BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Vocational Nurse	§
License Number 171686	§
issued to DIANA JEANE SERENE	§

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

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 171686, issued to DIANA JEANE SERENE, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice vocational nursing in the State of Texas.

2. Respondent waived representation by counsel, informal proceedings, notice and hearing.

3. Respondent received a Certificate in Vocational Nursing from Texas State Tech College, Sweetwater, Texas on February 26, 1999. Respondent was licensed to practice vocational nursing in the State of Texas on April 14, 1999.

4. Respondent's vocational nursing employment history is unknown.

5. On or about July 21, 2009, Respondent was issued an Agreed Order that required her to enroll in, and successfully complete the Texas Peer Assistance Program for Nurses. A copy of the Finding of Fact, Conclusions of Law and Order dated July 21, 2009, is attached and incorporated herein, by reference, as part of this Order.

6. On or about June 8, 2010, the Texas Baord of Nursing notified Respondent of the following allegations:

   - On or about March 16, 2010, Respondent was arrested by the Abilene Police Department for RESIST ARREST SEARCH OR TRANSP (a Class A Misdemeanor offense). Disposition unknown.

   - On or about March 16, 2010, Respondent was arrested by the Abilene Police Department for INTERF W/DUTIES OF PUB SERVANT (a Class B Misdemeanor offense). Disposition unknown.

7. On July 9, 2010, Respondent submitted a statement to the Board voluntarily surrendering the right to practice vocational nursing in Texas. A copy of Respondent's statement, dated July 2, 2010, is attached and incorporated herein by reference as part of this Order.

8. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.

9. 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 violation of Section 301.452(b)(10), Texas Occupations Code.

4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.

6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC§§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 171686, heretofore issued to DIANA JEANE SERENE, to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

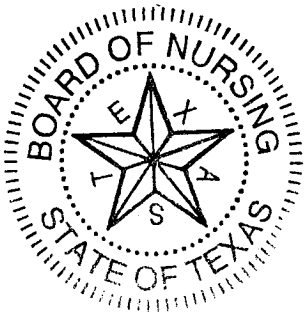
1. RESPONDENT SHALL NOT practice vocational nursing, use the title of vocational nurse or the abbreviation LVN or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.

3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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

Effective this 15 day of October, 2010.



TEXAS BOARD OF NURSING

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

7.2.10

To whom it may concern:

This letter is in response to your inquiry dated 06.08.10.

The current charges are still undisposed of at this time, I have not ~~to~~ been to court @ this time, however I feel that your inquiry is irrelevant as I surrendered my license to the board via regular mail before these charges occured.

I resigned from my full time job of 2 years in December on the 4th, 2009. I resigned from my part time job in December but worked a few hours for that job in January, and I worked privately for my daughter a few hours a week caring for my severely handicapped grand-daughter until the first few days of March. At that time I put my license and letter of surrender/resignation from nursing in the mail to the board. I returned to school as a full time student in January and as far as my employment is concerned I have a small antique/novelty shop.

Please note that I have no intentions or desire to be a nurse for the state of Texas. I disagree c your management of my case and

based my decision to resign from nursing SOLELY on those circumstances. As far as the ticket that I received for DWI in Oct. 2008, there have been 0 other Court dates, much less a conviction in all of this time. I feel that it is unfair of the board to prejudge me and my abilities as a nurse to make action and judgement based on an accusation of DWI, 0 conviction, 0 further court dates and because of the boards assumptions to prevent me from doing my job. I do not do drugs, I do not have a drug problem and the DWI ticket I received did not in any way interfere to my duties as I received it hours and many miles from home on VACATION.

In conclusion, if you have previously disregarded my resignation and surrender or remain unclear of my decision, then accept them now and know that I put nursing as a career, lifestyle and employment opportunities months ago.

Sincerely,
Diana Dunn

RECEIVED
JUL 09 2010
BY:

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Vocational Nurse	§	AGREED
License Number 171686	§	
issued to DIANA JEANE SERENE	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DIANA JEANE SERENE, Vocational Nurse License Number 171686, 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. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on June 4, 2009, 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 vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from Texas State Tech College, Sweetwater, Texas on February 26, 1999. Respondent was licensed to practice vocational nursing in the State of Texas on April 14, 1999.

5. Respondent's vocational nursing employment history is unknown.

6. On or about August 2, 2008, Respondent was cited for Driving While Intoxicated by the Military Police, Goodfellow Air Force Base, Texas. The case is still pending prosecution consideration.

7. In response to Finding of Fact Number Six (6), Respondent states: She was out with a friend bowling and had 3 beers. Respondent was dropping her friend off at the hotel which is on Goodfellow Air Force Base. Respondent was stopped at the gate to show credentials and the Military Police smelled alcohol. Respondent failed 2 of 3 field sobriety tests. The Military Police ask for a blood sample and Respondent refused, but offered to take a breathalyser test. The Military Police did not do the test and cited Respondent for Driving While Intoxicated.

8. On October 8, 2008, Respondent was arrested in Abilene, Texas, for Public Intoxication. Respondent pled no contest to the offense; was ordered to pay a fine and the case was closed.

9. In response to Finding of Fact Number Eight (8), Respondent states: She was walking home from a restaurant with a friend and was stopped by the Police who proceeded to demand to know who they were, where they lived, their dates of birth, etc. Respondent asked several times what the issue was and since the police were not answering Respondent's question, Respondent refused to answer the police's questions. Respondent was then arrested.

10. On May 5, 2009, Respondent underwent a forensic psychological evaluation with John Gonzalez, EdD., Psychologist, Lubbock, Texas. Dr. Gonzalez states: Respondent's psychometric testing and a clinical interview reveal no indication of psycho pathology or mental disorder. Although, drug testing suggests no substance addiction or disorder, binge drinking and illicit conduct are significant issues and concerns. Depression and anxiety instruments indicate adequate emotional resources to deal with most daily life tasks. Respondent's general mental health appears to be stable; however, she needs to develop better stress coping mechanisms and control impulsive behaviors (binge drinking), to succeed in a demanding career such as nursing. To help Respondent achieve control of these critical areas, Dr. Gonzalez recommends that she successfully complete an approved, outpatient Drug and Alcohol Counseling Program.

    Dr. Gonzalez also states: After carefully examining the evidence regarding Respondent's improper conduct and various arrests, she appears to still have problems with impulsive behaviors and unhealthy methods to relieve daily stress. When she successfully completes therapy and alcohol abuse is no longer a problem for her, the probability is high that Respondent would consistently behave in accordance with the Board's Rules and generally accepted nursing standards. The probability is also high that Respondent would consistently avoid behaviors identified by the Board as constituting unprofessional conduct.

11. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.

12. 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.

13. Respondent's conduct described in Findings of Fact Numbers Six (6) & Eight (8) was significantly influenced by Respondent's impairment by dependency on alcohol.

14. 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 Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5).

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 171686, heretofore issued to DIANA JEANE SERENE, including revocation of Respondent's license to practice 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 TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include

payment of a non-refundable participation fee in the amount of three hundred fifty dollars ($350.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep her license to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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 multistate licensure 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 multistate licensure 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.

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 nursing in the State of Texas.

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. 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 Texas Board of Nursing, 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 15 day of July, 2009.

Diana Jeane Serene

DIANA JEANE SERENE, Respondent

Sworn to and subscribed before me this 15 day of July, 2009.

SEAL

C. Burton

Notary Public in and for the State of Texas

C. BURTON
Notary Public, State of Texas
My Commission Exp 03-12-12

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the __ 15th day of July, 2009, by DIANA JEANE SERENE, Vocational Nurse License Number 171686, and said Order is final.

Entered and effective this 21st day of July, 2009.

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