

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse §
License Number 129093 § AGREED
issued to JOHNNIE LEE WARREN § ORDER



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

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of JOHNNIE LEE WARREN, Vocational License Number 1290 hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(3)&(10), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on July 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.
2. Respondent waived 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 the United States Army-William Beaumont Army Medical Center, El Paso, Texas, on August 24, 1982. Respondent was licensed to practice vocational nursing in the State of Texas on October 22, 1990.
5. Respondent's vocational nursing employment history is unknown.
6. On June 6, 2007, Respondent was issued an Agreed Order by the Texas Board of Nursing requiring that he participate in the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the June 6, 2007 Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order. On July 17, 2009, Respondent successfully completed the TPAPN program.

7. On or about August 23, 2006, Respondent was arrested by the San Antonio Police Department, San Antonio, Texas, for POSSESSION OF A CONTROLLED SUBSTANCE PG 1<1G, (a State Jail felony offense).

On or about July 23, 2008, Respondent entered a plea of "Nolo Contendere" to and was convicted of POSSESSION OF A CONTROLLED SUBSTANCE PG 1 LESS THAN 1 GRAM, (a State Jail felony offense committed on August 23, 2006), in the 144th Judicial District Court of Bexar County, Texas, under Cause No. 2006-CR-8480. As a result of the plea, Respondent was sentenced to confinement in the Texas Department of Criminal Justice Institutional Division - State Jail Division for a period of two (2) years, with the imposition of the jail sentence suspended and Respondent was placed on probation for a period of four (4) years. Additionally, Respondent was ordered to pay fifty three dollars (\$53.00) in Restitution, along with a fine and court costs. On or about March 29, 2010, Respondent's probation was terminated early.

8. In response to Finding of Fact Number Seven (7), Respondent states: He and his wife own four vehicles, and against his wife's wishes he allowed others to drive their vehicles. Respondent states he was stopped one day for making an inappropriate stop at a stop sign. The officers asked if they could do a routine check of the car and Respondent said "yes". The officers found two tablets that looked like Tylenol tablets. The officers asked Respondent if anyone else besides himself ever drove the vehicle and Respondent said "yes". The police stated that the two tablets were cocaine and he would need the guilty people to come forward and own up to the crime otherwise he would be charged since he owned the vehicle. Respondent asked and begged for the guilty person to come forward, but no one did. Respondent states he has never done drugs and has a sobriety date of February 6, 2006.
9. The Board finds that evidence of criminal behavior or acts involving substances of addiction or abuse implicates a nurse's professional character.

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 a violation of Section 301.452(b)(3)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 129093, heretofore issued to JOHNNIE LEE WARREN, including revocation of Respondent's license to practice vocational 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 129093, previously issued to JOHNNIE LEE WARREN, to practice vocational nursing in Texas is hereby SUSPENDED for a period of one (1) year with the suspension STAYED and Respondent is hereby placed on PROBATION for one (1) 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 is 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, within one (1) year of entry of the suspension being stayed, 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>.*

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 ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY 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 VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(3) 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.

(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 CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.

(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 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 one (1) year of employment as a nurse.

(7) 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.**

(8) RESPONDENT SHALL attend at least one (1) support group meeting a week, 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.

(9) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the twelve (12) month period, random screens shall be performed at least once per month. 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.

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, 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 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

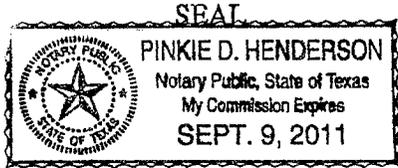
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid 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 to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 24th day of Sept., 2010.

Johnnie Lee Warren
JOHNNIE LEE WARREN, Respondent

Sworn to and subscribed before me this 24th day of September, 2010.

Pinkie D. Henderson



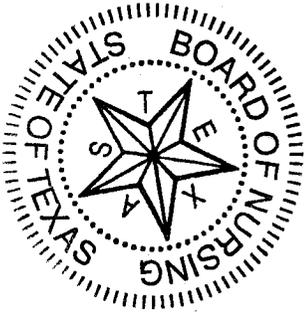
Notary Public in and for the State of Texas

Approved as to form and substance
[Signature]
DAN LYPE, Attorney for Respondent

Signed this 24 day of September, 2010.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 24th day of September, 2010, by JOHNNIE LEE WARREN, Vocational License Number 129093, and said Order is final.

Effective this 21st day of October, 2010.



A handwritten signature in cursive script, reading 'Katherine A. Thomas'.

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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Vocational Nurse	§	AGREED
License Number 129093	§	
issued to JOHNNIE LEE WARREN, JR.	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of JOHNNIE LEE WARREN, JR., Vocational Nurse License Number 129093, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4528(c), sec. 10 (a)(10), Revised Civil Statutes of Texas, as amended, and Sections 302.402(a)(10) and 301.452(b)(10), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on April 20, 2007, 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.
2. Respondent waived informal conference, 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 the United States Army-William Beaumont Army Medical Center, El Paso, Texas, on August 24, 1982. Respondent was licensed to practice vocational nursing in the State of Texas on October 22, 1990.
5. Respondent's complete vocational nursing employment history is unknown.

6. On or about October 16, 1985, Respondent plead, "GUILTY" and was convicted of the offense "Driving While Intoxicated," (a Class B Misdemeanor committed on December 16, 1984), in the Bexar County, Texas, Criminal Court at Law No. Four, Cause Number 334,917. Respondent was assessed a punishment of a fine in the amount of three hundred fifty dollars (\$350.00) and thirty (30) days confinement in the Bexar County Jail. Respondent's confinement sentence was suspended and Respondent was placed on adult probation for a period of two (2) years. Respondent successfully completed his court ordered probation on October 16, 1987.

7. On or about July 17, 1989, Respondent submitted an Application for Licensure by Endorsement to the Board of Vocational Nurse Examiners for the State of Texas in which he provided false, deceptive, and/or misleading information, in that he answered "no" to the question:

"Have you ever been convicted of a felony or misdemeanor other than a minor traffic violation?"

On or about October 16, 1985, Respondent plead, "GUILTY" and was convicted of the offense "Driving While Intoxicated," (a Class B Misdemeanor committed on December 16, 1984), in the Bexar County, Texas, Criminal Court at Law No. Four, Cause Number 334917.

8. On or about August 17, 1993, Respondent plead, "GUILTY" and was convicted of the offense "Driving While Intoxicated," (a Class B Misdemeanor committed on April 29, 1993), in the Bexar County, Texas, Criminal Court at Law No. Six, Cause Number 548,902. Respondent was assessed a punishment of a fine in the amount of four hundred dollars (\$400.00) and one (1) year confinement in the Bexar County Jail. Respondent's confinement sentence was suspended and Respondent was placed on adult probation for a period of two (2) years. As a condition of his probation, Respondent was placed in the Electronic Monitoring Program (House Arrest) for a period of forty-five (45) days. Respondent successfully completed his court ordered probation on August 17, 1995.

9. On or about May 20, 1997, Respondent plead, "NOLO CONTENDERE" and was convicted of the offense "Driving While Intoxicated-3rd," (a 3rd Degree Felony committed on June 8, 1996), in the Bexar County, Texas, 226th District Court, Cause Number 96CR4079. Respondent was assessed a punishment of a fine in the amount of seven hundred fifty dollars (\$750.00) and three (3) years confinement in the Texas Department of Criminal Justice-Institutional Division. Respondent's confinement sentence was suspended and Respondent was placed on adult probation for a period of three (3) years which commenced on August 5, 1997. Respondent was also required to perform three hundred twenty (320) hours of community service, and was placed in the Electronic Monitoring Program (House Arrest) for a period of sixty (60) days. Respondent successfully completed his court ordered probation on August 5, 2000.

10. On or about September 7, 2005, Respondent plead "GUILTY" and was adjudged guilty of the offense "Driving While Intoxicated," (an offense committed on February 23, 2005, at Fort Sam Houston, Texas), in the United States District Court, Western District of Texas, Case Number SA-05-359-MJ-JWP. Respondent was assessed a punishment of four (4) months confinement in the United States Bureau of Prisons. Respondent completed his sentence on January 5, 2006.
11. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Article 4528c, sec 10, TEX. REV. CIV. STAT. ANN.
12. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
13. 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.
14. Respondent's conduct described in Findings of Fact Numbers Six (6), Eight (8), Nine (9), and Ten (10) was significantly influenced by Respondent's impairment by dependency on chemicals.
15. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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 Article 4528(c), sec.10(a)(9), TEX. REV. CIV. STAT. ANN., Section 302.402(a)(2),(3)&(10)(effective September 1, 1999), and Section 301.452(b)(10)(effective February 1, 2004), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§239.11(8)& (29)(a)(iv), and 217.12(11)(B)&(13)(effective September 28, 2004).
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 129093, heretofore issued to JOHNNIE LEE WARREN, JR., including revocation of Respondent's license to practice vocational nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is

encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure 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, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

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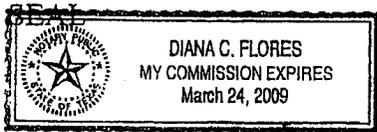
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Board of Nurse Examiners, 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 to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 16th day of May, 2007.

Johnnie L. Warren, Jr.
JOHNNIE LEE WARREN, JR., Respondent

Sworn to and subscribed before me this 16th day of May, 2007.



[Signature]
Notary Public in and for the State of TEXAS

Approved as to form and substance.

[Signature]
ROBERT A. VALDEZ, Attorney for Respondent

Signed this 16th day of May, 2007.

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 16th day of May, 2007, by JOHNNIE LEE WARREN, JR., Vocational Nurse License Number 129093, and said Order is final.

Entered and effective this 6th day of June, 2007.


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