



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 License § AGREED
Number 746554 and Vocational Nurse §
License Number 99701 issued to §
ANGELA FAY MERCER, a/k/a §
ANGELA FAY DAVISON § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ANGELA FAY MERCER, a/k/a ANGELA FAY DAVISON, Registered Nurse License Number 746554 and Vocational Nurse License Number 99701, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(8)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on November 16, 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 professional nursing in the State of Texas. Respondent holds a license to practice vocational nursing in the State of Texas, which is currently in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from West Bank Vocational Technical School, Harvey, Louisiana, on January 19, 1980, and an Associates Degree in

Nursing from Excelsior College, Albany, New York, on June 14, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on April 23, 1983, and Respondent was licensed to practice professional nursing in the State of Texas on September 5, 2007.

5. Respondent's nursing employment history is unknown.
6. On or about July 22, 2009, Respondent submitted a License Renewal Form to the Texas Board of Nursing in which she answered "Yes" to the question: "Has any licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a nursing license, certificate, or multi-state privilege held by you now or previously, or ever refined, censured, reprimanded, or otherwise disciplined you? (You may exclude disciplinary actions previously disclosed to the Texas Board of Nursing on an initial or renewal licensure application)."

Respondent disclosed that on or about March 24, 2009, the Oklahoma Board of Nursing accepted the Voluntary Surrender of her license to practice professional nursing in the State of Oklahoma. A copy of the Stipulation, Settlement, and Order dated March 24, 2009, is attached and incorporated, by reference, as part of this Order.

7. In response to Finding of Fact Number Six (6), Respondent states that when she applied for the renewal of her Oklahoma license in July 2007, she enclosed documents regarding the criminal record that had become apparent when she applied for her Texas RN license the same year. She states she received her Texas license after obtaining court documents and writing a letter of explanation. Respondent states she submitted the documentation with her renewal for her Oklahoma license. She states she made an error and marked "no" to the question, when she intended to mark "yes." Respondent states she received a letter from an investigator for the Oklahoma Board, stating she was scheduled for a conference. Respondent states she did not open the letter for a month and a half and thought it was her nursing license. The same day she opened the letter, she called the investigator to see if she could postpone the conference because she was not able to make arrangements to take time off of work. She told the investigator that she did not need to renew her Oklahoma license because she was living in Texas. Respondent states the investigator told her she could surrender her license and she would not need to attend the hearing. She states she surrendered her license because she had no plans to return to Oklahoma and would not need her Oklahoma license. Respondent states she felt rushed to make a decision on whether to go to the hearing or to surrender her license and she did not have time to find out more about the effects of surrendering her license.

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)(8)&(10), Texas Occupations Code.
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 746554 and Vocational Nurse License Number 99701, heretofore issued to ANGELA FAY MERCER, 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 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 pay a monetary fine in the amount of five hundred

dollars (\$500). 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.

(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) contact 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 NURSE 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.

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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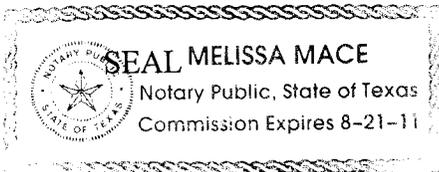
RESPONDENT'S CERTIFICATION

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 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 28 day of ^{Feb.} ~~March~~, 2011.

Angela Fay Mercer
ANGELA FAY MERCER, Respondent

Sworn to and subscribed before me this 28 day of February, 2011.



M Mace
Notary Public in and for the State of TX

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 28th day of February, 2011, by ANGELA FAY MERCER, Registered Nurse License Number 746554 and Vocational Nurse License Number 99701, and said Order is final.

Effective this 28th day of April, 2011.



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

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF ANGELA FAY PARSONS DAVISON MERCER, R.N./l.p.n.
LICENSE NO. R0077501 / L0035832 (LAPSED)

STIPULATION, SETTLEMENT AND ORDER

This matter comes on before the Informal Disposition Panel ("Panel") of the Oklahoma Board of Nursing ("Board") on the 10th day of March, 2009, in the Conference Room of the Board Office, 2915 North Classen Boulevard, Suite 524, Oklahoma City, Oklahoma.

Lisa Griffiths, R.N., a Nurse Investigator with the Board, appears in person, and Angela Fay Parsons Davison Mercer, R.N./l.p.n., (hereinafter, "Respondent") appears neither in person nor by counsel before the Panel on this date. Respondent and the Nurse Investigator participated in a telephonic conference on February 5, 2009, and subsequently consented to this Order.

STIPULATION

Respondent and the Panel hereby stipulate and agree to the following joint stipulation and proposed Order of the Board incorporating this stipulation and agreement in the above-styled matter.

1. Respondent is licensed to practice registered nursing in the State of Oklahoma and is the holder of License No. R0077501 issued by the Oklahoma Board of Nursing.
2. Respondent is licensed to practice licensed practical nursing in the State of Oklahoma, License No. L0035832 which is currently lapsed.
3. On or about May 6, 1994, in Montgomery County, Texas, Respondent reported an arrest, Case No. 109,189-01 for Assault "A"-Family Violence. On or about June 23, 1994, in Montgomery County, Texas, Respondent reported an arrest, Case No. 111, 202-01 Terroristic Threat "B". On February 27, 1995, in the County Court at Law No. 01 of Montgomery

County, Texas, a Motion to Dismiss was filed in Case No. 109, 189-01 and Case No. 111, 202-01. The Motions to Dismiss are attached as Exhibit "A" and made a part hereof.

4. On or about January 11, 1995, the Respondent submitted an Application for Licensure by Endorsement to the Oklahoma Board of Nursing. The Respondent falsified the application by answering "No" to the Question "Have you ever been arrested for or convicted of any offense including a deferred sentence within the past five years with the exception of any offense expunged under 63 O.S. 2-410-1981?" The Application is attached as Exhibit "B" and made a part hereof.

5. On or about July 23, 2004, the Respondent submitted an on-line license renewal to the Oklahoma Board of Nursing. The Respondent falsified the renewal by answering "No" to the Question "Have you ever been arrested in any state, territory, or country, including expunged offenses, with the exception of minor traffic violations, not previously reported in writing to this Board?" The renewal is attached as Exhibit "C" and made a part hereof.

6. On or about July 8, 2006, the Respondent submitted an on-line license renewal to the Oklahoma Board of Nursing. The Respondent falsified the renewal by answering "No" to the Question "Have you ever been arrested for any offense in any state, territory, or country, including expunged offenses, with the exception of minor traffic violations, not previously reported in writing to this board? The renewal is attached as Exhibit "D" and made a part hereof.

7. Respondent has voluntarily surrendered the license to practice nursing in the State of Oklahoma held by the Respondent.

8. No formal complaint has been filed as of the date of this stipulation charging Respondent with a violation of the Oklahoma Nursing Practice Act. Respondent understands that Respondent has a right to require that a formal complaint be filed and the right to a formal hearing

before the Board at which time Respondent could confront the witnesses against Respondent, cross-examine those witnesses, and present evidence in Respondent's own behalf. Respondent understands that by signing and agreeing to this stipulation Respondent is waiving those rights.

9. This stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of this stipulation. Furthermore, should this joint stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

10. Respondent fully understands that this joint stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board against Respondent for acts or omissions not specifically made a part of this stipulation.

11. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this joint stipulation of facts, conclusions of law and imposition of discipline, and the Final Order of the Board incorporating said stipulation.

12. It is expressly understood that this stipulation is subject to approval of the Board and has no force and effect until approved and Ordered by the Board.

13. This Stipulation, Settlement, and Order does constitute formal disciplinary action.

STIPULATED DISPOSITION AND ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that the voluntary surrender of Respondent's license should be accepted, upon the following terms and conditions:

1. Any Application to Reinstate shall not be considered for a period of two (2) year.

2. **Prior to Reinstatement**, Respondent shall, successfully complete a course on **Nursing Jurisprudence**. Respondent shall obtain Board approval of the course prior to enrollment. Home study courses, Internet and video programs will not be approved. In order for the course to be approved, the target audience must include licensed nurses. It must be a minimum of four (4) contact hours in length. The course must include an examination of the scope of nursing practice from the Oklahoma Nursing Practice Act and Rules of the Board; other laws; policies; and accreditation guidelines that govern the practice of nursing; the role of delegation and supervision; and an exploration of the ethical basis of nursing practice. Courses focusing on malpractice issues will not be accepted. The course description must indicate goals and objectives for the course; resources to be utilized; and the methods to be used to determine successful completion of the course. Respondent shall cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.

3. **Prior to reinstatement**, Respondent shall pay an **administrative penalty** payable to the Oklahoma Board of Nursing in the amount of **\$500.00**. The administrative penalty shall be paid only by certified check, money order or cash.

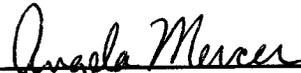
IT IS FURTHER ORDERED that the license to practice registered nursing held by Respondent is hereby **severely reprimanded**.

IT IS FURTHER ORDERED that any application for reinstatement may be approved by Board staff.

IT IS FURTHER ORDERED that the parties agree that both (all) parties have participated in the drafting of this Stipulation, Settlement and Order and that no presumption or construction against any party as the drafter of this **Stipulation, Settlement and Order**, shall apply or be applied in the event of a claim of ambiguity of the document or a provision thereof.

IT IS FURTHER ORDERED that this stipulation shall not be effective until the fully executed Order is received in the Board office.

IT IS FURTHER ORDERED that this Order constitutes disciplinary action by the Board and may be used in any subsequent hearings by the Board. In the event other misconduct is reported to the Board, this Order may be used as evidence against Respondent to establish a pattern of behavior and for the purpose of proving additional acts of misconduct.



Respondent

Approved and ordered this 24th day of March, 2009.

OKLAHOMA BOARD OF NURSING

By: 

President

LG:tj

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF ANGELA FAY PARSONS DAVISON MERCER, r.n./l.p.n.
LICENSE NO. R0077501 (VOLUNTARY SURRENDER)
L0035832 (LAPSED)

ORDER DENYING MOTION TO RECONSIDER

This matter comes before the Oklahoma Board of Nursing (Board) on the 30th day of July, 2009, at the Wyndham Garden Hotel Conference Center, 2101 South Meridian Avenue, Oklahoma City, Oklahoma, for argument on Respondent's Motion to Reconsider.

The Board is represented by Debbie McKinney, Attorney at Law, and Angela Fay Parsons Davison Mercer, r.n./l.p.n., ("Respondent") appears in person with counsel, Douglas A. Rice, Attorney at Law, at the hearing on this date.

Respondent seeks reconsideration of the Board's Stipulation, Settlement and Order, entered on March 24, 2009, which accepted Respondent's request to voluntarily surrender her license, imposed an administrative penalty of five hundred dollars (\$500.00), ordered Respondent to take Nursing Jurisprudence prior to reinstatement, and placed a severe reprimand in Respondent's file.

The Board, after hearing argument from parties, and being fully advised in the premises, declined to reconsider its March 24, 2009, ruling.

IT IS THEREFORE ORDERED that Respondent's Motion to Reconsider is denied.

IT IS FURTHER ORDERED that all disciplinary action and penalties imposed by Order of the Board on March 24, 2009, remain in effect.

OKLAHOMA BOARD OF NURSING

By:


President

SW:ad

Date 8/18/09

I certify this to be a true copy of the records on file with the Oklahoma Board of Nursing

Signed Reena Jackson