

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse § AGREED  
License Number 78194 §  
issued to GEORGIA ELLEN FERGUSON § 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.  
*Patricia P. Thomas*  
Executive Director of the Board

On this day, the Texas Board of Nursing, hereinafter referred to as the Bo accepted the voluntary surrender of Vocational Nurse License Number 78194, issued to GEORGIA ELLEN FERGUSON, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

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

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's holds a license to practice vocational nursing in the State of Texas which is currently in "delinquent" status.
4. Respondent received a Certificate in Vocational Nursing from Denton School of Vocational Nursing, Denton, Texas, on September 6, 1978. Respondent was licensed to practice vocational nursing in the State of Texas, on November 28, 1978.
5. Respondent's complete vocational nursing employment history is unknown.

6. On or about April 3, 1995, Respondent entered a plea of "guilty" to AGGRAVATED ASSAULT (an offense committed on November 25, 1992), in Denton County, Texas. As a result, Respondent was sentenced to six (6) months probation and fifty (50) hours of Community Service.
7. Respondent submitted a written statement related to Findings of Fact Number Six (6), which states "1992 incident has exceeded 10 years".
8. On or about June 8, 2005, Respondent entered a plea of "Guilty" to POSSESSION OF A CONTROLLED SUBSTANCE (a third degree felony committed on June 10, 2004), in the 16th Judicial District Court of Denton County, Texas, under Cause Number F-2005-0004-A. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on community supervision for a period of two (2) years. Additionally, Respondent was ordered to pay a fine and court costs, serve one hundred sixty (160) hours of community service and submit to a Psychological Evaluation.
9. On June 20, 2005, an unadjudicated CRIMINAL TRESPASS offense was taken into consideration in Cause Number F-2005-0004-A and a "Motion To Dismiss" was signed and entered in the County Criminal Court Number Four, Denton County, Texas under Cause #CR-2004-06346-D.
10. Respondent submitted a written statement related to Finding of Fact Numbers Eight (8) and Nine (9), which states she took someone in for a doctor appointment, decided to go see friends on the 3rd floor, many new faces, someone noticed she did not go to any patient room. She was out of the front door when security stopped her. Her car was searched and a controlled substance was found. She was charged with Trespassing and Controlled Substance in vehicle.
11. On or about May 8, 2006, Respondent submitted a renewal application 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 following question:

Have you been convicted, adjudicated guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests (excluding minor traffic violations) since your last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUIs, DWIs, and PI's must be reported and are not considered minor traffic violations. (One time minor in possession [MIP] or minor in consumption [MIC] does not need to be disclosed; therefore, you may answer "No." If you have two or more MIPs or MICs, you must answer "yes".)

Respondent failed to disclose the following offense:

On or about June 8, 2005, Respondent entered a plea of "Guilty" to POSSESSION OF A CONTROLLED SUBSTANCE (a third degree felony committed on June 10, 2004), in the 16th Judicial District Court of Denton County, Texas, under Cause Number F-2005-0004-A. As a result of the plea, the proceedings against Respondent were Deferred.

12. The Board finds that there exists serious risks to public health and safety 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 Article sec. 4528(c)sec10(a)(9), Vernon's Ann. Civ. St. {eff. 9/1/93}, and Section 301.452(b)(2)&(10), Texas Occupations Code and 22 TEX. ADMIN. CODE §217.12(6)(I),(11)(B)&(13).
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 78194, heretofore issued to GEORGIA ELLEN FERGUSON, including revocation of Respondent's license to practice vocational nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

#### ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational License Number 78194, heretofore issued to GEORGIA ELLEN FERGUSON, to practice nursing in the State of Texas, is accepted by 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 "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.
3. 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.
4. 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 nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

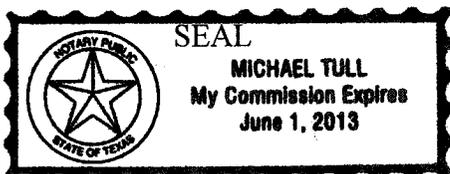
I understand that I have the right to legal counsel prior to signing this Agreed Order.

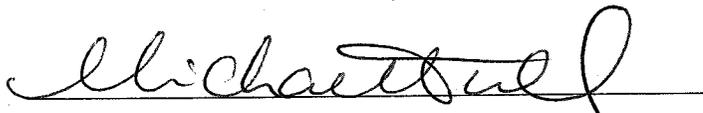
I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

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

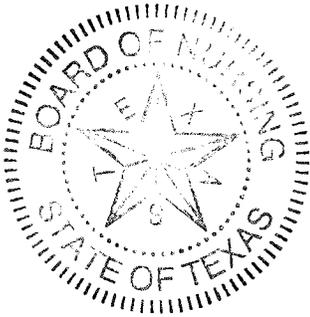
  
GEORGIA ELLEN FERGUSON, Respondent

Sworn to and subscribed before me this 3<sup>rd</sup> day of June, 2010



  
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 accept the voluntary surrender of Vocational Nurse License Number 78194, previously issued to GEORGIA ELLEN FERGUSON.



Effective this 25th day of June, 2010.

*Katherine A. Thomas*

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