



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. Plummer
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of
Registered Nurse License Number 243892
issued to MARIE ELNOR HALE

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REINSTATEMENT

AGREED ORDER

On this day came to be considered by the Texas Board of Nursing, hereinafter referred to as the Board, the Petition for Reinstatement of Registered Nurse License Number 243892, held by MARIE ELNOR HALE, hereinafter referred to as Petitioner.

An informal conference was held on May 20, 2014, 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 Jolene Zych, PhD, MS, RNC, WHNP - Advanced Practice Nurse Consultant, Executive Director's Designee; John Vanderford, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Christina Stelly, MSN, RN, Consultant for Practice; Kimberly Chavez, Investigator; 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 El Centro College, Dallas, Texas, on May 1, 1978. Petitioner was licensed as a professional nurse in the State of Texas on September 1, 1978.
4. Petitioner's nursing employment history includes:

1978	Staff Nurse	Presbyterian Hospital Dallas, Texas
1979 - 1982	Staff Nurse	Baylor Hospital Dallas, Texas

Petitioner's nursing employment history continued:

1982 - 1997	Nurse Supervisor	Methodist Hospital Dallas, Texas
1997 - 1998	Director of Nursing	Precision Staffing Arlington, Texas
1998 - 1999	Agency Nurse	Maxim Healthcare Dallas, Texas
1999 - 2000	Nurse Supervisor	Phymed Diagnostics Dallas, Texas
2001 - present	Not employed in nursing	

5. On June 14, 2011, Petitioner's license(s) to practice professional nursing in the State of Texas was revoked by the Texas Board of Nursing. A copy of the June 14, 2011, Order of the Board and Formal Charges are attached and incorporated, by reference, as a part of this Order.
6. On or about March 3, 2014, 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 February 5, 2014, from Veronica Flowers, LCDC, First Step Counseling, stating Petitioner was a graduate of the Supportive Outpatient Program and completed her treatment in August 2008.
 - 7.2. Letter, dated July 12, 2013, from Kazia Luszczyńska, MD, Altshuler Metrocare Services, Dallas, Texas, states Petitioner is a client and has been receiving services since October 22, 2007. Petitioner is currently diagnosed with Bipolar II Disorder and is prescribed Abilify, Ambien and Trazodone to help relieve the symptoms of her mental illness. These medications, when taken properly, should not impair her ability to safely practice nursing. Dr. Luszczyńska states Petitioner has been stable on, and adherent to, the treatment regimen prescribed, and to his knowledge, has not relapsed into drug or alcohol abuse. Interactions with Petitioner have been positive and she reports to have benefitted from the services, evidenced by a reduction of symptoms and recognition of errors in thinking and judgment that may have caused her problems in the past.
 - 7.3. Letter of support, dated April 3, 2012, from Al Moore, Rocking M Services, Grand Saline, Texas, states Petitioner has worked with his company for the last three (3) years. She has proven to be a valuable employee due to her high work ethic and skills in working with his clients. Petitioner has always been prompt to meet deadlines and schedules. Her interaction with clients has led to long term client relationships and repeat business for the company. Petitioner has a very positive attitude about her work and life in general. Petitioner masters new tasks very quickly and is enthusiastic about making recommendations to increase the company's efficiency and profitability. Petitioner would be good at any endeavor she may choose, and exhibits all the qualities to excel.

- 7.4. Letter of support, dated March 28, 2012, from Patricia Gunter, Grand Saline, Texas, states she has known Petitioner for several years and has gotten to know her better over the last three (3) years. Petitioner has proven to be trustworthy and dependable and is always willing to step in and help whenever there is a need. Petitioner is also a very loving, kind and caring person. Ms. Gunter believes Petitioner will be a good nurse if given the opportunity.
- 7.5. Letter of support, dated February 18, 2014, from Ann Smalley, Campbell, Texas, stating Petitioner has worked for her family since January 2013. Petitioner is honest, thoughtful, loving and a care-giving person. Ms. Smalley's husband underwent colon surgery in May 2013 and Petitioner was helpful with ideas for making him more knowledgeable and comfortable during the healing process. Petitioner has a positive attitude and always has a smile. Ms. Smalley feels Petitioner has very good qualities needed in the nursing field. She is also trustworthy, enthusiastic and dependable.
- 7.6. Letter of support from Leslie England, Greenville, Texas, stating Petitioner has worked for her as a sitter for her mother. Petitioner has helped to feed and care for Ms. England's mother when Ms. England is needed away from the house. Petitioner has been caring, professional, and dependable in her care. Ms. England would recommend Petitioner to anyone seeking to hire her.
- 7.7. Letter of support, dated February 10, 2014, from Bob Lanier, Greenville, Texas, stating he has known Petitioner for over four (4) years, and in that time, he has observed her to be a fine woman, with meticulous habits, honest and dependable in all ways. Petitioner has volunteered on several occasions, during which she has shown excellent work habits and an air of cooperation with her co-workers and the general public. Mr. Lanier would not hesitate to recommend her for whatever job that she felt herself qualified.
- 7.8. Letter of support, dated February 27, 2014, from Kathy Bullard, stating she met Petitioner in December 2011 and since that time she has worked for her in her home and also in her catering business. Petitioner's work habits are very professional and she is always very good with customers. She is a very caring person and will go out of her way to make sure things are completed in a timely manner.
- 7.9. Letter of support, dated February 18, 2014, from Fr. Gary S. Herbst, Rector, St. Paul's Episcopal Church, Greenville, Texas, stating he has known Petitioner for at least five (5) years during her attendance at the church. At all times Petitioner has been a socially engaging person and involved in a variety of activities on a regular basis. From his visits with Petitioner, Fr. Herbst finds her to be a careful listener and feels she will commit herself faithfully to whatever tasks lie ahead for her.
- 7.10. Documentation of twenty-two (22) negative drug screens collected from July 31, 2012, through May 16, 2014.
- 7.11. Documentation of the minimum requirement of Continuing Education contact hours.
8. Petitioner gives March 10, 2006, 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 Texas Board of Nursing, that the petition of MARIE ELNOR HALE, Registered Nurse License Number 243892, 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 successfully complete a nursing refresher course. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The course's content shall include: 1) the role of the nurse; 2) a review of the nursing process to include assessment, planning, implementation and evaluation; 3) pharmacology review; 4) medication administration review for all standard routes of administration; 5) documentation, quality assurance and legal implications for nursing practice; and 6) current CPR certification. This course shall include a minimum of the clinical components, providing direct patient care supervised by another registered nurse, as stated on the Board's website, <http://www.bon.state.tx.us/olv/pdfs/6mth-rn.pdf>. Upon receipt of verification that PETITIONER has enrolled in a nursing refresher course, the PETITIONER SHALL apply for a "Six-Month Clinical Permit" for the limited purpose of completing the course. PETITIONER SHALL NOT, in any way, attempt to use this limited permit for any purpose other than attending this course. PETITIONER SHALL CAUSE the sponsoring institution to notify the Board of PETITIONER'S successful completion on the Verification of Course Completion form, available from the Board at <http://www.bon.texas.gov/compliance>. Upon receipt of the Verification of Course Completion form and the limited permit, the Board will then issue PETITIONER a license to practice professional nursing. 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.

(2) Upon verification of successful completion of the agreed pre-licensure conditions of reinstatement, as set out in this Order, PETITIONER SHALL pay all re-registration fees and be issued the applicable license(s) to practice nursing in the State of Texas, which shall be subject to the following agreed post-licensure conditions:

(3) PETITIONER SHALL pay a monitoring fee in the amount of five hundred (\$500.00) dollars. PETITIONER SHALL pay this fine within forty-five (45) days of relicensure. 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.

(4) 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>.*

(5) PETITIONER SHALL, within one (1) year of relicensure, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, PETITIONER SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/compliance>.*

IT IS FURTHER AGREED, SHOULD PETITIONER CHOOSE TO WORK AS A NURSE IN TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(6) PETITIONER SHALL notify each present employer in nursing of this Order of the Board and the stipulations on PETITIONER'S license(s). PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. PETITIONER SHALL notify all future employers in nursing of this Order of the Board and the stipulations on PETITIONER'S license(s). PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(7) PETITIONER SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the PETITIONER by the Board, to the Board's office within ten (10) days of receipt of this Order. PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the PETITIONER by the Board, to the Board's office within five (5) days of employment as a nurse.

(8) For the first year of employment as a Nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational

Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as PETITIONER and immediately available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). The PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) For the remainder of the stipulation period, PETITIONER SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(10) PETITIONER SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which PETITIONER is regularly assigned for one (1) year of employment as a nurse.

(11) PETITIONER SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(12) PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, Propofol, or other synthetic opiates for one (1) year of employment as a nurse.

(13) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the nurse who supervises the PETITIONER. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for two (2) year(s) of employment as a nurse.

(14) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and PETITIONER SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.**

(15) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at

least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances and their metabolites:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the PETITIONER'S place of employment at any time during the stipulation period and require PETITIONER to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject the nurse to further disciplinary action, including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of PETITIONER's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

(16) PETITIONER SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. PETITIONER SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the PETITIONER'S progress in therapy, rehabilitation and capability to safely practice nursing. The report must indicate whether or not the PETITIONER'S stability is sufficient

to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended beyond the initial three (3) months, the reports shall then be required at the end of each three (3) month period for the remainder of the stipulation period, or until PETITIONER is dismissed from therapy.

(17) PETITIONER SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by PETITIONER. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

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 may be eligible for nurse licensure compact privileges, if any.

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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.

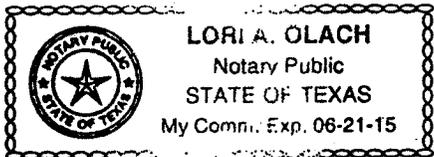
I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms 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(s) to practice nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 19 day of June, 2014.

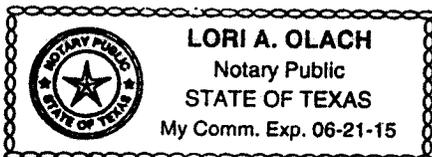
Maribelnor Hale
MARIBELNOR HALE, Petitioner

Sworn to and subscribed before me this 19th day of June, 2014

SEAL



Lori Olach
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 19th day of June, 2014, by MARIE ELNOR HALE, Registered Nurse License Number 243892, and said Order is final.

Effective this 17th day of July, 2014.



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

IN THE MATTER OF

PERMANENT CERTIFICATE

NUMBER 243892

ISSUED TO

MARIE ELNOR HALE

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BEFORE THE ELIGIBILITY

AND DISCIPLINARY

COMMITTEE

OF THE TEXAS

BOARD OF NURSING

ORDER OF THE BOARD

TO: Marie Elnor Hale
6144 Menger Avenue
Dallas, Texas 75227

During open meeting held in Austin, Texas, on Tuesday June 14, 2011, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the

proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 243892 previously issued to MARIE ELNOR HALE, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER 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.

Entered this 14th day of June, 2011.



TEXAS BOARD OF NURSING

BY:

Katherine A. Thomas

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed April 8, 2011.

In the Matter of Permanent License
Number 243892, Issued to
MARIE ELNOR HALE, Respondent

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BEFORE THE TEXAS
BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MARIE ELNOR HALE, is a Registered Nurse holding license number 243892, 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 March 12, 2004, Respondent entered a plea of Guilty to UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE, TO WIT: METHAMPHETAMINE (a State Jail Felony offense committed on December 24, 2000), in the Criminal District Court of Law No. 4 of Dallas County, Texas, under Cause Number F-0133867. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of two (2) years. Additionally, Respondent was ordered to pay a fine and court costs.

On or about December 14, 2005, an Order modifying the Conditions of Community Supervision was granted in the Criminal District Court of Law No. 4 of Dallas County, Texas, under Cause Number F-0133867. The terms and conditions of Respondent's Community Supervision were extended until March 12, 2007.

On or about June 21, 2006, an Order modifying the Conditions of Community Supervision was granted in the Criminal District Court of Law No. 4 of Dallas County, Texas, under Cause Number F-0133867. The terms and conditions of Respondent's Community Supervision were extended until March 12, 2008.

On or about February 13, 2008, an Order extending the period of Community Supervision was granted in the Criminal District Court of Law No. 4 of Dallas County, Texas, under Cause Number F-0133867. The terms and conditions of Respondent's Community Supervision were extended until March 12, 2009.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452 (b)(3)&(10)(effective 9/1/2003), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(effective 9/1/1999).

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 Nursing Practice Act, Chapter 301, Texas Occupations Code and 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).

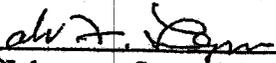
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which 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.

Filed this 8th day of April, 2011.

TEXAS BOARD OF NURSING


James W. Johnston, General Counsel

Board Certified - Administrative Law

Texas Board of Legal Specialization

State Bar No. 10838300

Jena 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

Re: Permanent Certificate Number 243892
Issued to MARIE ELNOR HALE
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 16 day of June, 2011, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Marie Elnor Hale
6144 Menger Avenue
Dallas, Texas 75227

BY:

Katherine A. Thomas

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD