BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
****

In the Matter of Registered Nurse	§	REINSTATEMENT
License Number 526992	§	AGREED ORDER
issued to BARBARA SWEENEY COX	§	

TEXAS BOARD OF NURSING
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 came to be considered by the Board of Nurse Examiners for the Sta of Texas, hereinafter referred to as the Board, the Petition for Reinstatement of Register Nurse license number 526992, held by BARBARA SWEENEY COX, hereinafter referred to as Petitioner.

An informal conference was held on April 25, 2006, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code. Petitioner appeared in person. Petitioner was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Mary Beth Thomas, MSN, RN, Director of Nursing, Executive Director's Designee; James Johnston, General Counsel; Victoria Cox, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.

2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.

3. Petitioner received an Associate Degree in Nursing from McLennan Community College, Waco, Texas, on May 1, 1985. Petitioner was originally licensed to practice professional nursing in the State of Texas on August 28, 1985.

4. Petitioner's professional nursing employment history includes:

1985 - 1988	Staff Nurse	Penrose Hospital Colorado Springs, Colorado
1988 - 1990	Staff Nurse/ICU	King Fisal Hospital and Research Center Riyadh, Saudia Arabia
1990 - 1991	Director of Nursing	Option Care Waco, Texas
1992 - 1993	Staff Nurse	VA Medical Center Waco, Texas
1994 - 2002	Staff Nurse/ICU	Providence Hospital Waco, Texas
9/02 - 6/03	Staff Nurse	Providence Health Center Waco, Texas
7/03 - present	Not employed in nursing	

5. On June 8, 2004, the Board accepted the voluntary surrender of Petitioner's license to practice professional nursing in the State of Texas. A copy of the June 8, 2004, Agreed Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.

6. On or about January 20, 2006, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.

7. Petitioner presented the following in support of her petition:

   7.1. Discharge Summary from DePaul Center, Waco, Texas, indicating Petitioner was admitted on January 14, 2002, for detox from opiate dependence. Petitioner was discharged on January 17, 2002.

   7.2. Certificate of completion, dated December 11, 2002, indicating that Petitioner successfully completed the Outpatient Treatment Program at The Freeman Center, Waco, Texas.

   7.3. Letter of support, dated January 10, 2006, from Olga Y. Rodgers, MS, Executive Director/Founder, Recovery Hope House, Waco, Texas, states she has known Petitioner since she entered the "rooms" of Alcoholics Anonymous in 2002 and has had the privilege of being her AA sponsor since December 2004. Ms. Rodgers has

watched Petitioner grow in her recovery and she "lives" the program in all of her affairs. Petitioner has been volunteering for the Recovery Hope House for the past year and she has been extremely useful to the organization. The residents and staff have grown to love her. She is a diligent and reliable person whose voluntary services have been invaluable.

7.4. Letter of support from Sandie Matthews, Office Manager, Alcoholics Anonymous, Intergroup Office, District 91, Waco, Texas, states Petitioner has been volunteering for the intergroup office for the last four (4) months. She has been extremely helpful to the organization and very outgoing and reliable in doing many duties not expected of her. Petitioner has helped many people who have come in with alcohol related problems. Ms. Matthews sees Petitioner's sobriety at work with them.

7.5. Letter, dated November 29, 2005, from Stacy Lessman, MD, PA, Waco, Texas, states she has followed Petitioner as her patient for the past one and one half years. Petitioner has a history of chemical dependency. She is still active in AA and involved with her sponsor. She is open with Dr. Lessman about her history and substance use issues. Petitioner has been completely off Hydrocodone since January 2003. She had two (2) glasses of wine a year ago and has since not had any more alcohol. Petitioner does continue Prozac, Trazadone and Ambien. Dr. Lessman would feel comfortable with the reinstatement of Petitioner's nursing license and her involvement in TPAPN for accountability.

7.6. Documentation of monthly random drug screens dating from February 2005 through March 2006.

7.7. Documentation of support group attendance dating from January 2005 through December 2005.

7.8. Documentation of twenty-one (21) Type I Continuing Education contact hours.

8. Petitioner gives September 5, 2004, as her date of sobriety.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. 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.

3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that the petition of BARBARA SWEENEY COX, Registered Nurse license number 526992, to practice professional nursing in the state of Texas, be and the same is hereby GRANTED SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies 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 §211.01 et. seq. and the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's multistate licensure privilege, if any, to practice professional nursing in the State of Texas

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is encumbered by this Order, Petitioner 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 Petitioner wishes to work.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has paid all re-registration fees and is issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to BARBARA SWEENEY COX, shall be subject to the following agreed post-licensure stipulations:

(2) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars ($500) payable to TPAPN.

(3) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(4) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(5) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

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 revocation of Respondent's license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license to practice professional nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 12th day of June, 2006.

Barbara M Cox

BARBARA SWEENEY COX, Petitioner

Sworn to and subscribed before me this 12th day of June, 2006.

SEAL

Melrose Smith

Notary Public in and for the State of TEXAS

MELROSE SMITH
MY COMMISSION EXPIRES
December 3, 2008

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 12th day of June, 2006, by BARBARA SWEENEY COX, Registered Nurse license number 526992, and said Order is final.

Effective this 20th day of July, 2006.

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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
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In the Matter of License Number 526992	§	AGREED
issued to BARBARA SWEENEY COX	§	ORDER

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 526992, issued to BARBARA SWEENEY COX, 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 conference 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 provided to 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, notice and hearing, and agreed to the entry of this Order.

3. Respondent holds a license to practice professional nursing in the State of Texas which is in delinquent status.

4. Respondent received an Associate Degree in Nursing from McClennan Community College, Waco, Texas, in May 1985. Respondent was licensed to practice professional nursing in the State of Texas on August 28, 1985.

5. Respondent's professional employment history includes:

1985 - 1991	Unknown	
1992 - 1993	Staff Nurse	VA Medical Center Waco, Texas

Respondent's professional employment history continued:

1994	Unknown	
1995 - 2002	Staff Nurse/ICU	Providence Hospital Waco, Texas
09/02 - 06/03	Staff Nurse	Providence Health Center Waco, Texas

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Providence Hospital, Waco, Texas, and had been in this position for seven (7) years.

7. On or about January 8, 2002, while employed with Providence Hospital, Waco, Texas, Respondent engaged in the intemperate use of Morphine as evidenced by a positive drug screen. Possession of Morphine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Morphine by a Registered Nurse, while subject to call or duty, 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.

8. On or about January 31, 2002, while employed with Providence Hospital, Waco, Texas, Respondent engaged in the intemperate use of Nordiazepam, Oxazepam, and Benzodiazepines as evidenced by a positive drug screen. Possession of Nordiazepam, Oxazepam, and Benzodiazepines is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Nordiazepam, Oxazepam, and Benzodiazepines by a Registered Nurse, while subject to call or duty, 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.

9. At the time of the incident in Finding of Fact Number ten (10), Respondent was employed as a Staff Nurse with Providence Health Center, Waco, Texas, and had been in this position for one (1) month.

10. On or about October 9, 2002, while employed with Providence Health Center, Waco, Texas, Respondent engaged in the intemperate use of Benzodiazepines and Propoxyphene as evidenced by a positive drug screen. Possession of Benzodiazepines and Propoxyphene is prohibited by Chapter the Texas Health & Safety Code (Controlled Substances Act). The use of Benzodiazepines and Propoxyphene by a Registered Nurse, while subject to call or duty, 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.

11. On or about January 9, 2003, while employed with Providence Health Center, Waco, Texas, Respondent engaged in the intemperate use of Opiates and Tramadol as evidenced by a positive drug screen. Possession of Opiates and Tramadol is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Opiates and Tramadol by a Registered Nurse, while subject to call or duty, 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.

12. On or about June 16, 2003, while employed with Providence Health Center, Waco, Texas, Respondent engaged in the intemperate use of Propoxyphene as evidenced by a positive drug screen. Possession of Propoxyphene is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Propoxyphene by a Registered Nurse, while subject to call or duty, 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.

13. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice professional nursing in the State of Texas.

14. 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.

15. 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)(9) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 526992, heretofore issued to BARBARA SWEENEY COX, including revocation of Respondent's professional license to practice 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 301.452(b), 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 License Number 526992, heretofore issued to BARBARA SWEENEY COX, to practice professional nursing in the State of Texas, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title "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; 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 multistate privilege, if any, to practice professional 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 18 day of May, 2004.

Barbara Sweeney Cox

BARBARA SWEENEY COX, Respondent

Sworn to and subscribed before me this 18th day of May, 2004.

SEAL

DENISE M. SPICAK
NOTARY PUBLIC
STATE OF TEXAS
My Comm. Exp. 08-28-04

Denise M. Spicak

Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of License Number 526992, previously issued to BARBARA SWEENEY COX.

Effective this **8th** day of **June**, **2004**.

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