IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 454023	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
TERRY ANN CASEY	§	BOARD OF NURSING

TEXAS BOARD OF NURSING
I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Executive Director of the Board

ORDER OF THE BOARD

TO: Terry Ann Casey
4012 Lakepoint Ct.
Villa Hills, KY 41016

TO: Terry Ann Casey
539 East Southern Avenue
Covington, KY 41015

During open meeting held in Austin, Texas, on February 8, 2011, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas

Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 454023, previously issued to TERRY ANN CASEY, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice professional nursing in the State of Texas.

Entered this 8th day of February, 2011.

TEXAS BOARD OF NURSING

BY: _____

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed December 14, 2010.

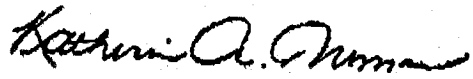
Re: Permanent Certificate Number 454023
Issued to TERRY ANN CASEY
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of February, 2011, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person:

Terry Ann Casey
4012 Lakepoint Ct.
Villa Hills, KY 41016

Terry Ann Casey
539 East Southern Avenue
Covington, KY 41015



BY: _____
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License	§	BEFORE THE TEXAS
Number 454023, Issued to	§	
TERRY ANN CASEY, Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TERRY ANN CASEY, is a Registered Nurse holding license number 454023, which is in Inactive status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about July 21, 2000, Respondent's license to practice professional nursing in the State of Ohio was issued the sanction of IMMEDIATE SUSPENSION, with the suspension STAYED and Respondent hereby REPRIMANDED by the Ohio Board of Nursing, Columbus, Ohio. A copy of the Consent Agreement, dated July 21, 2000, is attached and incorporated by reference as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

CHARGE II.

On or about July 16, 2004, Respondent's license to practice professional nursing in the State of Ohio was REVOKED by the Ohio Board of Nursing, Columbus, Ohio. A copy of the Adjudication Order, dated July 16, 2004, is attached and incorporated by reference as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars ($1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Consent Agreement, dated July 21, 2000, issued by the Ohio Board of Nursing, Columbus, Ohio, and an Adjudication Order, dated July 16, 2004, issued by the Ohio Board of Nursing, Columbus, Ohio.

Filed this 14th day of December, 2010.

TEXAS BOARD OF NURSING

R. Kyle Hensley

James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103
Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924
Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847
Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269
John F. Legris, Assistant General Counsel
State Bar No. 00785533
TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Consent Agreement, dated July 21, 2000, issued by the Ohio Board of Nursing, Columbus, Ohio
Adjudication Order, dated July 16, 2004, issued by the Ohio Board of Nursing, Columbus, Ohio.

0999/D

#98-0683

Ohio Board of Nursing

www.state.oh.us/nur

17 South High Street, Suite 400 • Columbus, Ohio 43215-3413 • (614) 466-3947

CONSENT AGREEMENT
BETWEEN
TERRY CASEY, R.N.
AND
OHIO BOARD OF NURSING

CERTIFIED TO BE A TRUE COPY
June Bowman 6/7/10
OHIO BOARD OF NURSING

This CONSENT AGREEMENT is entered into by and between TERRY CASEY and the OHIO BOARD OF NURSING (hereinafter "BOARD"), the state agency charged with enforcing Chapter 4723, Ohio Revised Code (hereinafter "ORC"), and all administrative rules promulgated thereunder.

MS. CASEY voluntarily enters into this CONSENT AGREEMENT being fully informed of her rights under Chapter 119, ORC, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

This CONSENT AGREEMENT contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this CONSENT AGREEMENT.

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

1. In accordance with Sections 2929.24 and/or 3719.12, ORC, the BOARD has been notified that on or about January 12, 1999, in Hamilton County Common Pleas Court Case Number B 9807223, MS. CASEY pled guilty to two (2) felony counts of Theft of Drugs, to wit: Morphine, in violation of Section 2913.02(A)(2) and two (2) felony counts of Illegal Processing of Drug Documents, in violation of Section 2925.23(A) ORC.

2.a. Section 3719.121(C) ORC, states in pertinent part as follows:

> On receiving notification pursuant to Section 2929.24 or 3719.12 of the Revised Code, the board under which a person has been issued a license, certificate or evidence of registration immediately shall suspend the license, certificate, or registration of that person on a plea of guilty to, a finding by a jury or court of the person's guilt of, or conviction of a felony drug abuse offense, a finding by a court of the person's eligibility for treatment in lieu of conviction, a plea of guilty to, or a finding by a jury or court of the person's guilt of, or the person's conviction of an offense in another jurisdiction that is essentially the same as a felony drug abuse offense, or finding by a court of the person's eligibility for treatment in lieu of conviction in another jurisdiction.

2.b. Section 2913.02(A)(2) ORC, Theft of Drugs, and Section 2925.23(A) ORC, Illegal Processing of Drug Documents, constitute felony drug abuse offenses as defined in Section 2925.01, ORC. Further, MS. CASEY's January 1999 guilty pleas to violations of Section 2913.02(A)(2) ORC, Theft of Drugs, to wit: Morphine, and Section 2925.23(A) ORC, Illegal Processing of Drug Documents, constitute pleas of guilty to felonies and to violating state drug laws.

3. Further, the BOARD is empowered by Section 4723.28, ORC, to deny, permanently revoke, suspend, or place restrictions on any license issued by the BOARD; reprimand or otherwise discipline a licensee; or impose a fine of five hundred dollars ($500.00) or less per violation. Section 4723.28(B)(4) ORC, authorizes the BOARD to discipline a licensee who has pled guilty to any felony.

4. **MS. CASEY** is licensed to practice nursing as a registered nurse, (license #R.N. 219357), in the State of Ohio.

5. **MS. CASEY** knowingly and voluntarily admits that on or about January 12, 1999, in Hamilton County Common Pleas Court Case Number B 9807223, **MS. CASEY** pled guilty to two (2) felony counts of Theft of Drugs, to wit: Morphine, in violation of Section 2913.02(A)(2) ORC, and two (2) felony counts of Illegal Processing of Drug Documents, in violation of Section 2925.23(A) ORC.

   Further, in January 1999, **MS. CASEY** submitted a letter to the BOARD in which **MS. CASEY** described the acts underlying her convictions in Hamilton County.

   In her letter to the BOARD, **MS. CASEY** reported that she diverted Morphine from her place of employment during a time of overwhelming stress due to personal problems, knowing that she had a severe allergy to Morphine, and with the intention of doing harm to herself. **MS. CASEY** further reported that she did not use any of the Morphine as she had intended when she diverted it from her place of employment.

   Further, **MS. CASEY** has provided the BOARD with information regarding **MS. CASEY's** participation in and completion of counseling through Catholic Social Services.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, **MS. CASEY** knowingly and voluntarily agrees with the BOARD to the following terms, conditions and limitations: **MS. CASEY's** license to practice nursing as a registered nurse is hereby immediately suspended. Such suspension is hereby stayed and **MS. CASEY** is hereby reprimanded.

i. **MS. CASEY** shall obey all federal, state, and local laws, and all laws and rules governing the practice of nursing in Ohio

ii. **MS. CASEY** shall appear in person for interviews before the full BOARD or its designated representative as requested by the BOARD or its designated representative.

iii. If requested and/or directed by the BOARD or its designated representative, **MS. CASEY** agrees to obtain a psychiatric evaluation from a BOARD appointed psychiatrist, at her own expense, and to provide the BOARD with complete documentation of this evaluation. The evaluating psychiatrist shall submit a written opinion to the BOARD that includes any recommended treatment and/or counseling that **MS. CASEY** may require.

iv. **MS. CASEY** shall comply with any treatment and/or counseling recommended by the psychiatrist described in paragraph iii. above, with a treating professional approved in advance by the BOARD, until the professional notifies the BOARD that **MS. CASEY** has been released from treatment. **MS. CASEY** shall cause her treatment provider to submit reports to the BOARD regarding **MS. CASEY's** status. Such reports shall be submitted to the BOARD at intervals designated by the BOARD.

v. **MS. CASEY** shall sign a release of information form allowing the representatives of the above agencies / health professionals to submit the requested documentation directly to the BOARD.

vi. The reports and documentation required by this CONSENT AGREEMENT shall be submitted on forms specified by the BOARD.

vii. **MS. CASEY** shall verify that the reports and documentation required by this CONSENT AGREEMENT are received in the BOARD office, 17 South High Street, Suite 400, Columbus OH 43215-3413.

viii. **MS. CASEY** shall inform the BOARD OF NURSING COMPLIANCE UNIT within five (5) business days, in writing, of any change in employment and employer.

ix. **MS. CASEY** shall inform the BOARD OF NURSING COMPLIANCE UNIT within three (3) business days, in writing, of any change in address and/or phone number.

The above described terms and conditions shall constitute "restrictions placed on a license" for purposes of Section 4723.28(B), ORC. If, in the discretion of the BOARD, **MS. CASEY** appears to have violated or breached any terms or conditions of the CONSENT AGREEMENT, the BOARD reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this CONSENT AGREEMENT.

MS. CASEY acknowledges that she has had an opportunity to ask questions concerning the terms of this CONSENT AGREEMENT and that all questions asked have been answered in a satisfactory manner.

This CONSENT AGREEMENT is not an adjudication order within the meaning of Section 119.01(D), ORC. However, any action initiated by the BOARD based on alleged violations of this CONSENT AGREEMENT shall comply with the Administrative Procedures Act, Chapter 119, ORC.

The terms, limitations and conditions of this CONSENT AGREEMENT may be modified or terminated in writing at any time upon the agreement of both **MS. CASEY** and the BOARD.

MS. CASEY waives all of her rights under Chapter 119, ORC, as they relate to matters which are the subject of this CONSENT AGREEMENT.

MS. CASEY waives any and all claims or causes of action she may have against the OHIO BOARD OF NURSING, and members, officers, employees and/or agents of either, arising out of matters which are the subject of this CONSENT AGREEMENT.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, ORC. **MS. CASEY** understands that this CONSENT AGREEMENT is subject to ratification by the BOARD prior to signature by the BOARD President and shall become effective upon the last date of signature below.

The information contained herein may be reported to appropriate organizations, data banks and governmental bodies.

Terry Casey
TERRY CASEY

July 12, 2000
DATE

Tamara Baker, RNC, MS
TAMARA BAKER, President
Ohio Board of Nursing

7/21/00
DATE

enf.data:conf.file:obn. disc.mm.:ca

Ohio Board of Nursing

www.nursing.ohio.gov

17 South High Street, Suite 400 • Columbus, Ohio 43215-7410 • (614) 466-3947

BEFORE THE OHIO BOARD OF NURSING

IN THE MATTER OF:	:	
	:	ORDER 1038
	:	CASE # 02-1207
TERRY CASEY, R.N.	:	

ADJUDICATION ORDER

This matter came on for consideration before the Ohio Board of Nursing (hereinafter "Board") on July 16, 2004. At such time the Board verified that it reviewed the following materials prior to consideration of this matter:

Hearing transcript, State's Exhibits, and Report and Recommendation.

On July 15, 2004, Ms. Casey made a personal appearance before the Board.

Grant Shoub was the Hearing Examiner designated in this matter pursuant to Section 119.09, Ohio Revised Code (ORC). A true copy of the Report and Recommendation of Grant Shoub is attached hereto and incorporated herein.

On this date, the Board accepted all of the Findings of Fact, Conclusions of Law, and modified the Recommendation in the Hearing Examiner's Report and Recommendation and ordered that Terry Casey's license to practice nursing, as a registered nurse in the State of Ohio be Permanently Revoked. The rationale for the modification is based upon the Board's determination in its expertise that Ms. Casey's continued practice would be a danger to the public and that Ms. Casey is not remediable due to Ms. Casey's repeated dishonesty and falsification to this Board, Ms. Casey's lack of remorse, and that Ms. Casey has a prior Board action.

Upon this Report and Recommendation with the above noted modification and upon the approval and confirmation by vote of the Board on the above date, the following ORDER is hereby entered on the Journal of the Ohio Board of Nursing for the above date.

The Ohio Board of Nursing hereby ORDERS that:

TERRY CASEY's license to practice nursing as a registered nurse in the State of Ohio is hereby PERMANENTLY REVOKED.

CERTIFIED TO BE A TRUE COPY

Ina J Bowman 6/7/10

OHIO BOARD OF NURSING

This ORDER shall become effective immediately upon the date of mailing indicated on the attached Certificate of Service and is hereby entered upon the Journal of the Board for the 16th day of July, 2004.

MS. CASEY may appeal this ORDER, pursuant to Section 119.12, ORC, by filing a notice of appeal with the Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus OH 43215-3413, setting forth the ORDER appealed from and the grounds of **MS. CASEY's** appeal. A copy of such notice of appeal shall also be filed in the Common Pleas Court of Franklin County, Columbus, Ohio. Each notice must be filed within fifteen (15) days of the mailing of this ORDER.

OHIO BOARD OF NURSING

(SEAL)

Yvonne M Smith MSN RN CNS

Yvonne Smith, M.S.N., R.N., C.N.S.
President

CERTIFICATION

I hereby certify this to be a true and accurate copy of the Adjudication Order of the Ohio Board of Nursing entered on its Journal for the 16th day of July, 2004.

John Brion RN, MS

John Brion, R.N., M.S.
Executive Director

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Adjudication Order, concerning **TERRY CASEY** was sent via certified mail, return receipt requested, this 4th day of August, 2004 to **TERRY CASEY**, 539 East Southern Avenue, Covington, KY 41015.

I also certify that a copy of the same was sent via regular U.S. mail this 4th day of August, 2004 to Don Monica, Department of Health and Human Services, Office of Inspector General, Office of Investigations, 233 N. Michigan Ave., 13th Fl., Ste 1330, Chicago IL 60601.

John Brion, RN, MS

John Brion, R.N., M.S.
Executive Director

LFR/djf

cc: Katherine J. Bockbrader
Assistant Attorney General

Holly Fischer
Assistant Attorney General

Certified Mail
Receipt No. 7003 3110 0005 0231 5599