



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 A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse §
License Number 551183 §
issued to LINDA JO CUNNINGHAM §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 551183, issued to LINDA JO CUNNINGHAM, 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's license to practice professional nursing in the State of Texas is currently in delinquent status.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received an Associate Degree in Nursing from Tarrant County Junior College, Fort Worth, Texas, on December 1, 1988. Respondent was licensed to practice professional nursing in the State of Texas on April 4, 1989.
4. Respondent's complete professional nursing employment history is unknown.
5. On February 11, 2008, Respondent was issued the sanction of a Fine and Remedial Education by the Texas Board of Nursing. A copy of the February 11, 2008, Agreed Order, Finding of Fact, Conclusions of Law is attached and incorporated herein by reference as part of this Order.

6. Formal Charges were filed on April 12, 2010. A copy of the Formal Charges is attached and incorporated, by reference, as part of this Order.
7. Formal Charges were mailed to Respondent on May 5, 2010.
8. On June 1, 2010, Respondent submitted a statement to the Board voluntarily surrendering the right to practice professional nursing in Texas. A copy of Respondent's statement, dated June 1, 2010, is attached and incorporated, by reference, as part of this Order.

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)(1) and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(11)(B).
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.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 551183, heretofore issued to LINDA JO CUNNINGHAM, to practice professional 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 professional nursing, use the title of "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered 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.
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 professional nursing in the State of Texas.

Effective this 16th day of June, 2010.



TEXAS BOARD OF NURSING

By:


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

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 551183, Issued to §
LINDA JO CUNNINGHAM, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, LINDA JO CUNNINGHAM, is a Registered Nurse holding license number 551183, 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 February 12, 2009, Respondent failed to comply with the Agreed Order issued to her on February 11, 2008, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Two (2) of the Agreed Order which states, in pertinent part:

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics....

A copy of the February 11, 2008, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) and (10), TEXAS OCCUPATIONS CODE, and 22 TEX. ADMIN. CODE §217.12(11)(B).

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NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to 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 Section 301.461, Texas Occupations Code. 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.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated February 11, 2008.



Filed this 12th day of April, 2010.

TEXAS BOARD OF NURSING

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

Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

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State Bar No. 00785533

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
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Attachments: Agreed Order dated February 11, 2008

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse License Number 551183 § AGREED
issued to LINDA JO CUNNINGHAM § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LINDA JO CUNNINGHAM, Registered Nurse License Number 551183, 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. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on December 6, 2007 , 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 conference, 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 Nursing from Tarrant County Junior College, Ft. Worth, Texas, on December 1, 1988. Respondent was licensed to practice professional nursing in the State of Texas on April 4, 1989.
5. Respondent's complete professional nursing employment history is unknown.

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6. On or about January 16, 2006, Respondent provided information which was false and misleading to the Board in that she answered "no" to the following license renewal question when renewing her license to practice professional nursing in the State of Texas, which asked:

"Have you been convicted, adjudged 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 arrest** since your last renewal? This 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.**"

On October 26, 2005, Respondent was arrested for "Driving While Intoxicated" (DWI) by the Arlington Police Department, Arlington, Texas, and on January 25, 2006, Respondent plead guilty to, and was convicted of, "Driving While Intoxicated" (a Class B Misdemeanor offense committed on October 26, 2005) in the County Criminal Court Number Eight, Tarrant County, Texas, Case Number 1007613. Respondent's conduct was deceptive and may have affected the Board's decision regarding renewal of her license to practice professional nursing in the State of Texas.

7. In response to the incident in Finding of Fact Number Six (6), Respondent states that she answered "no" to the question because she had not yet been to court, plead guilty or been convicted at the time of her renewal. Respondent denies drinking alcohol before, during or after being on duty, and adds that during this time she had five(5) days off and had accepted an invitation to a friend's party. Respondent states that she is not making excuses for her actions.

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)(2)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE and §217.12(6)(H)&(6)(I).
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 551183, heretofore issued to LINDA JO CUNNINGHAM, 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 FINE, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional 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 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 deliver the wallet-sized license issued to LINDA JO CUNNINGHAM to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order for appropriate notation.

(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 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) 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 Chemical Dependency, 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/about/stipscourses.html>.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollard (\$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, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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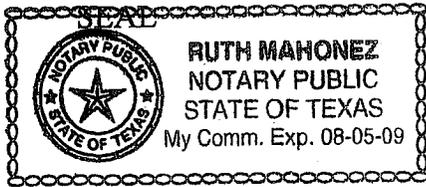
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RESPONDENT'S CERTIFICATION

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

Signed this 4 day of February, 2008.
Linda Jo Cunningham
LINDA JO CUNNINGHAM, Respondent

Sworn to and subscribed before me this 4th day of February, 2008.



[Signature]
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 4th day of February, 2008, by LINDA JO CUNNINGHAM, Registered Nurse License Number 551183, and said Order is final.

Effective this 11th day of February, 2008.



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

May 27, 2010

Diane Burell
Texas Board of Nursing,

Enclosed is written answer to charges.
I spoke with Diane Burell yesterday for permission
to send this letter today.

Since November of 2007 I have been ~~to~~
unable to work. I have not had any
employment since then due to health and
disability. These are Cardomyopathy, Meningitis
Heart attack resulting 3 stints, COPD, O2 24 hrs/day
multiple falls, Total Hip replacement 2-23-10, Limited
mobility, multiple medications over \$1,000.00 per
month. I have infusions of IVIG once a week due
to very low immune system. In addition to
this my husband died in August of 2008. As did
a brother, 2 brother in laws, and a cousin.
I am being treated for depression with good
results now. A little over a year ago I moved
back to East Texas, close to my family.

None of this is any excuse for my actions
on the charges. On charge 1, I did not intend
to ever work again. I never will be able
to, physically. To the charge of DWI, I wasn't
trying to keep it from you. I did totally
misunderstand what I should do at the time
I renewed my license in Jan. 06, as I had
not had a trial date yet. I'm sorry for
this. I now know what you expected.

I sent you 250.⁰⁰ when I was told to do the course in Texas nursing jurisprudence and ethics, and the fine of 250.⁰⁰ Does the last letter I got mean for me to send another 250.⁰⁰? Please let me know for sure so I don't misunderstand.

I have^{not} been unable to find the actual wallet sized licence dated Jan. of 2010. I did come across the 2008 one. I am sending it to you. I am willing to relinquish my licence to you, if it is what you want. I won't be doing any nursing any more. Thank you for your time.

Respectfully,
Linda J. Cunningham

P.S. I received a reminder from you to renew my licence at the end of Jan. 2010. I did not try to renew it.