BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse License Number 147055	§	AGREED
and Registered Nurse License Number 641944	§	
issued to LEISHA LEACH	§	ORDER

BOARD OF NURSING TEXAS
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

On this day the Texas Board of Nursing, hereinafter referred to as the Bc considered the matter of LEISHA LEACH, Vocational Nurse License Number 147055 anc Registered Nurse License Number 641944, 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 January 26, 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 licenses.

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

3. Respondent holds a license to practice vocational nursing in the State of Texas which is in Delinquent status and is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from El Centro College, Dallas, Texas, on December 16, 1993. Respondent was licensed to practice vocational nursing in the State of Texas on June 1, 1994. Respondent received an Associate Degree in Nursing from Trinity Valley Community College, Kaufman, Texas, on May 1, 1997. Respondent was licensed to practice professional nursing in the State of Texas on June 30, 1997.

5. Respondent's vocational and professional nursing employment history includes:

1994 - 2001	Unknown	
2002 - Present	RN Nurse	United Health Group Plano, Texas

6. At the time of the incident, Respondent was employed as a Registered Nurse with United Health Group, Plano, Texas, and had been in this position for six (6) years.

7. On or about February 7, 2008, Respondent entered a plea of Guilty to POSSESSION OF A DANGEROUS DRUG (a misdemeanor offense committed on August 14, 2007), in the County Court at Law No. 1 of Collin County. McKinney, Texas, under Cause No. 001-86561-07. As a result of the guilty plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and she was placed on probation for a period of fifteen (15) months. Additionally, Respondent was ordered to pay restitution in the amount of one hundred forty dollars ($140), a fine, and court costs.

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

9. On November 30, 2009, Respondent completed a forensic psychological evaluation performed by John M. Lehman, PhD., Richardson, Texas, and a polygraph examination performed by Stacy A. Shortes of Dalhousie Polygraph Services, Richardson, Texas. Dr. Lehman states the psychological instruments do not clearly identify a chemical dependency, but Respondent failed the polygraph on issues related to drugs and she admitted to using Xanax and Hydrocodone more than the prescribed dose. He believes it is likely abuse of prescription drugs, including benzodiazepines and opiates is present. Dr. Lehman believes Respondent needs long term, close monitoring and treatment through TPAPN.

10. In response to Finding of Fact Number Seven (7), Respondent states her car was searched by the police during a traffic stop for no legitimate reason. The officer found her brother's depression medication in an unmarked container. She was on her way to her brother's house to take him the medication he had left at her house.

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.

12. Respondent's conduct described in Findings of Fact Numbers Seven (7) and Nine (9) resulted from Respondent's dependency on chemicals.

13. 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 violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(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 147055 and Registered Nurse License Number 641944, heretofore issued to LEISHA LEACH, including revocation of Respondent's licenses 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 five hundred dollars ($500.00) 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 licenses 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 licenses are 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 EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's licenses and multistate licensure 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 violation 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 licenses to practice vocational and professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 15 day of February, 2010.

LEISHA LEACH, Respondent

Sworn to and subscribed before me this 15 day of February, 2010.

SEAL

MATTHEW C. OWENS
Notary Public
State of Texas
My Comm. Exp. 06-16-2010

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 and enter the Agreed Order that was signed on the 5th day of February, 2010, by LEISHA LEACH, Vocational Nurse License Number 147055 and Registered Nurse License Number 641944, and said Order is final.

Entered and effective this 25th day of February, 2010.

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