



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

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In the Matter of Registered Nurse           §     AGREED  
License Number 692873                       §  
issued to ERICA NICOLE CHESHIRE       §     ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the B considered the matter of ERICA NICOLE CHESHIRE, Registered Nurse License Number 692873, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on January 25, 2011, by Katherine A. Thomas, MN, RN, Executive Director.

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.
4. Respondent received a Baccalaureate Degree in Nursing from Stephen F. Austin State University, Nacogdoches, Texas, on December 1, 2002; and received a Master's Degree from the Adult Nurse Practitioner Program from McNeese State University, Lake Charles, Louisiana, on December 16, 2007. Respondent was licensed to practice professional nursing in the State of Texas on January 28, 2003; became Board recognized as an Adult Nurse Practitioner (ANP) in the State of Texas on February 19, 2008; and became Board recognized with Prescription Authorization on February 19, 2008.

5. Respondent's nursing employment history includes:

1/03 - 12/07	Staff Nurse Emergency Room	Christus St. Elizabeth Hospital Beaumont, Texas
1/07 - 12/07	PRN Staff Nurse Emergency Room	Memorial Hermann Baptist Hospital Beaumont, Texas
1/08 - 12/08	ANP	Preventative Medicine of Southeast Texas Beaumont, Texas
1/09 - Present	ANP	Southeast Texas Obstetrics/Gynecology Associates Beaumont, Texas

6. At the time of the incident In Finding of Fact Number Seven (7), Respondent was employed as an Adult Nurse Practitioner (ANP) with Southeast Texas Obstetrics/Gynecology Associates, Beaumont, Texas, and had been in this position for one (1) year.
7. On or about December 14, 2010, the Texas Board of Nursing was notified that Respondent's Texas Controlled Substances Registration Number had expired on January 28, 2010; however, Respondent continued to authorize prescriptions for controlled substances after that date. Respondent's conduct was likely to deceive the pharmacies and is a violation of Chapter 481 of the Health and Safety Code (Controlled Substances Act).
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that she was not aware that her Texas Controlled Substances Registration Number had expired until she was renewing her Drug Enforcement Agency (DEA) number in August 2010. Respondent states that she immediately contacted the Department of Public Safety (DPS) to notify them of her error and to initiate a renewal authorization. "At the time, I stopped prescribing any controlled substances until the matter was resolved." Respondent admits that prior to her discovery of the expiration, she had continued to write prescriptions of controlled substances. "I absolutely did not write these prescriptions knowing that my DPS number had expired and did not knowingly or intentionally violate Chapter 481 of the Health and Safety Code (Controlled Substances Act).

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 Section 301.452(b)(1)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A)&(4)(B) and 222.6(a)&(c).
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 692873, heretofore issued to ERICA NICOLE CHESHIRE, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

### ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION 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 State of Texas 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 (\$250.00). 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, 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 when this Order becomes final and the terms of this Order become effective, 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 8 day of March, 2011.

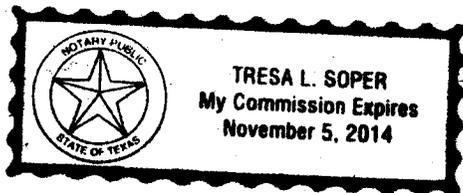
Erica Cheshire  
ERICA NICOLE CHESHIRE, Respondent

Sworn to and subscribed before me this 8 day of March, 2011.

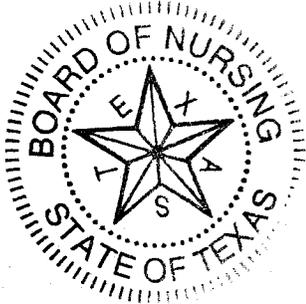
SEAL

Tresa L. Soper

Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 8<sup>th</sup> day of March, 2011, by ERICA NICOLE CHESHIRE, Registered Nurse License Number 692873, and said Order is final.



Effective this 18th day of March, 2011.

A handwritten signature in cursive script, reading 'Katherine A. Thomas', is written over a horizontal line.

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