by FRANCES COX, Registered Nurse License Number 641205, and said Order is final.

Effective this 28<sup>th</sup> day of April, 2011.

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

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



## Board of Nurse Examiners For the State of Texas

Katherine Thomas, MN, RN, Executive Director  
Linda Rounds, PhD, RN, President, Galveston  
Thelma Moses, MS, RN, Vice-President, Rio Grande City  
Deborah Bell, CLU, ChFC, Abilene  
Virginia Campbell, BSN, RN, CNOR, Mesquite  
Lawrence Canfield, CRNA, MS, Ed, Temple  
Marcelo Lallas, Jr., Floresville  
Sue McGee, MSN, RN, Amarillo  
Elizabeth Pester, PhD, RN, Arlington  
Phyllis Caves Rawley, CPC, El Paso

August 5, 2002

Certified Mail No. 7002 0860 0935 4173

Return Receipt Requested

Frances Cox  
3210 Acorn Circle  
Dickinson Texas 77539

Dear Ms. Cox:

This office is in receipt of your paid fine and continuing education hours, submitted by you in order to comply with the requirements of the proposed Order of the Board recently sent to you. Enclosed, please find a copy of your Order of the Board issued August 5, 2002. Please keep these copies for your record.

**THIS IS A FINAL ORDER OF THE BOARD. READ THE ORDER CAREFULLY. CONTACT THIS OFFICE AT (512) 305-6838 IF YOU HAVE ANY QUESTIONS OR DO NOT UNDERSTAND ANY PART OF THE ORDER.**

Sincerely,

Katherine A. Thomas, MN, RN  
Executive Director

KAT/AC/dg

Enclosure: Order of the Board

**BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS**

In the Matter of License Number 641205    §    AGREED  
Issued to: FRANCES COX                    §    ORDER

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of FRANCES COX, License Number 641205, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.303 and Section 301.452(b)(1), Texas Occupations Code and 22 Texas Administrative Code, §216.

Respondent waived representation by counsel, informal conference, notice, hearing and agreed to the entry of this Order offered by Katherine A. Thomas, MN, RN, Executive Director, on behalf of 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.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent failed to make full and timely compliance with the Board's requirements for continuing education for the period ending November 2001.

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. Evidence received was sufficient to prove violation of Section 301.303 and Section 301.452(b)(1) Texas Occupations Code, and 22 Texas Administrative Code §216.3.
4. Respondent's failure to comply with Continuing Education requirements is sufficient cause pursuant to Section 301.452(b) Texas Occupations Code to take disciplinary action against License Number 641205, heretofore issued to FRANCES COX, including revocation of Respondent's professional license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, that RESPONDENT SHALL receive the sanction of a Fine in the amount of One Hundred Dollars (\$100), and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas, Annotated, as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 Texas Administrative Code, §211.01 *et seq.*, and this Order.

IT IS FURTHER AGREED, that RESPONDENT SHALL submit, with this signed Agreed Order and the fine, documentation of successful completion of twenty (20) Type I contact hours of continuing education. Documentation shall include copies of certificates of program attendance. These contact hours are to be taken in addition to any continuing education requirements the Board may have for relicensure.

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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 becomes final and effective when entered by the Executive Director and that 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 17 day of July, 20 02.

Frances Cox  
FRANCES COX, Respondent

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas ratifies and acknowledges satisfaction of the requirements of the Agreed Order that was signed on the 17th day of July, 20 02, by FRANCES COX, License Number 641205, and said Order is final.

Signed this 5th day of August, 20 02.

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