



7. First Amended Formal Charges were filed on June 3, 2010. A copy of the Formal Charges is attached and incorporated by reference as part of this Order.
8. Formal Charges were mailed to Respondent on June 3, 2010.
9. On July 16, 2010, Respondent submitted a notarized statement to the Board voluntarily surrendering the right to practice vocational nursing in Texas. A copy of Respondent's notarized statement, dated July 16, 2010, is attached and incorporated herein by reference as part of this Order.
10. 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.
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)(3), (9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5),(10)(D),(11)(B)&(13).
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.

THE BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

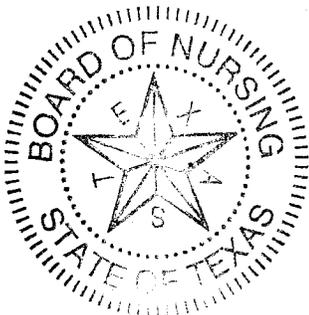
ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 198487, heretofore issued to LACY LEIGH DORGAN, 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 28<sup>th</sup> day of July, 2010.



TEXAS BOARD OF NURSING

By:



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

Lacy Leigh Dorgan  
402 N. Oak Street  
Linden, TX 75563  
LVN License #198487

Voluntary Surrender Statement

July 9, 2010

Dear Texas Board of Nursing:

I no longer desire to be licensed as a vocational nurse. Accordingly, I voluntarily surrender my license to practice in Texas. I, Lacy Leigh Dorgan, waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature Lacy Dorgan  
Date 7/16/2010  
Texas Nursing License Number/s 198487

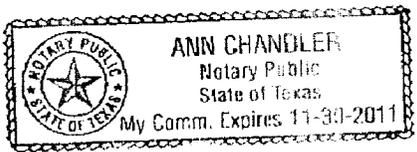
The State of Texas

Before me, the undersigned authority, on this date personally appeared Lacy Leigh Dorgan who, being duly sworn by me, stated that she executed the above for the purpose therein contained and that she understood same.

Sworn to before me the 16<sup>th</sup> day of July, 2010.

SEAL

Ann Chandler  
Notary Public in and for the State of TX



**In the Matter of Permanent License** § **BEFORE THE TEXAS**  
**Number 198487, Issued to** §  
**LACY LEIGH DORGAN, Respondent** § **BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, LACY LEIGH DORGAN, is a Licensed Vocational Nurse holding license number 198487, which is in Delinquent 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 June 2, 2006, Respondent entered a plea of Guilty to COUNT I & II FORGERY (State Jail Felony offenses committed on November 1, 2005), in the 71<sup>st</sup> Judicial District Court of Harrison County, Texas, under Cause No. 06-0102X. As a result, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of two (2) years. Additionally, Respondent was ordered to pay one hundred thirty-five dollars (\$135) in restitution, along with a fine and court costs.

On or about February 15, 2007, an Agreement to Modify Original Conditions of Probation Waiver of Right to a Court Hearing and a Continuation and Modification Special Condition were filed in the 71<sup>st</sup> Judicial District Court of Harrison County, Texas, under Cause No. 06-0102X, based on Respondent submitting a specimen for drug screening, while on probation, which resulted positive. As a result, Respondent was required to serve a term of confinement in a substance abuse treatment facility (SAFPF), for a term of not less than ninety (90) days or more than one (1) year, and upon successful completion of the program, the Respondent was required to participate in a drug or alcohol abuse continuum of care treatment plan as developed by the Texas Commission on Alcohol and Drug Abuse, abiding by all rules and regulations of the treatment plan until discharged by the staff of the continuum of care program. Additionally, Respondent's term of probation was extended for an additional one (1) year.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of 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 § 301.461, TEX. OCC. CODE ANN. 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](http://www.bon.state.tx.us).

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder and Fraud, Theft & Deception which can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

Filed this 29<sup>th</sup> day of October, 20 08.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

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

In the Matter of Permanent License           §     BEFORE THE TEXAS  
Number 198487, Issued to                   §  
LACY LEIGH DORGAN, Respondent           §     BOARD OF NURSING

### FIRST AMENDED FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, LACY LEIGH DORGAN, is a Licensed Vocational Nurse holding license number 198487, which is in Delinquent 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 June 2, 2006, Respondent entered a plea of Guilty to COUNTS I & II FORGERY (State Jail Felony offenses committed on November 1, 2005), in the 71<sup>st</sup> Judicial District Court of Harrison County, Texas, under Cause No. 06-0102X. As a result, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of two (2) years. Additionally, Respondent was ordered to pay one hundred thirty-five dollars (\$135) in restitution, along with a fine and court costs.

On or about February 15, 2007, an Agreement to Modify Original Conditions of Probation Waiver of Right to a Court Hearing and a Continuation and Modification Special Condition were filed in the 71<sup>st</sup> Judicial District Court of Harrison County, Texas, under Cause No. 06-0102X, based upon the Respondent submitting a positive specimen for drug screening while on probation. As a result, Respondent was required to serve a term of confinement in a substance abuse treatment facility (SAFPF) for a term of not less than ninety (90) days or more than one (1) year, and upon successful completion of the program, the Respondent was required to participate in a drug or alcohol abuse continuum of care treatment plan as developed by the Texas Commission on Alcohol and Drug Abuse, and abide by all rules and regulations of the treatment plan until discharged by the staff of the continuum of care program. Additionally, Respondent's term of probation was extended for one (1) additional year.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

#### CHARGE II.

On or about June 2, 2006, through February 15, 2007, while on felony community supervision, Respondent engaged in the intemperate use of *Methamphetamine* in that she submitted a specimen for drug screening which resulted positive for *Methamphetamine*.

Possession of *Methamphetamine* is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act) and constituted a violation of the terms of Respondent's felony community supervision, as outlined in Charge I above. Further, the use of Methamphetamine by a vocational nurse could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(5), (10)(D), (11)(B), & (13).

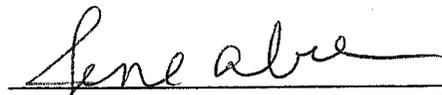
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. 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](http://www.bon.state.tx.us).

NOTICE IS GIVEN that to the extent applicable, based on the First Amended Formal Charges, the Board will rely on its Adopted Guidelines for Criminal Conduct and Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder and Fraud, Theft & Deception, which can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

Filed this 3<sup>rd</sup> day of June, 2010.

TEXAS BOARD OF NURSING



Jena Abel, Assistant General Counsel  
State Bar No. 24036103  
TEXAS BOARD OF NURSING  
333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-6822  
F: (512) 305-8101 or (512)305-7401