



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 Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § REINSTATEMENT
Registered Nurse License Number 603237 §
issued to SALLY LYN BALLENTINE § AGREED ORDER

On this day came to be considered by the Texas Board of Nursing, herein referred to as the Board, the Petition for Reinstatement of Registered Nurse License Number 603237, held by SALLY LYN BALLENTINE, hereinafter referred to as Petitioner.

An informal conference was held on July 8, 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 Katherine A.

Thomas, MN, RN, FAAN, Executive Director; Kyle Hensley, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Ashley Kay, Investigator; Danielle Groux, RN, Investigator; Omar Hasan, RN, Investigator; Robert Almanza, Investigator; and Diane E. Burell, Monitoring Supervisor.

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 Valencia Community College, Orlando, Florida, on April 1, 1991. Petitioner was originally licensed to practice professional nursing in the State of Texas on May 2, 1994.

4. Petitioner's professional nursing employment history includes:

6/94 - 2/98	Unknown	
3/98 - 10/01	Staff Nurse	Orlando Regional Healthcare System Orlando, Florida
1/01 - 5/01	Staff Nurse	Naples Community Hospital Naples, Florida
6/01 - 9/01	Staff Nurse	Southwest Regional Medical Center Fort Myers, Florida
10/01 - 12/01	Staff Nurse	Favorite Nurses Orlando, Florida
10/01 - 5/02	Staff Nurse	North Collier Hospital Naples, Florida
6/02 - 7/02	Unknown	
8/02 - 12/02	Private Duty Nurse	Orlando Florida
2/03 - 8/04	Staff Nurse	Osteopathic Medical Center Fort Worth, Texas
9/04 - 2/05	Unknown	
3/05 - 5/05	Staff Nurse	Kindred Hospital Arlington, Texas
6/05 - 7/07	Unknown	
8/07 - Unknown	Care giver	Affordable Home Care Ormond Beach, Florida

5. On April 7, 2006, Petitioner was issued an Order which required her to participate and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the April 7, 2006, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

6. On June 29, 2006, the Board accepted the voluntary surrender of Petitioner's license(s) to practice professional nursing in the State of Texas. A copy of the June 29, 2006, Agreed Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.

7. On July 23, 2009, Petitioner's license to practice professional nursing in the State of Texas was Reinstated with Stipulations. A copy of the July 23, 2009, Reinstatement Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
8. On May 10, 2011, Petitioner's license to practice professional nursing in the State of Texas was revoked by the Texas Board of Nursing. A copy of the May 10, 2011, Order of the Board and Formal Charges is attached and incorporated, by reference, as a part of this Order.
9. On or about May 30, 2014, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.
10. Petitioner presented the following in support of her petition:
 - 10.1. Letter of support, dated March 28, 2014, from Candace Collins, Arlington, Texas. Ms. Collins has known Petitioner for over thirty years and knows her to be a kind, compassionate friend with an enthusiasm for life and her profession. Petitioner graduated in 1991 and has a background in Level One trauma nursing and specialized in emergency medicine where she worked for many years. She excels in the ability to make quick and accurate assessments and this good judgement allowed her to provide many life-saving measures in a timely manner. Ms. Collins believes Petitioner's many productive years in nursing with the experience and knowledge gained would benefit many.
 - 10.2. Letter of support, dated March 7, 2014, from Susan Leiman, RN, former co-worker of Petitioner at UCI Medical Center in Orange County, California. Ms. Leiman states she and Petitioner worked together in the early 1990's for approximately 2½ years in the Burn ICU. UCI Medical Center was a Level One trauma center and the only Burn Unit in Orange County at the time. Ms. Leiman explains this could be a very busy and often times a very challenging place to work and if they were not busy they were floated to SICU, MICU, CCU, PICU and Telemetry which required them to be very flexible and have a broad range of skills and knowledge. Petitioner showed up early and ready for her shift, was reliable, accountable, compassionate, up for a challenge and especially good with pediatric patients. They liked her demeanor and sweet voice and their parents trusted her to give the best possible care both physically and psychologically.
 - 10.3. Letter of support, dated March 18, 2014, from Jan Guenther Bakker, P.E., a licensed professional engineer in Texas and in 31 other states. Ms. Bakker feels honored to be asked to write the letter of support for Petitioner who she has known for the past year. Ms. Bakker states it was clear from the beginning of their friendship that Petitioner mourned the absence of her nursing career and she understands the hardships she has been through, as well as her success in coming out of them. Ms. Bakker, at 53 years old, knows that there can be difficulties in life that we all have to overcome as she has been through some herself. It is obvious to Ms. Bakker that

Petitioner has the same traits required of those who successfully triumph over such trials and tribulations in life - stamina and determination. Petitioner has successfully overcome her difficult times and is now looking forward to re-entering her career of nursing.

- 10.4. Letter of support, dated February 18, 2014, from Debra K. Anda, Coon Rapids, Minnesota. Ms. Anda states Petitioner consistently demonstrates compassion toward others through her kind and nurturing nature and has shown herself to be a dependable, compassionate, and genuine person who enjoys both the responsibility and privilege of being a nurse. Ms. Anda is confident Petitioner will be a dedicated and loyal employee and also provide outstanding care to her patients in the health care community.
- 10.5. Documentation of twenty-three (23) drug screens dating from July 27, 2012 through May 6, 2014.
- 10.6. Documentation of support group attendance dating from June 16, 2013 through March 28, 2014.
- 10.7. Documentation of the required continuing education contact hours.
11. Petitioner gives October 9, 2011, as her date of sobriety.
12. On December 19, 2014, Petitioner underwent a psychological evaluation conducted by Brian E. Pope, PhD, Arlington, Texas. Dr. Pope recommends that Petitioner participate in individual psychotherapy in addition to medication treatment for anxiety issues. Dr. Pope also recommends that Petitioner continue her participation in Alcoholics Anonymous (AA), primarily from a relapse prevention point of view.

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 SALLY LYN BALLENTINE, Registered Nurse License Number 603237, 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 NOT seek employment or practice nursing for compensation until she has completed the following pre-licensure conditions and obtained a license to practice professional nursing from the Board:

(2) PETITIONER SHALL apply for a "Six-Month Clinical Permit" for the limited purpose of completing a refresher course. PETITIONER SHALL NOT, in any way, attempt to use this clinical permit for any purpose other than attending this course.

(3) PETITIONER SHALL successfully complete a nursing refresher course prior to returning to the practice of professional nursing in the State of Texas. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The course content shall include: 1) the role of the professional 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 route of administration; 5) documentation, quality assurance and legal implications for nursing practice; and 6) current CPR certification. This course must contain a minimum 80-hour clinical component, providing direct patient care, which is to be supervised by another registered nurse.

(4) Upon completion of the refresher course, PETITIONER SHALL return the clinical permit to the office of the Board, and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required clinical component.

(5) Upon verification of successful completion of the agreed pre-licensure probation 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 probation conditions:

(6) PETITIONER SHALL pay a monetary fine 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.

(7) 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>

(8) 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:

(9) 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.

(10) 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.

(11) 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.

(12) 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.

(13) 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.

(14) 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.

(15) 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.

(16) 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.

(17) 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.**

(18) 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:

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.

(19) 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.

(20) 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

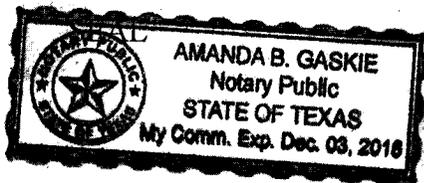
I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. 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 16 day of March, 2015.

Sally Lynn Ballentine
SALLY LYN BALLENTINE, Petitioner

Sworn to and subscribed before me this 16th day of March, 2015.



Amanda B. Gaskie
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 16th day of March, 2015, by SALLY LYN BALLENTINE, Registered Nurse License Number 603237, and said Order is final.

Effective this 16th day of April, 2015.



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

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 603237
ISSUED TO
SALLY LYN BALLENTINE

§
§
§
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§
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§
§

BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF 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.
Stephanie Johnson
Executive Director of the Board

ORDER OF THE BOARD

TO: Sally Lyn Ballentine
1398 N. Halifax Avenue
Daytona Beach, FL 32118

During open meeting held in Austin, Texas, on May 10, 2011, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and 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 § 213.2(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 603237, previously issued to SALLY LYN BALLENTINE, to practice professional nursing in the State of Texas be, and the same are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 10th day of May, 2011.

TEXAS BOARD OF NURSING

BY:



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

In the Matter of Permanent License § BEFORE THE TEXAS
Number 603237, Issued to §
SALLY LYN BALLENTINE, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SALLY LYN BALLENTINE, is a Registered Nurse holding license number 603237, which is in current 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 26, 2010, Respondent's voluntarily surrendered of her license to practice in the State of Florida was accepted by the State of Florida, Board of Nursing. A copy of the April 26, 2010, Final Order Accepting the Voluntary Relinquishment of License to the State of Florida, Department of Health, Ft. Lauderdale, Florida, is attached and incorporated, by reference, as part of this Order.

~~The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.~~

CHARGE II.

On or about February 10, 2010, Respondent failed to comply with the Reinstatement Agreed Order issued to her on July 23, 2009, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with the terms of the participation agreement with the Florida Intervention Project for Nurses Program (IPN). A copy of the Findings of Fact, Conclusions of Law, and Reinstatement Agreed Order dated February 10, 2010, is attached and incorporated by reference as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) and (10), Texas, Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

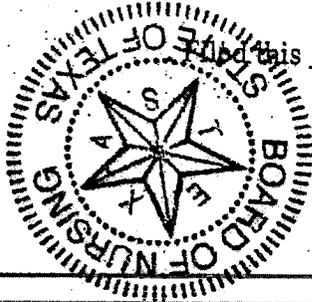
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 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 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.

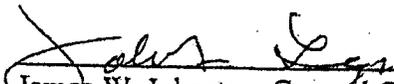
NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Orders issued by the Texas Board of Nursing dated April 7, 2006; June 29, 2006; and Reinstatement Agreed Order dated July 23, 2009. Final Order dated April 26, 2010, issued by the State of Florida, Board of Nursing.



Filed this 1st day of February, 20 11.

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

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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: Agreed Order dated April 7, 2006
Agreed Order dated June 29, 2006
Reinstatement Agreed Order dated July 23, 2009
Final Order issued by the State of Florida dated April 26, 2010.

D/2010.12.28

Final Order No. DOH-10-1002-S-MQA
FILED DATE APR 9 8, 2010
Department of Health

STATE OF FLORIDA
BOARD OF NURSING

By B. G. Soudel
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2009-24484

License No.: RN 2920152

SALLY LYN BALLENTINE,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF NURSING (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on April 8, 2010, in Ft. Lauderdale, Florida, for consideration of

~~Respondent's~~ voluntary relinquishment (attached hereto as Exhibit

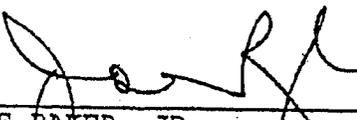
A). Upon consideration of the voluntary relinquishment, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that the voluntary relinquishment is accepted as a resolution of this case.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 26th day of April,
2010.

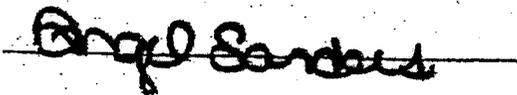
BOARD OF NURSING



JOE BAKER, JR.
Executive Director for
Jessie Colin, RN, PhD
Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the
foregoing Final Order has been provided by U.S. Mail to SALLY LYN
BALLENTINE, 3502 Tads Lane, Arlington, TX 76014; and by
interoffice delivery to and by interoffice delivery to Lee Ann
Gustafson, Senior Assistant Attorney General, Department of Legal
Affairs, PL-01 The Capitol, Tallahassee FL 32399-1050, William
Miller, Department of Health, 4052 Bald Cypress Way, Bin C-65,
Tallahassee, Florida 32399-3265 this 26 day of
April, 2010.



Deputy Agency Clerk

BallentineSallyLynVR.rtf

Deputy Agency Clerk

STATE OF FLORIDA
DEPARTMENT OF HEALTH

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Angela Barton*
DATE: 2/10/2010

DEPARTMENT OF HEALTH,
Petitioner,

v.

DOH Case No. 2009-24484

SALLY LYN BALLENTINE, R.N.,
Respondent.

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent SALLY LYN BALLENTINE, R.N., license No. 2920152, hereby voluntarily relinquishes Respondent's license to practice Nursing in the State of Florida and states as follows:

- ~~1. Respondent's purpose in executing this Voluntary Relinquishment is to avoid~~
further administrative action with respect to this cause. Respondent understands that acceptance by the Board of Nursing (hereinafter the Board) of this Voluntary Relinquishment shall be construed as disciplinary action against Respondent's license pursuant to Section 456.072(1)(f), Florida Statutes. As with any disciplinary action, this relinquishment will be reported to the National Practitioner's Data Bank as disciplinary action. Licensing authorities in other states may impose discipline in their jurisdiction based on discipline taken in Florida.
2. Respondent agrees to voluntarily cease practicing Nursing immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from the practice of Nursing until such time as this Voluntary Relinquishment is presented to the Board and the Board issues a written final order in this matter.

3. In order to expedite consideration and resolution of this action by the Board in a public meeting, Respondent, being fully advised of the consequences of so doing, hereby waives the statutory privilege of confidentiality of Section 456.073(10), Florida Statutes, and waives a determination of probable cause, by the Probable Cause Panel, or the Department when appropriate, pursuant to Section 456.073(4), Florida Statutes, regarding the complaint, the investigative report of the Department of Health, and all other information obtained pursuant to the Department's investigation in the above-styled action. By signing this waiver, Respondent understands that the record and complaint become public record and remain public record and that information is immediately accessible to the public. Section 456.073(10) Florida Statutes.

4. Upon the Board's acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review of, or to otherwise challenge or contest the validity of, this Voluntary Relinquishment and of the Final Order of the Board incorporating this Voluntary Relinquishment.

5. Petitioner and Respondent hereby agree that upon the Board's acceptance of this Voluntary Relinquishment, each party shall bear its own attorney's fees and costs related to the prosecution or defense of this matter.

6. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board's consideration of this Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary Relinquishment and other related materials by the Board shall not prejudice or preclude the

Board, or any of its members, from further participation, consideration, or resolution of these proceedings if the terms of this Voluntary Relinquishment are not accepted by the Board.

DATED this 20 day of January, 2010.

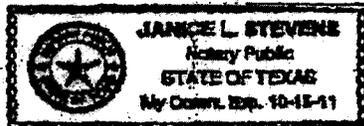
Sally Lyn Ballentine
SALLY LYN BALLENTINE, R.N.

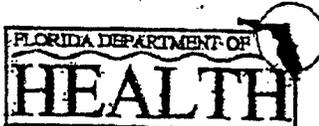
STATE OF TEXAS
COUNTY OF:

Before me, personally appeared Sally Lyn Ballentine whose identity is known to me by FLDL (type of identification) and who, under oath, acknowledges that his signature appears above. Sworn to and subscribed before me this 20 day of January, 2010.

Jance L. Stevens
NOTARY PUBLIC

My Commission Expires:





INVESTIGATIVE REPORT

Office: CONSUMER SERVICES		Date of Complaint: 12/22/09		Case Number: 2009-24484	
Subject: SALLY LYN BALLENTINE, RN 3502 Tads Lane Arlington, TX 76014 386-307-9692			Source: INTERVENTION PROJECT FOR NURSES P.O. Box 49130 Jacksonville Beach, FL 32240 904-270-1620		
Prefix: 1701	License #: 2920152	Profession: Registered Nurse	Board: Nursing	Report Date: 1/29/10	
Period of Investigation: 1/4/10-1/29/10			Type of Report: FINAL		
Alleged Violation: 456.072(1)(h) F.S.: Being terminated from a treatment program for impaired practitioners... 464.018(1)(l) F.S.: Being unable to practice nursing with reasonable skill... Knowingly violating any provision of this part...					
<p>Synopsis: This investigation is predicated on the receipt of a complaint from IPN that BALLENTINE was dismissed for failure to comply with requirements. May 2006, BALLENTINE contacted IPN as she was involved with the Texas Peer Assistance Program for Nurses. She failed to return the initial paperwork and her case was closed. October 2007, BALLENTINE was on the BON Agenda as a Settlement Agreement related to Case #06-23626. It was the action of the Board to refer BALLENTINE for IPN entry. She executed an IPN Contract with estimated monitoring April 2008 - April 2010. November 2009, BALLENTINE was contacted by IPN to provide a random EtG and she advised she relapsed on alcohol. Upon further questioning she indicated she had been drinking on and off for several months. BALLENTINE admitted she had been drinking that day and made several statements that were suicidal in nature. BALLENTINE was provided with a deadline and referral sources for an evaluation due to her admitted relapse. On 12/10/09 BALLENTINE contacted IPN and advised she would not be following through with the in-patient treatment or the evaluation and she would be relocating to Texas to be with her family (Ex. #1).</p> <p>BALLENTINE was notified of this complaint by letter dated 1/4/10 (Ex. #2). Forwarded with this letter were copies of the UCF and complaint (Ex. #1). A voluntary relinquishment form and letter were sent to BALLENTINE on 1/12/10 and according to USPS green card, service was provided on 1/15/10 (Ex. #2).</p> <p>DOH computer information was obtained 1/29/10 (Ex. #3). It reflects BALLENTINE is duly licensed to practice nursing in the State of Florida and that her license is in a Suspended/Active status.</p> <p>No patient(s) were identified, thus patient notification was not required.</p> <p>BALLENTINE does not appear to be represented by counsel as of the date of this report.</p> <p>BALLENTINE responded in writing on 1/26/10 by signing the Voluntary Relinquishment form (Ex. #4).</p>					
Investigator/Date: <i>Caroline Anderson</i> Caroline Anderson (HA52) 1/29/10 Government Analyst I			Approved By/Date: <i>Shane Walter</i> FEB 02 2010		
Distribution: Legal/Consumer Services Unit Page 1					

RECEIVED - LEGAL
10 FEB - 2 PM 2:10

Re: Permanent Certificate Number 603237
Issued to SALLY LYN BALLENTINE
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of May, 20 11, 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):

SALLY LYN BALLENTINE
1398 N. HALIFAX AVENUE
DAYTONA BEACH FL 32118



BY:

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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse §
License Number 603237 § REINSTATEMENT
issued to SALLY LYN BALLENTINE § 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 603237, held by SALLY LYN BALLENTINE, hereinafter referred to as Petitioner.

A telephonic informal conference was held on May 26, 2009, 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 Mary Beth Thomas, PhD, RN, Director of Nursing, Executive Director's Designee; Kyle Hensley, Assistant 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 Valencia Community College, Orlando, Florida, on April 1, 1991. Petitioner was originally licensed to practice professional nursing in the State of Texas on May 2, 1994.

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4. Petitioner's professional nursing employment history includes:

6/94 - 2/98	Unknown	
3/98 - 10/01	RN	Orlando Regional Healthcare System Orlando, Florida
1/01 - 5/01	RN	Naples Community Hospital Naples, Florida
6/01 - 9/01	RN	Southwest Regional Medical Center Fort Myers, Florida
10/01 - 5/02	RN	North Collier Hospital Naples, Florida
10/01 - 12/01	RN	Favorite Nurses Orlando, Florida
6/02 - 7/02	Unknown	
8/02 - 12/02	RN	Private Duty Orlando, Florida
2/03 - 8/04	RN	Osteopathic Medical Center Fort Worth, Texas
9/04 - 2/05	Unknown	
3/05 - 5/05	RN	Kindred Hospital Arlington, Texas
6/05 - 7/07	Unknown	
8/07 - Present	Care giver	Affordable HomeCare Ormond Beach, FL

5. On April 7, 2006, Petitioner's was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas which required her to apply and participate in the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the April 7, 2006, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

6. On June 29, 2006, the Board of Nurse Examiners for the State of Texas accepted the voluntary surrender of Petitioner's license to practice professional nursing in the State of Texas. A copy of the June 29, 2006, Agreed Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.
7. On or about April 2, 2009, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.
8. Petitioner presented the following in support of her petition:
 - 8.1. Final Order issued by the State of Florida, Board of Nursing, on August 10, 2007, based on the action taken in Texas, and requiring Petitioner to enter and complete the Florida Intervention Project for Nurses (IPN).
 - 8.2. Certificate of Completion, dated April 22, 2008, from Hearthstone Fellowship Foundation, Inc., for successfully meeting and completing all requirements (18 hours) of the alcohol/drug treatment program.
 - 8.3. Letter, dated March 19, 2009, from Jeanne King, BS, MS, Case Manager, Florida Board of Nursing, states Petitioner has been an active participant with the Intervention Project for Nurses (IPN) and in total compliance. Her contract dates are April 28, 2008, through April 28, 2010. Petitioner has been selected to randomly submit urine drug screens and EtGs approximately one time per month.
 - 8.4. Letter of support, dated March 25, 2009, from Vince Kinsler, Administrator, Affordable HomeCare, Ormond Beach, Florida, states Petitioner has been in the employ of the agency since August 2007. She has done a good job of assisting the elderly clients and is currently in good standing with them.
 - 8.5. Letter of support, dated May 22, 2009, from Brannon H. Wilder, Daytona Beach, Florida, states Petitioner cared for his wife for two (2) years on a frequent basis as a care giver. Mr. Wilder's wife requires twenty-four (24) hour care as a result of a stroke that left her unable to speak or care for herself. This requires assistance from an exceptional care giver.
 - 8.6. Verification of successful completion of twenty (20) Type I Continuing Education Contact Hours.
9. Petitioner gives March 2008, 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 SALLY LYN BALLENTINE, Registered Nurse License Number 603237, to ~~practice professional 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 this Order SHALL be applicable to Petitioner's multistate licensure privilege, if any, to practice professional nursing in the State of Texas.

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 nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to SALLY LYN

BALLENTINE, shall be subject to the following conditions for such a time as is required for PETITIONER to successfully complete an alternative peer assistance program approved by the Board and acceptable under the criteria established by Chapter 467, Texas Health and Safety Code:

Florida Alternative to Texas Peer Assistance Program for Nurses (TPAPN)

IT IS FURTHER AGREED and ORDERED that this Order constitutes written permission for PETITIONER to participate in the Florida Intervention Project for Nurses Program in lieu of participation in the Texas Peer Assistance Program for Nurses (TPAPN) provided PETITIONER remains enrolled in the Program. PETITIONER SHALL NOT practice in any other state during the term of the alternative program without prior written authorization from the Texas State Board of Nursing.

IT IS FURTHER AGREED and ORDERED that SHOULD PETITIONER desire to practice professional nursing in the State of Texas, prior to completing her contract with the Florida Intervention Project for Nurses, PETITIONER SHALL petition the Board for such approval.

Multistate Licensure

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to PETITIONER's multistate licensure privileges, 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 States of Texas or Florida pursuant to a multistate licensure privilege.

Remedy for Further Violation

IT IS FURTHER AGREED, SHOULD PETITIONER fail to comply with this Order or the terms of the participation agreement with the Florida Intervention Project for Nurses Program, such noncompliance will result in further disciplinary action including revocation of PETITIONER's license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from PETITIONER'S license and PETITIONER shall be eligible for 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.

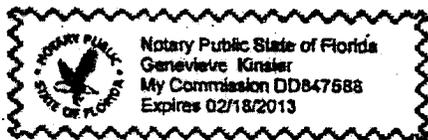
I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms 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 8 day of June, 2009.

Sally Lyn Ballentine
SALLY LYN BALLENTINE, Petitioner

Sworn to and subscribed before me this 8 day of June, 2009.

SEAL



Genevieve Krstic
Notary Public in and for the State of FLORIDA

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 8th day of June, 2009, by SALLY LYN BALLENTINE, Registered Nurse License Number 603237, and said Order is final.



Effective this 23rd day of July, 2009.


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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse License Number 603237 § AGREED
issued to SALLY LYN BALLENTINE § 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 603237, issued to SALLY LYN BALLENTINE, 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 is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Valencia Community College, Orlando, Florida, on April 1, 1991. Respondent originally became licensed to practice professional nursing in the State of Texas on May 2, 1994.
5. Respondent's professional nursing employment history includes:

June 1994 - February 1998

Unknown

Respondent's professional nursing employment history continued:

March 1998 - October 2001	RN Orlando Regional Healthcare System Orlando, Florida
January 2001 - May 2001	RN Naples Community Hospital Naples, Florida
May 2001 - September 2001	RN Southwest Regional Medical Center Fort Myers, Florida
September 2001 - May 2002	RN North Collier Hospital Naples, Florida
October 2001 - December 2001	RN Favorite Nurses Orlando, Florida
June 2002 - July 2002	Unknown
August 2002 - December 2002	RN Private Duty Orlando, Florida
February 2003 - August 2004	RN Osteopathic Medical Center Fort Worth, Texas
September 2004 - February 2005	Unknown
March 2005 - May 2005	RN Kindred Hospital Arlington, Texas
June 2005 - Present	Unknown

6. On April 7, 2006, Respondent was issued an Agreed Order, by the Board of Nurse Examiners for the State of Texas, requiring her to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the April 7, 2006, Agreed Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as part of this Order.

7. On or about May 25, 2006, Respondent became non-compliant with the Agreed Order issued to her by the Board of Nurse Examiners for the State of Texas on April 7, 2006. Non-compliance is the result of Respondent's failure to apply to and be accepted into the Texas Peer Assistance Program for Nurses (TPAPN). Stipulation number one (1) of the Agreed Order dated December 16, 2005, states:

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

8. Respondent submitted a letter to the Board, dated June 1, 2006, stating she is unable to comply with the Agreed Order issued to her as outlined in Finding of Fact Number Six (6). Respondent also stated that it was her desire to voluntarily surrender her license to practice professional nursing in the State of Texas.

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

10. 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.

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.

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)(1) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(9) & (11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.453(d), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 603237, heretofore issued to SALLY LYN BALLENTINE, 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 301.453(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 603237, heretofore issued to SALLY LYN BALLENTINE, 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 immediately deliver the wallet-sized license, heretofore issued to SALLY LYN BALLENTINE, to the office of the Board of Nurse Examiners.
2. 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.
3. 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.
4. 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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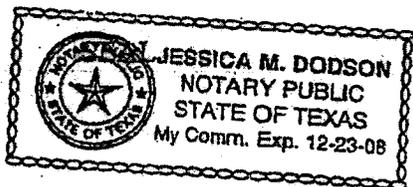
RESPONDENT'S CERTIFICATION

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 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 26 day of June, 2006.

Sally Lynn Ballentine
SALLY LYNN BALLENTINE, Respondent

Sworn to and subscribed before me this 26 day of June, 2006.



Jessica Dodson
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 Registered Nurse License Number 603237, previously issued to SALLY LYN BALLENTINE.

Effective this 29th day of June, 2006.



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse License Number 603237 § AGREED
issued to SALLY LYN BALLENTINE § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of SALLY LYN BALLENTINE, Registered Nurse License Number 603237, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9), (10) & (12), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on March 3, 2006, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Valencia Community College, Orlando, Florida, on April 1, 1991. Respondent originally became licensed to practice professional nursing in the State of Texas on May 2, 1994.
5. Respondent's professional nursing employment history includes:

June 1994 - February 1998

Unknown

Respondent's professional nursing employment history continued:

March 1998 - October 2001	RN Orlando Regional Healthcare System Orlando, Florida
January 2001 - May 2001	RN Naples Community Hospital Naples, Florida
May 2001 - September 2001	RN Southwest Regional Medical Center Fort Myers, Florida
September 2001 - May 2002	RN North Collier Hospital Naples, Florida
October 2001 - December 2001	RN Favorite Nurses Orlando, Florida

June 2002 - July 2002	Unknown
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August 2002 - December 2002	RN Private Duty Orlando, Florida
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February 2003 - August 2004	RN Osteopathic Medical Center Fort Worth, Texas
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September 2004 - February 2005	Unknown
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March 2005 - May 2005	RN Kindred Hospital Arlington, Texas
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6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Osteopathic Medical Center, Fort Worth, Texas, and had been in this position for ten (10) months.

7. On or about December 25, 2003, while employed with Osteopathic Medical Center of Texas, Fort Worth, Texas, Respondent engaged in the intemperate use of Benzodiazepines in that she produced a specimen for a drug screen which resulted positive for Benzodiazepines, and she admitted to the use of Valium without a valid prescription. Possession of Benzodiazepines is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Benzodiazepines by a Registered Nurse, while subject to call or duty, 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 December 25, 2003, while employed with Osteopathic Medical Center of Texas, Fort Worth, Texas, Respondent lacked fitness to practice professional nursing in that she exhibited slurred speech, appeared confused, and a smell of alcohol was detected about her person. Respondent also admitted to having consumed too much alcohol the previous day. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
9. On or about July 30, 2004, while employed with Osteopathic Medical Center of Texas, Fort Worth, Texas, Respondent lacked fitness to practice professional nursing in that she was observed to be stumbling and appearing confused. The smell of alcohol was detected about her person and she admitted to have been drinking alcohol. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
10. On or about June 21, 2005, Respondent engaged in the intemperate and/or unlawful use of alcohol in that she produced a specimen for a random drug screen which resulted positive for alcohol. The use of alcohol by a Registered Nurse, while subject to call or duty, 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. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
12. 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.
13. Respondent's conduct described in Findings of Fact Numbers Seven (7), Eight (8), Nine (9) and Ten (10) was significantly influenced by Respondent's dependency on chemicals.

14. 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 violations of Section 301.452(b)(9), (10) & (12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(12).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 603237, heretofore issued to SALLY LYN BALLENTINE, including revocation of Respondent's professional license 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 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.

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

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

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

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, 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.

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. 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 Board of Nurse Examiners, 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 license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

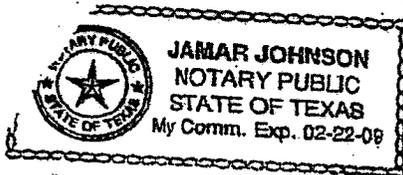
Signed this 4 day of April, 20 06


SALLY LYNN BAILLENTINE, Respondent

Sworn to and subscribed before me this 4 day of April, 20 06.

SEAL





Notary Public in and for the State of TX

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 4th day of April, 2006, by SALLY LYN BALLENTINE, Registered Nurse License Number 603237, and said Order is final.

Entered and effective this 7th day of April, 2006.



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