BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	AGREED
License Number 226325	§	
issued to BARBARA ANNE GREER	§	ORDER

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

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of BARBARA ANNE GREER, Registered Nurse License Number 226325, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2)&(10), Texas Occupations Code, (eff. 09/01/2003), and Section 301.452(b)(2)&(10), Texas Occupations Code, (eff. 09/01/2005). Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on July 14, 2010, 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 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 an Associate Degree in Professional Nursing from Del Mar College, Corpus Christ, Texas, on August 20, 1971. Respondent was licensed to practice professional nursing in the State of Texas on November 19, 1971.

5. Respondent's nursing employment history is unknown

6. On or about September 12, 2003, Respondent was arrested by Brooks County Sheriff's Office, Falfurrias, Texas, for DRIVING WHILE INTOXICATED (a Class B misdemeanor offense). Charges are still pending.

7. On or about March 10, 2005, Respondent was arrested by the Texas Highway Patrol, Refugio, Texas, and subsequently charged under Cause No. 13,809 for DRIVING WHILE INTOXICATED (a misdemeanor offense committed on March 10, 2005). On or about August 17, 2005, Respondent entered into an agreement in the County Court of Refugio County, Texas, under Cause No. 13,809 to participate in the Pre-trial Diversion/Intervention Program of Refugio County for a period of one (1) year.

8. In response to Finding of Fact Number Seven (7), Respondent states that at the time of the arrest, she was sitting in a residential neighborhood of town, in a parked vehicle with the motor turned off. On August 17, 2005, Respondent entered into an agreement in the County Court of Refugio County to participate in a pre-trial intervention program for a period of one (1) year.

9. On or about April 8, 2005, Respondent submitted a License Renewal Form to the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

   "Have you been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or county, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrested (excluding minor traffic violations) since your last renewal? The includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUI's, DWI's, PI's must be reported and are not considered minor traffic violations."

   Respondent failed to disclose that on or about September 12, 2003, Respondent was arrested by Brooks County Sheriff's Office, Falfurrias, Texas, for DRIVING WHILE INTOXICATED, and this case is still pending.

   Respondent also failed to disclose that on or about March 10, 2005, Respondent was arrested by the Texas Highway Patrol, Refugio, Texas.

10. In response to Finding of Fact Number Nine (9), Respondent states that on or about September 12, 2003, she was informed by law enforcement officers that she was being detained for "Excessive Speed." When she renewed her license, it was prior to entering into a pre-trial intervention program. While false information was provided, it was not intentional, but a misinterpretation of the question.

11. On or about March 26, 2007, Respondent submitted a Texas Online Renewal Document Registered Nurse to the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that he/she answered "No" to the question:

"Have you been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or county, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrested (excluding minor traffic violations) since your last renewal? The includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUI's, DWI's, PI's must be reported and are not considered minor traffic violations."

Respondent failed to disclose that on or about September 12, 2003, Respondent was arrested by Brooks County Sheriff's Office, Falfurrias, Texas, for DRIVING WHILE INTOXICATED, and this case is still pending.

12. Charges were filed on June 17, 2010.

13. Charges were mailed to Respondent on June 17, 2010.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555 , the Board has jurisdiction over this matter.

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violation of Section 301.452(b)(2)&(10), Texas Occupations Code, (eff. 09/01/2003), and Section 301.452(b)(2)&(10), Texas Occupations Code, (eff. 09/01/2005), and 22 TEX. ADMIN. CODE §217.12(6)(I)&(13)(eff.after 09/01/1999).

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 226325, heretofore issued to BARBARA ANNE GREER, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION WITH 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 is 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 pay a monetary fine in the amount of seven hundred fifty dollars ($750). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is <u>not</u> 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, 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.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

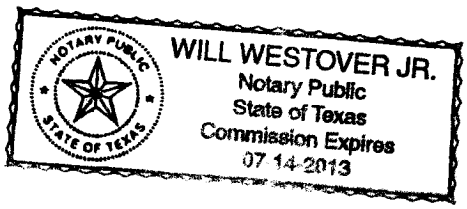
Signed this 12 day of OCTOBER, 2010.

Barbara A Greer

BARBARA ANNE GREER, Respondent

Sworn to and subscribed before me this 12th day of October, 2010.

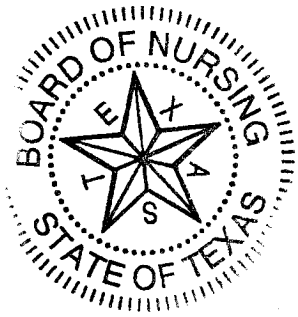
SEAL



Will Westover Jr

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 12th day of October, 2010, by BARBARA ANNE GREER, Registered Nurse License Number 226325, and said Order is final.



Effective this 18th day of October, 2010.

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