

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 166734 §
issued to LESLIE MICHELLE MILLER § 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 Board, considered the matter of LESLIE MICHELLE MILLER, Vocational Nurse License Number 166734, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4528c, sec.10(a) (2)&(9), Texas Revised Civil Statute {eff 9/1/97}. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on January 15, 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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Nursing from Vernon Regional Junior College, Wichita Falls, Texas, on February 18, 1998. Respondent was licensed to practice vocational nursing in the State of Texas, on February 24, 1998.
5. Respondent's complete nursing employment history is unknown.

6. On or about March 7, 1988, Respondent entered a plea of Guilty and was convicted of THEFT OF PROPERTY OVER \$20 UNDER \$200 (a Misdemeanor offense), in the County Court At Law #1, Wichita County, Texas, under Cause No. 02.184.5611. As a result, Respondent was ordered to pay a fine and court costs.
7. In response to Finding of Fact Number Six (6), Respondent states she stole two cartons of cigarettes from Wal-Mart. She was a completely different person then.
8. On or about October 12, 1988, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE LICENSE SUSPENDED (a Misdemeanor offense), in the County Court At Law #1, Wichita County, Texas, under Cause No. 07-1126-8375. Respondent was sentenced to confinement in the Wichita County Jail for a period of seventy-two (72) hours. Additionally, Respondent was ordered to pay a fine and court costs.
9. In response to Finding of Fact Number Eight (8), Respondent states she did not think about the offense, or what led up to the event.
10. On or about January 8, 1996, Respondent entered a plea of Guilty and was convicted of FAILURE TO IDENTIFY TO A PEACE OFFICER (a Class B misdemeanor offense committed on October 29, 1995), in the County Court At Law No. 1, Wichita County, Texas, under Cause No. 07-2975-35543. Respondent was ordered to pay a fine and court costs.
11. In response to Finding of Fact Number Ten (10), Respondent states while out with friends she failed to identify herself to a police officer because she was concerned she had a ticket that had not been paid.
12. On or about December 4, 1997, Respondent submitted an Application for Licensure By Examination to the Board of Vocational 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 ever been convicted of a misdemeanor other than a minor traffic violation?" Respondent failed to disclose that:

On or about March 7, 1988, Respondent entered a plea of "guilty" and was convicted of THEFT OF PROPERTY OVER \$20 UNDER \$200 (a Misdemeanor offense), in the County Court At Law #1, Wichita County, Texas, under Cause No. 02.184.5611.

On or about October 12, 1988, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE LICENSE SUSPENDED (a Misdemeanor offense), in the County Court At Law #1, Wichita County, Texas, under Cause No. 07-1126-8375.

On or about January 8, 1996, Respondent entered a plea of Guilty and was convicted of FAILURE TO IDENTIFY TO A PEACE OFFICER (a Class B misdemeanor offense committed on October 29, 1995), in the County Court At Law No. 1, Wichita County, Texas, under Cause No. 07-2975-35543.

13. In response to Finding of Fact Number Twelve (12), Respondent states she disclosed the 1988 Theft over 20 when she was in LVN school to the administrator but has no proof of this.

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 Article 4528c, sec.10(a) (2)&(9), Texas Revised Civil Statute {eff. 9/1/97}.
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 166734, heretofore issued to LESLIE MICHELLE MILLER, 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 RESPONDENT SHALL receive the sanction of a 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, 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 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>.

(2) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00). 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.

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 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 9 day of June, 2010.

Leslie Michelle Miller
LESLIE MICHELLE MILLER, Respondent

Sworn to and subscribed before me this 9 day of June, 2010.



Clayton Swenson

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 9th day of June, 2010, by LESLIE MICHELLE MILLER, Vocational Nurse License Number 166734, and said Order is final.



Effective this 29th day of June, 2010.

A handwritten signature in black ink, which appears to read 'Katherine A. Thomas'.

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