

BEFORE THE 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.
Ramona Gaston-McNutt
Executive Director of the Board

In the Matter of § REINSTATEMENT
Registered Nurse License Number 646430 §
issued to DENISE RENEE TOWNSLEY § AGREED ORDER

On this day came to be considered by the Texas Board of Nursing, hereinafter referred as the Board, the Petition for Reinstatement of Registered Nurse License Number 646430, held by DENISE RENEE TOWNSLEY, hereinafter referred to as Petitioner.

An informal conference was held on November 6, 2012, at the office of the Texas Board of Nursing, 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 Melinda Hester, DNP, RN, Lead Practice Consultant, Executive Director's Designee; Jena Abel, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; Ramona Gaston-McNutt, BSN, RN; 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(s).
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 Stanford Brown Nursing School, Kansas City, Missouri, on May 1, 1996. Petitioner was originally licensed to practice professional nursing in the State of Texas on November 5, 1997.

4. Petitioner's professional nursing employment history includes:

2/98 - 10/98	GN/Staff Nurse	Baptist Medical Center Kansas City, Missouri
11/98 - 6/01	Staff Nurse	Corpus Christi Medical Center Corpus Christi, Texas
7/01 - 8/02	Travel Nurse	Supplemental Health Care Towanda, New York
11/02 - 8/03	Staff Nurse	HCA Health Care Hospitals Kansas City, Missouri
8/03 - 5/04	MDS Coordinator	Jefferson Health Care Lees Summit, Missouri
6/04 - 1/06	Not employed in nursing	
2/06 - 2/07	Staff Nurse	Mid America Gastro-Intestinal Corporation Kansas City, Missouri
5/07 - 6/12	Not employed in nursing	
6/12 - 10/12	Private Duty Nurse	Integrity Home Health Care Independence, Missouri
11/12 - present	Staff Nurse	Golden Living Center Kansas City, Kansas

5. On April 28, 2011, the Board accepted the voluntary surrender of Petitioner's license(s) to practice professional nursing in the State of Texas. A copy of the April 28, 2011, 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 August 25, 2012, 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. Letter, dated June 11, 2012, from Morgan Fulks, Paralegal, State Board of Nursing, Jefferson City, Missouri, stating Petitioner was placed on probation by the Missouri State Board of Nursing on April 24, 2009. Petitioner successfully completed her probation on June 9, 2012.

- 7.2. Verification of successful completion of a minimum of twenty (20) contact hours of continuing education.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. 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 Texas Board of Nursing, that the petition of DENISE RENEE TOWNSLEY, Registered Nurse License Number 646430, to practice nursing in the state of Texas, be and the same is hereby GRANTED, AND SUBJECT TO THE FOLLOWING STIPULATIONS 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 §211.1 *et. seq.* and the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Petitioner to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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

(1) PETITIONER SHALL pay all re-registration fees and be issued a license to practice nursing in the State of Texas, which shall bear the appropriate notation. Said licenses issued to DENISE RENEE TOWNSLEY, shall be subject to the following agreed post-licensure stipulation:

(2) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER 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. PETITIONER 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 PETITIONER'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.texas.gov/disciplinaryaction/stipscourses.html>

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from PETITIONER'S license(s) to practice nursing in the State of Texas and PETITIONER shall be eligible for nurse licensure compact privileges, if any.

PETITIONER'S CERTIFICATION

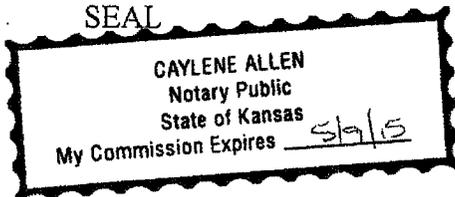
I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. 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(s) to practice nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 12 day of April, 2013

Denise Renee Townsley
DENISE RENEE TOWNSLEY, Petitioner

Sworn to and subscribed before me this 12 day of April, 2013.



[Signature]
Notary Public in and for the State of KANSAS

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 12th day of April, 2013, by DENISE RENEE TOWNSLEY, Registered Nurse License Number 646430, and said Order is final.

Effective this 14th day of May, 2013.



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 646430 §
issued to DENISE RENEE TOWNSLEY § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 646430, issued to DENISE RENEE TOWNSLEY, 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, 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(s).
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice professional nursing in the State of Texas is currently in delinquent status.
4. Respondent received an Associate Degree in Nursing from Stanford Brown Nursing School, Kansas City, Missouri on May 1, 1996. Respondent was licensed to practice professional nursing in the State of Texas on November 5, 1997.
5. Respondent's complete professional employment history is unknown.

6. On or about April 24, 2009, Respondent entered into a Settlement Agreement, Case No. 2007-000840, with the Missouri State Board Of Nursing in which Respondent's Missouri Nursing License was placed on Probation for a period of two (2) years, with Stipulations, as a result of Prescription Fraud. A copy of the Settlement Agreement, Case No. 2007-000840, issued by the Missouri State Board Of Nursing dated April 9, 2009 and effective on April 24, 2009 is attached and incorporated, by reference, as part of this pleading.
7. Charges were filed on November 12, 2010.
8. Charges were mailed to Respondent on November 15, 2010.
9. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.

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 violation of Section 301.452(b)(8), Texas Occupations Code.
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 646430, heretofore issued to DENISE R. TOWNSLEY, including revocation of Respondent's license(s) 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 301.453(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 Registered Nurse License Number 646430, heretofore issued to DENISE R. TOWNSLEY, 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 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.
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 nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

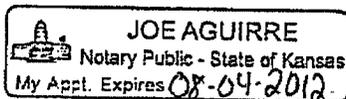
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 16 day of April, 2011.

Denise Renee Townsley
DENISE RENEE TOWNSLEY, Respondent

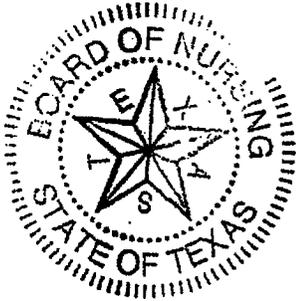
Sworn to and subscribed before me this 16 day of April, 2011.

SEAL



Joe Aguirre
Notary Public in and for the State of Kansas

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 646430, previously issued to DENISE RENEE TOWNSLEY.



Effective this 28th day of April, 2011.

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

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

In the Matter of Permanent License § BEFORE THE TEXAS
Number 646430, Issued to §
DENISE RENEE TOWNSLEY, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DENISE RENEE TOWNSLEY, is a Registered Nurse holding license number 646430, 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 April 24, 2009, while holding a license as a Registered Nurse (Delinquent) in the State of Texas and practicing nursing under Respondent's Registered Nursing license issued by the State of Missouri, Respondent entered into a Settlement Agreement, Case No. 2007-000840, with the Missouri State Board Of Nursing in which Respondent's Missouri Nursing License was placed on Probation for a period of two (2) years, with Stipulations, as a result of Prescription Fraud. A copy of the Settlement Agreement, Case No. 2007-000840, issued by the Missouri State Board Of Nursing dated April 9, 2009 and effective on April 24, 2009 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)(8), Texas Occupations Code.

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).

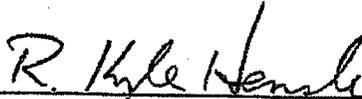
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

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: Settlement Agreement, Case No. 2007-000840, issued by the Missouri State Board Of Nursing dated April 9, 2009 and effective on April 24, 2009.

Filed this 12th day of November, 2010.

TEXAS BOARD OF NURSING



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

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Settlement Agreement, Case No. 2007-000840, issued by the Missouri State Board Of Nursing dated April 9, 2009 and effective on April 24, 2009.

0999/D



Jeremiah W. (Jay) Nixon
Governor
State of Missouri

Jane A. Rackers, Division Director
DIVISION OF PROFESSIONAL REGISTRATION

Department of Insurance
Financial Institutions
and Professional Registration
John M. Huff, Director

STATE BOARD OF NURSING
P.O. BOX 656, Jefferson City, MO 65102-0656
800-735-2966 TTY Relay Missouri 800-735-2466 Voice Relay Missouri

Web Site: <http://pr.mo.gov/nursing.asp>

Lori Scheidt
Executive Director
Telephone: 573-751-0681

CERTIFICATION

I, Lori Scheidt, BS, Executive Director, of the Missouri State Board of Nursing certify that the document(s) which is/are attached is/are true and correct copy(s) of the information contained in the file of:

DENISE R. TOWNSLEY

Board Seal

Missouri State Board of Nursing
Lori Scheidt, BS
Executive Director
May 5, 2009

DOCUMENTS ATTACHED

Disciplinary Agreement(s)

SETTLEMENT AGREEMENT
BETWEEN MISSOURI STATE BOARD OF NURSING
AND DENISE TOWNSLEY, RN

Comes now Denise Townsley ("Licensee") and the Missouri State Board of Nursing ("Board") and enter into this settlement agreement for the purpose of resolving the question of whether Licensee's license as a registered professional nurse will be subject to discipline.

Pursuant to the terms of § 536.060, RSMo 2000, the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri ("AHC") regarding cause to discipline the Licensee's license, and, additionally, the right to a disciplinary hearing before the Board under § 621.110, RSMo 2000.

Licensee acknowledges that she understands the various rights and privileges afforded her by law, including the right to a hearing of the charges against her; the right to appear and be represented by legal counsel; the right to have all charges against her proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against her; the right to present evidence on her own behalf at the hearing; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against her and, subsequently, the right to a disciplinary hearing before the Board at which time she may present evidence in mitigation of discipline; and the right to recover attorney's fees incurred in defending this action against her license. Being aware of these rights provided her by operation of law, Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this settlement agreement and agrees to abide by the terms of this document, as they pertain to

her.

Licensee acknowledges that she has received a copy of the investigative report and other documents relied upon by the Board in determining there was cause to discipline her license, along with citations to the law and/or regulations the Board believes was violated.

For the purpose of settling this dispute, Licensee stipulates that the factual allegations contained in this settlement agreement are true and stipulates with the Board that Licensee's license, numbered RN145901 is subject to disciplinary action by the Board in accordance with the provisions of Chapter 621, Cum. Supp. and Chapter 335, RSMo.

JOINT STIPULATION OF FACTS AND CONCLUSIONS OF LAW

1. The Missouri State Board of Nursing Board ("Board") is an agency of the State of Missouri created and established pursuant to § 335.021, RSMo 2000, for the purpose of executing and enforcing the provisions of Chapter 335, RSMo, the Nursing Practice Act.

2. Denise Townsley ("Licensee") is licensed by the Board as a registered professional nurse, License No. RN145901. Licensee's Missouri registered professional nursing license was originally issued on or about March 31, 1997, and Licensee's license expires on or about April 30, 2009.

3. At all times relevant herein, Licensee was employed as a registered professional nurse at G.I. Diagnostics, ("G.I."), located at Kansas City, Missouri.

4. On or about June 18, 2006, Licensee called in a prescription for herself for Cipro, 500mg under the physician name, Dr. John Helzberg, to Wal-Mart Pharmacy, 7701 Frontage Road,

Overland Park, Kansas, 66204.

5. Dr. Helzberg did not authorize the prescription Licensee called in on or about June 18, 2006.

6. On or about October 11, 2006, Licensee called in a prescription for Medrol Dosepak, and Lexapro for herself under the physician name, Dr. John Helzberg, to Wal-Mart Pharmacy, 7701 Frontage Road, Overland Park, Kansas, 66204.

7. Dr. Helzberg did not authorize the prescription called in by Licensee on or about October 11, 2006.

8. On or about February 13, 2007, Licensee called in a prescription for Lorcoide Cream for herself under the physician name, Dr. John Helzberg, to Wal-Mart Pharmacy, 7701 Frontage Road, Overland Park, Kansas, 66204.

9. Dr. Helzberg did not authorize the prescription called in by Licensee on or about February 13, 2007.

10. On or about February 17, 2007, Licensee called in a prescription for Depo-Provera injection for herself under the physician name, Dr. J.E. McCullough, to Wal-Mart Pharmacy, 7701 Frontage Road, Overland Park, Kansas, 66204.

11. Dr. McCullough did not authorize the prescription called in by Licensee on or about February 13, 2007.

12. On or about February 22, 2007, Licensee was terminated from G.I.

13. Licensee's conduct as alleged herein constitutes misconduct in the performance of the

functions and duties of a registered professional nurse.

14. Licensee's conduct as alleged herein constitutes a violation of professional trust or confidence.

15. Cause exists for the Board to take disciplinary action against Licensee's nursing license under § 335.066.2(5) and (12), RSMo 2000, which states in pertinent part:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621; RSMo, against any holder of any certificate of registration or authority, permit or license required by sections 335.011 to 335.096 or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

.....

(5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of any profession licensed or regulated by sections 335.011 to 335.096;

.....

(12) Violation of any professional trust or confidence;

.....

JOINT AGREED DISCIPLINARY ORDER

Based upon the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of § 621.045.3.

1. Licensee's license to practice as a registered professional nurse in the State of Missouri, License No. RN145901 is immediately placed on PROBATION for a period of two (2) years, ("disciplinary period"). During the disciplinary period, Licensee shall be entitled to engage in the practice of nursing, provided she adheres to the terms of this Settlement Agreement. The terms of the probation shall be:

I. REQUIREMENTS REGARDING CONTINUING EDUCATION

- A. Respondent shall obtain fifteen (15) contact hours in **Nursing Law and Ethics and Scope of Practice in the first 12 months of the disciplinary period.** Respondent shall submit proof of completion of continuing education programs to the Board during the first year of the disciplinary period. The documentation shall include a pamphlet, brochure or other materials which indicate the content of the course. All contact hours required herein shall be completed and the documentation submitted to the Board no later than one year from the effective date of this Order. Failure to obtain the required contact hours and/or submit the required documentation in a timely manner shall result in a violation of the terms of discipline.

II. GENERAL REQUIREMENTS

- A. Licensee shall meet with the Board or its professional staff at such times and places as required by the Board. If Licensee does not receive notice of a meeting with the Board within one (1) month after the effective date of this agreement, Licensee shall contact the Board office at: **Missouri State Board of Nursing, P.O. Box 656, Jefferson City, Missouri 65102, or by telephone at: (573) 751-0681.** If Licensee fails to contact the Board office after the one (1) month period has passed, the Board will presume that Licensee received notification of the date and time of his meeting with the Board. Failure of Licensee to receive a notice of a scheduled meeting does not excuse Licensee's non-attendance.
- B. Licensee shall immediately submit documents showing compliance with the requirements of this agreement to the Board when requested.
- C. Licensee shall inform the Board within ten (10) days of any change of home address or home telephone number.

- D. Licensee shall not violate the Nursing Practice Act, Chapter 335, RSMo, shall renew her license immediately and shall not allow her license to lapse. Licensee may place her license on inactive status. The conditions of discipline will continue to apply if the license is inactive.
- E. Licensee shall keep the State Board of Nursing informed of her current place of employment and of any changes in her place of employment by notifying the Board within ten working days of such a change.
- F. Licensee shall immediately advise any employer or potential employer of licensee's probationary status and shall provide a copy of this entire agreement to any employer or potential employer.
- G. Licensee shall cause an evaluation form from each and every employer to be submitted to the Board at least quarterly, with due dates to be determined. The evaluation form shall be completed by Licensee's supervisor within a four-week period prior to the date it is due. If Licensee ends employment with an employer, Licensee shall, in addition, cause a final evaluation form from that supervisor to be submitted to the Board within a six-week period following the last day of employment.
- H. The evaluation shall be an evaluation of Licensee's job performance using a form prescribed by the Board and shall be sent by the supervisor addressed to: State Board of Nursing, ATTN: Discipline Administrator, P.O. Box 656, Jefferson City, Missouri 65102.
- I. If Licensee is not employed at any time during the period of discipline, Licensee shall instead submit, at least two weeks prior to the due date, an affidavit signed before a notary public stating the period(s) of unemployment.
- J. Licensee shall execute any release or provide any other authorization necessary for the Board to obtain records of Licensee's employment during the period covered by this agreement.
- K. Licensee may not serve on the administrative staff, as a member of the faculty or as a preceptor at any accredited school of professional or practical nursing.

* * * *

- I. The Board will maintain this settlement agreement as an open and public record of the Board as provided in Chapters 335, 610, and 620, RSMo. The Board will report this settlement

agreement to data banks, other appropriate entities and in its newsletter. This is a disciplinary action against licensee's license. This document shall be disclosed to the public upon proper request.

2. The terms of this settlement agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise contained herein, neither this settlement agreement nor any of its provisions may be changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

3. Upon the expiration of said discipline, Licensee's license as a registered professional nurse in Missouri shall be fully restored if all other requirements of law have been satisfied; provided, however, that in the event the Board determines that the Licensee has violated any term or condition of this settlement agreement, the Board may, in its discretion, after an evidentiary hearing, vacate and set aside the discipline imposed herein and may suspend, revoke, or otherwise lawfully discipline the Licensee.

4. No order shall be entered by the Board pursuant to the preceding paragraph of this settlement agreement without notice and an opportunity for hearing before the Board in accordance with the provisions of Chapter 536, RSMo.

5. If the Board determines that Licensee has violated a term or condition of this settlement agreement, which violation would also be actionable in a proceeding before the Administrative Hearing Commission or the circuit court, the Board may elect to pursue any lawful remedies or procedures afforded it and is not bound by this settlement agreement in its determination of appropriate legal actions concerning that violation. If any alleged violation of this settlement

agreement occurred during the disciplinary period, the Board may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held to determine whether a violation occurred and, if so, it may impose further discipline. The Board retains jurisdiction to hold a hearing to determine if a violation of this settlement agreement has occurred.

6. Licensee, together with her heirs and assigns, and her attorney(s), do hereby waive, release, acquit, and forever discharge the Board, its respective members and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to, any claims for attorney's fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 U.S.C. § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this case, its settlement, or from the negotiation or execution of its settlement. Licensee acknowledges that this paragraph is severable from the remaining portions of this settlement agreement in that it survives in perpetuity even in the event that any court of law deems this settlement agreement or any portion thereof void or unenforceable.

7. Licensee understands that she may, either at the time the settlement agreement is signed by all parties, or within fifteen (15) days thereafter, submit the agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitute grounds for disciplining Licensee's license. If Licensee desires the Administrative Hearing Commission to review this Agreement, Licensee may submit his request to: Administrative Hearing Commission, Truman State Office Building, Room 640, 301 W. High Street, P.O. Box

1557, Jefferson City, Missouri 65101.

8. If Licensee requests review, this settlement agreement shall become effective on the date the Administrative Hearing Commission issues its order finding that the settlement agreement sets forth cause for disciplining Licensee's license. If Licensee does not request review by the Administrative Hearing Commission, the settlement agreement goes in to effect 15 days after the document is signed by the Executive Director of the Board.

LICENSEE

Denise Townsley
DENISE TOWNSLEY
RN145901

Date ~~2-24-09~~
3-27-09

BOARD

Lori Scheidt
LORI SCHEIDT
Executive Director
State Board of Nursing

Date 4-9-2009

Loretta Schouten
LORETTA SCHOUTEN
Missouri Bar No. 52290

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ATTORNEY FOR THE BOARD

EFFECTIVE
4-24-2009