



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 Vocational Nurse § AGREED
License Number 119624 §
issued to PEGGY MAXINE LIVESAY § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, consider matter of PEGGY MAXINE LIVESAY, Vocational Nurse License Number 119624, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code (eff. date 9/1/2005), and Section 301.452(b)(2)&(10), Texas Occupations Code (eff. 9/1/2007). Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on September 13, 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 Howard College, Lamesa, Texas, on September 1, 1987. Respondent was licensed to practice vocational nursing in the State of Texas on December 2, 1987.
5. Respondent's nursing employment history is unknown.
6. On or about September 16, 1997, Respondent was issued an Agreed Order by the Board of Vocational Nurse Examiners for the State of Texas, accepting the Voluntary Surrender of Vocational

Nurse License Number 119624. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated September 16, 1997, is attached and incorporated, by reference, as part of this Order.

7. On or about June 7, 1999, Respondent was issued the sanction of a Reinstatement with Stipulations by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law and Agreed Order dated June 7, 1999, is attached and incorporated herein, by reference, as part of this Order.
8. On or about July 12, 2006, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED 2ND (a Class A misdemeanor offense, reduced from DRIVING WHILE INTOXICATED 3RD OR MORE, a 3rd Degree felony offense) in the County Court of Terry County, Texas, under Cause No. 26414. As a result of the conviction, Respondent was placed on probation for a period of two (2) years. Additionally, Respondent was ordered to pay court costs.
9. On or about July 18, 2008, Respondent submitted a License Renewal Form (Inactive Status) 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?"

Respondent failed to disclose that on or about July 12, 2006, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED 2ND in the County Court of Terry County, Texas, under Cause No. 26414.

10. In response to Findings of Fact Numbers Eight (8) and Nine (9), Respondent states that in March of 2005, she stepped into a hole in the backyard and hurt her right hip. She visited several doctors trying to find out what was wrong. In August of 2005, her mother passed away and she began drinking again. She was caring for her father and did not get to another doctor about her hip until April 2006. The doctors were still unable to determine what was wrong with her hip. Respondent thought she placed her license in inactive status at that time. In May of 2006, her father was sent to the hospital for burns that he suffered after smoking with his oxygen machine turned on. Respondent

had been drinking at her house, but did not think she had had enough alcohol to get into trouble. She was stopped for speeding, and wound up being arrested for DWI. She went to court for Class A misdemeanor DWI in July of 2006. In April of 2007, she received paperwork to renew her LVN license and she again thought she made her license inactive due to becoming disabled. Respondent had surgery on one hip in December 2007, and surgery on the other hip in February 2008. In July 2008 she got off of probation and could walk again without pain, so she decided to reinstate her license. When the paperwork asked if she had been convicted of a felony or misdemeanor since her last renewal, she was thinking of when the Board sent her paperwork for April 2007. She wasn't trying to hide anything from the Board.

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 violations of Section 301.452(b)(10), Texas Occupations Code (eff. date 9/1/2005), Section 301.452(b)(2)&(10), Texas Occupations Code (eff. 9/1/2007), 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 Vocational Nurse License Number 119624, heretofore issued to PEGGY MAXINE LIVESAY, 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 Vocational Nurse License Number 119624, previously issued to PEGGY MAXINE LIVESAY, to practice vocational nursing in Texas is hereby SUSPENDED for a period of two (2) years with the suspension STAYED and Respondent is hereby placed on PROBATION for two (2) years with the following agreed terms of probation:

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 the 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.

(1) 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.

(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.

(3) 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 PROBATION CONDITIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY 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 VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the probation conditions 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 probation conditions 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) RESPONDENT SHALL be supervised by a Registered Nurse or a Licensed Vocational 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 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 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 probation 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 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 probation 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 probation 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.

(10) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

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.

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 14 day of October, 2010.

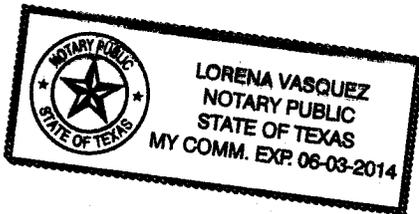
Peggy Maxine Livesay
PEGGY MAXINE LIVESAY, Respondent

Sworn to and subscribed before me this 14 day of October, 2010.

Lorena Vasquez

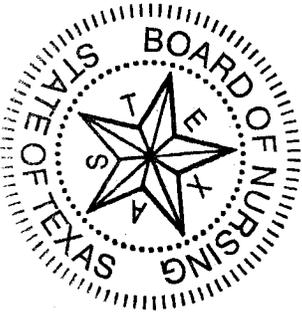
Notary Public in and for the State of Texas

SEAL



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 14th day of October, 2010, by PEGGY MAXINE LIVESAY, Vocational License Number 119624, and said Order is final.

Effective this 14th day of December, 2010.



Katherine A. Thomas

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

BOARD OF VOCATIONAL
NURSE EXAMINERS

VS.

PEGGY MAXINE LIVESAY

* STATE OF TEXAS

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*

* COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the matter of vocational nurse license number 119624, previously held by PEGGY MAXINE LIVESAY, hereinafter called Applicant.

The Board of Vocational Nurse Examiners previously found that Applicant had violated the Vocational Nurse Act, or a rule, regulation or Order issued under the Vocational Nurse Act, Texas Revised Civil Statutes Annotated, Article 4528c. Applicant has submitted a written request for reinstatement of said previously held license.

A prehearing conference was held on Monday, May 10, 1999, at the office of the Board of Vocational Nurse Examiners. The conference was conducted by Mary M. Strange, R.N., Executive Director of the Board, assisted by Geneva Harvey, member of the Board of Vocational Nurse Examiners. Applicant was present and was not represented by counsel.

The conference was attended by Kathleen S. Davies, Investigator for the Board, and Kay Johnsonius, Assistant Attorney General. By their notarized signature on this Order, Applicant does hereby waive the right to Notice of Formal Hearing and a Formal Hearing on the Application for Reinstatement before the Board, and to judicial review of this disciplinary action after this Order is ratified by the Board.

AGREED BOARD ORDER
RE: PEGGY MAXINE LIVESAY, LVN #119624
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After reviewing the matters relative to the request for reinstatement at the prehearing conference, Applicant agrees to the entry of an Order dispensing with the need for further action on this reinstatement request. By Applicant's signature on this Order, Applicant acknowledges that they have read and understood this Order and have approved it for consideration by the Board. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas Employers.

ORDER OF THE BOARD

NOW IT IS ORDERED, subject to ratification by the Board of Vocational Nurse Examiners that license number 119624, previously issued to PEGGY MAXINE LIVESAY, to practice vocational nursing in the State of Texas be, and the same is hereby reinstated, suspended, with said suspension stayed and placed on probation for a period of three (3) years.

The probation of said license is subject to the following stipulations, to wit:

1. That is Applicant's place of employment, name, address or telephone number changes, Applicant is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said notification shall be in the form of a written letter or report.
2. That Applicant shall comply with Federal, State, and local laws, and all the provisions of the Vocational Nurse Act and Rules and Regulations of the Board.
3. That by copy of this Board Order, Applicant shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.
4. That Applicant shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a monthly basis for the first six (6) months of probation. Thereafter, and throughout the remainder of said probation, Applicant shall be responsible for causing his/her nursing supervisor(s) to submit satisfactory reports directly to the Board office on a quarterly basis. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.
5. That any period(s) of nursing unemployment must be documented in writing by Applicant and submitted to the Board office, as provided in Stipulation No. four (4).
6. That Applicant shall work only under the direct supervision of a licensed medical professional (M.D., R.N., L.V.N.) who is physically present on the premises during Applicant's shift assignment(s), throughout the term of probation.

AGREED BOARD ORDER
RE: PEGGY MAXINE LIVESAY, LVN #119624
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7. That Applicant shall not be employed by a nurse registry, temporary nurse employment agency, home health agency or as a private duty nurse, throughout the term of probation.
8. That Applicant shall not be the only licensed medical professional in the facility.
9. That Applicant shall attend weekly meetings of a Chemical Dependency Support, (AA/NA) and shall be responsible for causing his/her program sponsor to submit satisfactory reports directly to the Board office on a monthly basis for the first year of probation. Thereafter and throughout the remainder of said probation, Applicant shall be responsible for causing his/her program sponsor to submit satisfactory reports directly to the Board office on a quarterly basis. The receipt of an unfavorable and/or unsatisfactory report shall be considered a violation of probation.
10. That Applicant shall submit to monthly blood alcohol drug screen(s) upon demand of the board staff for the first year of probation. Thereafter, and throughout the remainder of said probation, Applicant shall submit to random periodic blood alcohol drug screen(s) upon demand of the Board staff throughout the term of probation. Applicant shall submit to a drug screening panel consisting of the following: Alcohol, Amphetamines, Barbiturates, Benzodiazepines, Cannabinoids, Cocaine, Hydrocodone, Meperidine, Opiates, Propoxyphene, PCP, Morphine, Codeine, Methadone, and Methaqualone. Said screen(s) shall be properly monitored with adherence to chain of custody procedures. A positive result shall be legally confirmed by Gas Liquid Chromatography/Mass Spectrometry (GCMS). The results of said screen(s) shall be submitted directly to the Board office by the laboratory. The expense of said screen(s) shall be borne by Applicant. That a report of a positive drug screen for unprescribed controlled substances shall be considered a violation of probation.
11. That Applicant shall provide the Board a telephone number by which Applicant may be contacted between the hours of 8:00 a.m. and 5:00 p.m. on weekdays. Applicant must maintain with the Board, during the term of this probation, a current telephone number in order for the Board to request random blood alcohol and urine drug screens, as provided in Stipulation No. ten (10). An inability to contact Respondent by telephone to request said required drug screens shall be considered a violation of probation.
12. That Applicant shall obtain counseling and shall be responsible for causing his/her counselor to submit satisfactory reports directly to the Board office on a monthly basis for the first year of probation. Thereafter, and throughout the remainder of said probation, Applicant shall obtain counseling and shall be responsible for causing his/her counselor to submit satisfactory reports directly to the Board office on a quarterly basis. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.
13. That Applicant shall be responsible for causing his/her probation officer to submit satisfactory reports directly to the Board office on a quarterly basis, throughout the term of probation. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.
14. That is Applicant is discharged from court ordered probation, prior to the completion of this probationary term, Applicant shall be responsible for causing his/her probation officer to submit a final satisfactory report directly to the Board office.

AGREED BOARD ORDER
 RE: PEGGY MAXINE LIVESAY, LVN #119624
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15. That Applicant shall successfully complete nursing program course(s) encompassing the following areas of study: Nursing Ethics, and submit documentation of successful course completion to the Board office within the first six (6) months of probation. Applicant shall be responsible for locating said course(s) and obtaining prior written approval of Board staff prior to committing to said course(s). Said course(s) shall be correspondence (through a recognized provider), in-house at a community college, university or nursing program, and/or tutored by a state approved, licensed nursing program faculty member. The expense of said course(s) shall be borne by Applicant. Failure to successfully complete said course(s) within the time frame stipulated shall be considered a violation of probation.

16. That Applicant shall pay a Probation Monitoring fee in the amount of thirty (\$30.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said fee shall be paid quarterly, due on the 15th of each quarter, commencing the quarter following the date of the Board's endorsement of the Order, and continuing thereafter until the successful completion of Applicant's probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners, 333 Guadalupe, Suite 3-400, Austin, TX 78701". Failure by Respondent to make any quarterly payment on time shall constitute a violation of probation.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until ratified by a majority of the Board present and voting, at its next regularly called session.

Agreed to this the 10 day of May, 1999

Peggy Livesay 5-10-99
 Signature of Applicant

RT 2 Box 499
 Current Address

Seminole, TX 79360
 City, State and Zip

915 758-2891
 Area Code and Telephone Number

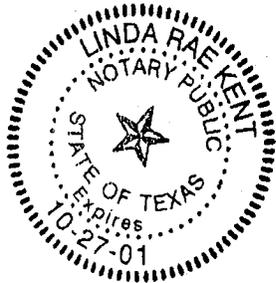
AGREED BOARD ORDER
RE: PEGGY MAXINE LIVESAY, LVN #119624
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The State of Texas
County of Travis

Before me, the undersigned authority, on this day personally appeared PEGGY MAXINE LIVESAY, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood it.

SWORN TO AND SUBSCRIBED before me this the 10th day of May, 1999

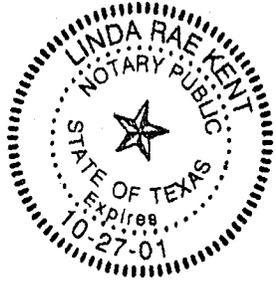
Linda Rae Kent
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 10-27-01



Mary M. Strange
Mary M. Strange, RN
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 12th day of May, 1999

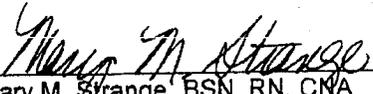
Linda Rae Kent
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS



BOARD ORDER
RE: PEGGY MAXINE LIVESAY, LVN #119624
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WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed order that was signed on the 10th day of May, 1999 by Respondent, license number 119624 and that Said Order is Final.

Effective this 7th day of June, 1999.



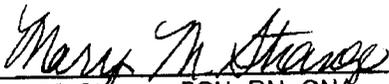
Mary M. Strange, BSN, RN, CNA
Executive Director
On Behalf of Said Board

BOARD ORDER
RE: PEGGY MAXINE LIVESAY, LVN #119624
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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of June, 1999, a true and correct copy of the foregoing **BOARD ORDER** was served by placement in the U.S. Mail, first class, and addressed to the following person(s):

PEGGY MAXINE LIVESAY
P.O. BOX 1374
SEMINOLE, TX 79360



Mary M. Strange, BSN, RN, CNA
Executive Director
Agent for the Board of Vocational Nurse Examiners

BOARD OF VOCATIONAL NURSE EXAMINERS	*	STATE OF TEXAS
	*	
VS.	*	
	*	
PEGGY MAXINE LIVESAY	*	
AKA PEGGY MAXINE NICHOLS	*	
AKA PEGGY MAXINE FREYBURGER	*	COUNTY OF TRAVIS

COMPLAINT

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Kathleen S. Davies, who after being by me duly sworn, did depose and say:

As an Investigator for the Board of Vocational Nurse Examiners, I, Kathleen S. Davies, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against PEGGY MAXINE LIVESAY AKA PEGGY MAXINE NICHOLS AKA PEGGY MAXINE FREYBURGER, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 119624, hereinafter called Respondent.

I.

- a. On or about April 8, 1997, Respondent submitted her license renewal form to the Board of Vocational Nurse Examiners Office. Respondent answered "yes" to the question "Where you convicted of a Felony or Misdemeanor other than a minor traffic violation since your last renewal?"
- b. On or about May 8, 1989, Respondent was convicted of the Misdemeanor offense of: DRIVING WHILE INTOXICATED, in the County Court of Andrews County, Texas, under Cause Number 9387.
- c. On or about May 30, 1995, Respondent was convicted of the Misdemeanor offense of: DRIVING WHILE INTOXICATED, in the County Court of Gaines County, Texas, under Cause Number 10523.

COMPLAINT

RE: PEGGY MAXINE LIVESAY AKA PEGGY MAXINE NICHOLS AKA PEGGY MAXINE FREYBURGER,
LVN #119624

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d. On or about July 18, 1995, Respondent was convicted of the Felony offense of: DRIVING WHILE INTOXICATED, in the District Court of Gaines County, Texas, 106th Judicial District, under Cause Number 95-2721.

e. Respondent has been convicted of a crime which the Board considers to be directly related to the duties and responsibilities of a Licensed Vocational Nurse. Said conviction is inconsistent with the basic duties and responsibilities inherent in the occupation of vocational nursing in that said occupation requires knowledge and familiarity of drugs, and compliance with drug laws.

II.

The foregoing acts constitute unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public, in violation of Article 4528c, Section 10 (a) (9), Revised Civil Statutes of Texas and Rule 239.11 of the Rules and Regulations of the Board of Vocational Nurse Examiners, Title 22, Texas Administrative Code. Rule 239.11, provides in pertinent part: that "Unprofessional Conduct" shall include, but not be limited to:

(28) violating state or federal laws relative to drugs, including controlled substances and dangerous drugs;

(29) being convicted of a crime that relates to the practice of vocational nursing.

(A) Those crimes which the board considers to be directly related to the duties and responsibilities of a licensed vocational nurse shall include, but are not limited to:

(iv) Offenses related to drugs/alcohol.

III.

Respondent has engaged in the intemperate use of alcohol or drugs, in violation of Article 4528c, Section 10 (a) (8), Revised Civil Statutes of Texas.

COMPLAINT

RE: PEGGY MAXINE LIVESAY AKA PEGGY MAXINE NICHOLS AKA PEGGY MAXINE FREYBURGER,
LVN #119624

PAGE 3

IV.

The foregoing acts constitute grounds for the Board of Vocational Nurse Examiners to take disciplinary action as provided under Article 4528c, Revised Civil Statutes of Texas, 1951, as amended.

WHEREFORE, PREMISES CONSIDERED, I, Kathleen S. Davies, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against PEGGY MAXINE LIVESAY AKA PEGGY MAXINE NICHOLS AKA PEGGY MAXINE FREYBURGER, LVN #119624, in accordance with the provisions of the laws of the State of Texas.

Kathleen S. Davies

AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME by the said Kathleen S. Davies, on this the 18th day of July 1997.

[Signature]

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Filed with the Board of Vocational Nurse Examiners on the 18th day of July 1997.

Marjorie A. Bronk

Marjorie A. Bronk, R.N.
Executive Director
Board of Vocational Nurse Examiners

STATE OF TEXAS

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*

COUNTY OF Gaines

AFFIDAVIT

BEFORE ME, the undersigned authority, personally appeared PEGGY MAXINE LIVESAY AKA PEGGY MAXINE NICHOLS AKA PEGGY MAXINE FREYBURGER, who being by me duly sworn, deposes as follows:

My name is PEGGY MAXINE LIVESAY AKA PEGGY MAXINE NICHOLS AKA PEGGY MAXINE FREYBURGER, I am over 18 years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

I am a Licensed Vocational Nurse in the State of Texas and I am voluntarily surrendering my license to the Board of Vocational Nurse Examiners because I no longer desire to be licensed.

I understand that through this action the Board of Vocational Nurse Examiners may revoke my license without formal charges, notice, or a hearing.

I hereby waive my right to appeal or complain of any Order entered by the Board of Vocational Nurse Examiners accepting the voluntary surrender of my license.

Peggy Maxine Livesay
Affiant

PO Box 1374
Current Address

Seminole TX 79360
City, State and Zip

None
Telephone Number

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on the 29th day of July, 1997, at 3:15 pm

Lori Bagwell
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 1-8-2000





00119624

BOARD OF VOCATIONAL NURSE EXAMINERS

333 GUADALUPE STREET, SUITE 3-400

AUSTIN, TEXAS 78701

512/305-8100

September 19, 1997

Peggy Livesay
PO Box 1374
Seminole, TX 79360

Dear Ms. Livesay:

This letter is to inform you that the Board of Vocational Nurse Examiners accepted the voluntary surrender of your license to practice vocational nursing in the State of Texas, and revoked said license. This is a final decision of the Board. Enclosed please find the Order of the Board.

If you have not yet done so, you are hereby requested to return your license and/or license renewal form to this office immediately. Failure to comply could result in submission of your file to the Attorney General's Office for institution of injunctive procedures.

The Vocational Nurse Act, Article 4528c, Section 2, V.A.C.S., prohibits the practice of vocational nursing while the person's license is suspended or revoked. Violation of this prohibition is a Class B Misdemeanor, punishable by a fine and/or jail term, upon conviction.

If you have any questions concerning this matter, please contact the Investigation Division.

Sincerely,

A handwritten signature in cursive script that reads "Marjorie A. Bronk, R.N.".

Marjorie A. Bronk, R.N.
Executive Director

MAB/vg

Enclosure: Order of the Board

BOARD ORDER
RE: PEGGY LIVESAY, LVN #119624
PAGE: 2

THE STATE OF TEXAS *
*
COUNTY OF TRAVIS *

NOW COMES the undersigned members of the Board of Vocational Nurse Examiners, on this the 16th day of September 1997, who having heard the sworn statement executed by Peggy Livesay, have determined that said Peggy Livesay, has voluntarily surrendered her vocational nursing license number 119624, for revocation without the otherwise required formal charges, notice, or a hearing. Said license is hereby revoked by Order of a majority of the members of the Board.

William Adams

William Adams

Just Woodruff

Opal M. Robinson

Vangie Perez

Carla McCrean

Betty Sims

Peggy Livesay



BOARD ORDER

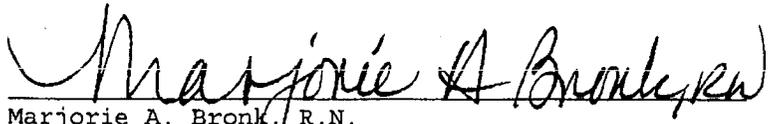
RE: PEGGY LIVESAY, LVN #119624

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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of September, 1997,
a true and correct copy of the foregoing Order was served by placement in the
U.S. Mail, first class, and addressed to the following person(s):

Peggy Livesay
PO Box 1374
Seminole, TX 79360


Marjorie A. Bronk, R.N.
Executive Director
Agent for the Board of Vocational Nurse Examiners