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.
Katherine A. Thomas
Executive Director of the Board

IN THE MATTER OF	§	BEFORE THE TEXAS
PERMANENT VOCATIONAL NURSE	§	
LICENSE NUMBER 116112	§	
ISSUED TO CYNTHIA ANN BABB,	§	
RESPONDENT	§	BOARD OF NURSING

NUNC PRO TUNC ORDER OF THE BOARD

TO: CYNTHIA ANN BABB
1720 HUBBARD ST.
PARIS, TX 75460

An Order of the Board was entered for Cynthia Ann Babb on September 8, 2015. The Order, however, contained a typographical error on page 5 regarding the time period in which the Respondent must complete the terms of a previous September 14, 2010, Agreed Order. Upon notice and hearing, administrative agencies, like the Courts, have the power to enter nunc pro tunc orders where it can be seen by reference to a record that what was intended to be entered, but was omitted by inadvertence or mistake, can be corrected upon satisfactory proof of its rendition provided that no intervening rights will be prejudiced. *Railroad Comm'n v. McClain*, 356 S.W.2d 330, 334 (Tex. App.--Austin 1962, no writ) (citing *Frankfort Ky. Nat. Gas Co. v. City of Frankfort*, 276 Ky. 199, 123 S.W.2d 270, 272).

The Executive Director, as agent of the Texas Board of Nursing, after review and due consideration of the record and the facts therein submits and enters the corrected Order, which contains the corrected time frame in which the Respondent must complete the terms of the previous September 14, 2010, Agreed Order. Respondent received due process regarding her license; therefore, her rights have not been prejudiced.

NOW, THEREFORE, IT IS ORDERED that the corrected Order of the Board is hereby approved and entered on the dates set forth below.

Order effective September 8, 2015.

Entered this 2nd day of October, 2015.

BY: Katherine A. Thomas

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

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Vocational Nurse License Number 116112 issued to CYNTHIA ANN BABB	§ § §	AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Boa considered the matter of CYNTHIA ANN BABB, Vocational Nurse License Number 116112, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(2),(3)&(10), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on May 19, 2015.

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(s).

2. Respondent waived notice and hearing, and agreed to the entry of this Order.

3. Respondent's license to practice as a vocational nurse in the State of Texas is in current status.

4. Respondent received a Certificate in Vocational Nursing from Paris Junior College, Paris, Texas, on August 14, 1986. Respondent was licensed to practice vocational nursing in the State of Texas on November 22, 1986.

5. Respondent's vocational nursing employment history includes:

11/1986 - 11/1998	LVN	Christus St. Joseph Hospital Paris, Texas

Executive Director of the Board
Texas Board of Nursing.
is on file or is of record in the offices of the
accurate, and true copy of the document which

Respondent's vocational nursing employment history continued:

12/1998 - 6/2001	LVN	Paris Pulmonary Clinic Paris, Texas
2002	LVN	Favorite Nurses Dallas, Texas
1/2003 - 2/2003	Unknown	
3/2003 - 10/2003	LVN	Wilson N. Jones Sherman, Texas
10/2003 - 8/2005	LVN	Exceptional Home Care Tyler, Texas
6/2005 - 9/2006	LVN	Favorite Nurses Dallas, Texas
10/2006 - 4/2007	Unknown	
5/2007 - 5/2008	LVN	East Texas CareTeam, Inc. Longview, Texas
2/2008 - 5/2010	LVN	Angels of Care Pediatric Home Health Sherman, TX
6/2010 - Present	Unknown	

6. On or about September 14, 2010, Respondent's license to practice as a vocational nurse in the State of Texas was issued the sanction of a Warning with Stipulations. The Findings of Fact, Conclusions of Law, and Order dated September 14, 2010, is attached and incorporated, by reference, as part of this Order.

7. On or about December 20, 2013, Respondent was charged in the County Court of Lamar County, Texas, under Cause No. 61455 for THEFT BY CHECK, a misdemeanor offense committed on or about March 1, 2013.

On or about June 20, 2014, Respondent was adjudged Guilty and convicted of THEFT OF PROPERTY BY CHECK>=$20<$500 BY CHECK, a misdemeanor offense committed on or about March 1, 2013, in the County Court of Lamar County, Texas, under Cause No. 61455. As a result of the conviction, Respondent was sentenced to confinement in the Lamar County Jail for a period of six (6) days.

8. On or about April 29, 2014, Respondent submitted an online renewal document to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information in that she answered "No" to the following question:

> "Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:
>
> H. been arrested or have any pending criminal charges?
> I. been cited or charged with any violation of the law?"

Respondent failed to disclose that on or about September 20, 2012, she was arrested by the Lamar County Sheriff's Office, Paris, Texas, and subsequently charged in the County Court of Lamar County, Texas, under Cause No. 59899 for THEFT BY CHECK, a misdemeanor offense committed on or about July 18, 2012. On or about December 13, 2012, Cause No. 59899 was dismissed for the reason: "Restitution Paid."

Additionally, Respondent failed to disclose that on or about December 20, 2013, she was charged in the County Court of Lamar County, Texas, under Cause No. 61455 for THEFT BY CHECK, a misdemeanor offense committed on or about March 1, 2013. These charges were pending at the time of renewal.

9. In response to Finding of Fact Number Seven (7), Respondent states that she was incarcerated for less than twenty-four (24) hours for Theft by Check. The original sentence was for six (6) days in Lamar County Jail. The check in question was for twenty dollars.

In response to Finding of Fact Number Eight (8), Respondent states that the Theft by Check was dismissed as "Restitution Paid" because she testified against someone. She did not know it was on record; therefore, she did not report it. Respondent adds that she did not understand that she needed to report misdemeanors. She did not intentionally try to deceive the Board. Respondent states that she has educated herself on License Renewal Guidelines. She can assure the Board that she will disclose everything prior to renewing her license.

10. Formal Charges were filed on January 20, 2015.

11. Formal Charges were mailed to Respondent on January 21, 2015.

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(s) of 22 TEX. ADMIN. CODE §217.12(6)(I)&(13).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2),(3)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 116112, heretofore issued to CYNTHIA ANN BABB, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **REPRIMAND WITH STIPULATIONS AND FINE** in accordance with the terms of this Order.

A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to comply 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 this Order.

III. MONETARY FINE

RESPONDENT SHALL **pay a monetary fine in the amount of five hundred dollars ($500.00) within forty-five (45) days of entry of this Order.** 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.

IV. COMPLIANCE WITH PRIOR ORDER

The Order of the Board issued to RESPONDENT on September 14, 2010, is still in effect in its entirety and RESPONDENT SHALL be responsible for completing the terms of that Order.

V. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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(s) alleged herein. By my signature on this Order, I agree to the entry of this 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 when this Order becomes final and the terms of this Order become effective, 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 31 day of July, 2015

Cynthia Ann Babb

CYNTHIA ANN BABB, Respondent

Sworn to and subscribed before me this 31 day of July, 2015.

SEAL

Amber Tucker

Notary Public in and for the State of Texas

AMBER TUCKER
Notary Public, State of Texas
My Commission Expires
June 19, 2018

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 31st day of July, 2015, by CYNTHIA ANN BABB, Vocational Nurse License Number 116112, and said Order is final.

Effective this 8th day of September, 2015.

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

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Vocational Nurse License Number 116112 issued to CYNTHIA ANN BABB	§ § §	AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of CYNTHIA ANN BABB, Vocational Nurse License Number 116i hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Sections 301.452(b)(2), (3) & (10) and 302.402(a)(10) (before 2/1/04), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on July 5, 2010, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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(s).

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

3. Respondent is currently licensed to practice vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from Paris Junior College, Paris, Texas on August 14, 1986. Respondent was licensed to practice vocational nursing in the State of Texas on November 22, 1986.

5. Respondent's vocational nursing employment history includes:

11/86 - 11/98	LVN	Christus St. Joseph Hospital Paris, Texas

I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Executive Director of the Board

Respondent's vocational nursing employment history continued:

12/98 - 06/01	LVN	Paris Pulmonary Clinic Paris, Texas
2002	LVN	Favorite Nurses Dallas, Texas
03/03 - 10/03	LVN	Wilson N. Jones Sherman, Texas
10/03 - 08/05	LVN	Exceptional Home Care Tyler, Texas
06/05 - 09/06	LVN	Favorite Nurse Dallas, Texas
10/06 - 04/07	Unknown	
05/07 - 05/08	LVN	East Texas CareTeam, Inc. Longview, Texas
02/08 - 05/10	LVN	Angels of Care Pediatric Home Health Sherman, Texas
06/10 - Present	Unknown	

6. On or about May 10, 2001, Respondent pleaded guilty to the offense of "Theft Property >= $20 < $500 By Check," a Misdemeanor, in the Lamar County Court at Law, Paris, Texas, Cause Number 39261. Respondent's adjudication of guilt was deferred, and Respondent was placed on probation for a period of twelve (12) months and assessed a fine and court costs.

7. On or about February 19, 2009, Respondent pleaded guilty to "Theft Property >= $20 < $500 By Check," a Misdemeanor, in the Lamar County Court at Law, Paris, Texas, Cause Number 54781. An adjudication of guilt was deferred, and Respondent was placed on probation for a period of two (2) years and assessed a fine and court costs. Respondent completed deferred adjudication on March 2, 2010.

8. On or about May 1, 2009, Respondent plead Guilty and was convicted of "Theft of Property By Check of $20 or more but less than $500," a Class B Misdemeanor (committed on September 17, 2008), in the Fannin County Court at Law, Bonham, Texas, Cause Number 44297. Respondent was ordered to confinement in the Fannin County Jail for a period of one (1) day and ordered to pay restitution and court costs.

9. On or about April 13, 2010, Respondent submitted an online renewal application to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "no" in relevant part to the following questions:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:"

"A. been convicted of a misdemeanor?"
"C. pled nolo contendere, no contest, or guilty?"

On or about February 19, 2009, Respondent pleaded guilty to "Theft Property >=$20<$500 By Check," a Misdemeanor, in the Lamar County Court at Law, Paris, Texas, Cause Number 54781. On or about May 1, 2009, Respondent pleaded Guilty and was convicted of "Theft of Property By Check of $20 or more but less than $500," a Class B Misdemeanor, in the Fannin County Court at Law, Bonham, Texas, Cause Number 44297.

10. On or about May 4, 2010, while employed with Angels of Care Pediatric Home Health, Sherman, Texas, Respondent engaged in the unlawful use of Methamphetamine in the she submitted a specimen for a random drug screen which resulted positive for Methamphetamine. Possession of Methamphetamine without a valid prescription is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act).

11. Respondent admits to the conduct outlined in Finding of Fact Number Six (6). She states that it was a returned check that she was not aware of at the time. She understood that her plea of no contest would result in deferred adjudication. She states that she successfully completed her one year of probation. Regarding the conduct outlined in Findings of Fact Number Seven (7) and Eight (8), Respondent states that she currently has no pending criminal cases other than a traffic violation and is not on probation or deferred adjudication. Regarding the conduct outlined in Finding of Fact Number Nine (9), Respondent states that she takes responsibility for hastily completing the on-line LVN renewal application without reading the "Eligibility Issues" section. She states that had she read the section that she would have disclosed the listed incidents. She states that it was not her intent to be deceptive. She states that she was not aware that deferred adjudication was considered a conviction but now knows that it is. Regarding the conduct outlined in Finding of Fact Number Ten (10), Respondent states that prior to this she has never had a positive test in her entire career. She states that when she is not on the job, she takes Hydrocodone and Xanax for pain. She states that the drugs did not show on the drug test noted and that is why she questioned the validity of the test and offered to submit another specimen. She states that the offer was declined and she was terminated immediately.

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.

CONCLUSIONS OF LAW

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

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violations of Sections 301.452(b)(2), (3) & (10) and 302.402(a)(10) (before 2/1/04), Texas Occupations Code; 22 TEX. ADMIN. CODE §217.12(6)(I), (10)(D), (11)(B) & (13), and 22 TEX. ADMIN. CODE §239.11(1) (before 9/25/04).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 116112, heretofore issued to CYNTHIA ANN BABB, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply 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 this Order.

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

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 nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT 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. RESPONDENT 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 RESPONDENT'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.state.tx.us/disciplinaryaction/stipscourses.html.*

(2) RESPONDENT SHALL pay a monetary fine monitoring fee in the amount of two hundred fifty dollars ($250.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. 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.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT

CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(3) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. RESPONDENT 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. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. RESPONDENT 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.

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

(5) RESPONDENT SHALL be supervised by a Registered Nurse or a Licensed

Vocational Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, 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 Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(6) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the Registered Nurse or Licensed Vocational Nurse who supervises the RESPONDENT. 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 one (1) year of employment as a nurse.

(7) RESPONDENT 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, RESPONDENT 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 RESPONDENT SHALL submit to an

evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(8) RESPONDENT 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. 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 RESPONDENT'S place of employment at any time during the stipulation period and require RESPONDENT 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. RESPONDENT 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 failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice 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 RESPONDENT'S license to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order 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 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 nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 12 day of August, 20 10.

Cynthia Ann Babb

CYNTHIA ANN BABB, Respondent

Sworn to and subscribed before me this 12 day of August, 20 10.

SEAL

DALTON W. KUECKELHAN
Notary Public, State of Texas
My Commission Expires
May 13, 2011

Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the _12th_ day of August, 20 10, by CYNTHIA ANN BABB, Vocational Nurse License Number 116112, and said Order is final.

Effective this 14th day of September, 20 10 .

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

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Vocational Nurse License Number 116112 issued to CYNTHIA ANN BABB	§ § §	AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Boa considered the matter of CYNTHIA ANN BABB, Vocational Nurse License Number 116112, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(2),(3)&(10), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on May 19, 2015.

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(s).

2. Respondent waived notice and hearing, and agreed to the entry of this Order.

3. Respondent's license to practice as a vocational nurse in the State of Texas is in current status.

4. Respondent received a Certificate in Vocational Nursing from Paris Junior College, Paris, Texas, on August 14, 1986. Respondent was licensed to practice vocational nursing in the State of Texas on November 22, 1986.

5. Respondent's vocational nursing employment history includes:

11/1986 - 11/1998	LVN	Christus St. Joseph Hospital Paris, Texas

I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Executive Director of the Board

Respondent's vocational nursing employment history continued:

12/1998 - 6/2001	LVN	Paris Pulmonary Clinic Paris, Texas
2002	LVN	Favorite Nurses Dallas, Texas
1/2003 - 2/2003	Unknown	
3/2003 - 10/2003	LVN	Wilson N. Jones Sherman, Texas
10/2003 - 8/2005	LVN	Exceptional Home Care Tyler, Texas
6/2005 - 9/2006	LVN	Favorite Nurses Dallas, Texas
10/2006 - 4/2007	Unknown	
5/2007 - 5/2008	LVN	East Texas CareTeam, Inc. Longview, Texas
2/2008 - 5/2010	LVN	Angels of Care Pediatric Home Health Sherman, TX
6/2010 - Present	Unknown	

6. On or about September 14, 2010, Respondent's license to practice as a vocational nurse in the State of Texas was issued the sanction of a Warning with Stipulations. The Findings of Fact, Conclusions of Law, and Order dated September 14, 2010, is attached and incorporated, by reference, as part of this Order.

7. On or about December 20, 2013, Respondent was charged in the County Court of Lamar County, Texas, under Cause No. 61455 for THEFT BY CHECK, a misdemeanor offense committed on or about March 1, 2013.

On or about June 20, 2014, Respondent was adjudged Guilty and convicted of THEFT OF PROPERTY BY CHECK>=$20<$500 BY CHECK, a misdemeanor offense committed on or about March 1, 2013, in the County Court of Lamar County, Texas, under Cause No. 61455. As a result of the conviction, Respondent was sentenced to confinement in the Lamar County Jail for a period of six (6) days.

8. On or about April 29, 2014, Respondent submitted an online renewal document to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information in that she answered "No" to the following question:

> "Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:
>
> H. been arrested or have any pending criminal charges?
> I. been cited or charged with any violation of the law?"

Respondent failed to disclose that on or about September 20, 2012, she was arrested by the Lamar County Sheriff's Office, Paris, Texas, and subsequently charged in the County Court of Lamar County, Texas, under Cause No. 59899 for THEFT BY CHECK, a misdemeanor offense committed on or about July 18, 2012. On or about December 13, 2012, Cause No. 59899 was dismissed for the reason: "Restitution Paid."

Additionally, Respondent failed to disclose that on or about December 20, 2013, she was charged in the County Court of Lamar County, Texas, under Cause No. 61455 for THEFT BY CHECK, a misdemeanor offense committed on or about March 1, 2013. These charges were pending at the time of renewal.

9. In response to Finding of Fact Number Seven (7), Respondent states that she was incarcerated for less than twenty-four (24) hours for Theft by Check. The original sentence was for six (6) days in Lamar County Jail. The check in question was for twenty dollars.

In response to Finding of Fact Number Eight (8), Respondent states that the Theft by Check was dismissed as "Restitution Paid" because she testified against someone. She did not know it was on record; therefore, she did not report it. Respondent adds that she did not understand that she needed to report misdemeanors. She did not intentionally try to deceive the Board. Respondent states that she has educated herself on License Renewal Guidelines. She can assure the Board that she will disclose everything prior to renewing her license.

10. Formal Charges were filed on January 20, 2015.

11. Formal Charges were mailed to Respondent on January 21, 2015.

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(s) of 22 TEX. ADMIN. CODE §217.12(6)(I)&(13).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2),(3)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 116112, heretofore issued to CYNTHIA ANN BABB, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **REPRIMAND WITH STIPULATIONS AND FINE** in accordance with the terms of this Order.

A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to comply 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 this Order.

III. MONETARY FINE

RESPONDENT SHALL **pay a monetary fine in the amount of five hundred dollars ($500.00) within forty-five (45) days of entry of this Order.** 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.

IV. COMPLIANCE WITH PRIOR ORDER

The Order of the Board issued to RESPONDENT on September 14, 2010, is still in effect in its entirety and RESPONDENT SHALL be responsible for completing the terms of that Order within six (6) months from the date of this Order.

V. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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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(s) alleged herein. By my signature on this Order, I agree to the entry of this 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 when this Order becomes final and the terms of this Order become effective, 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 31 day of July, 2015

Cynthia Ann Babb

CYNTHIA ANN BABB, Respondent

Sworn to and subscribed before me this 31 day of July, 2015.

SEAL

Amber Tucker

Notary Public in and for the State of Texas

AMBER TUCKER
Notary Public, State of Texas
My Commission Expires
June 19, 2018

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 31st day of July, 2015, by CYNTHIA ANN BABB, Vocational Nurse License Number 116112, and said Order is final.

Effective this 8th day of September, 2015.

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

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Vocational Nurse License Number 116112 issued to CYNTHIA ANN BABB	§ § §	AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of CYNTHIA ANN BABB, Vocational Nurse License Number 116i hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Sections 301.452(b)(2), (3) & (10) and 302.402(a)(10) (before 2/1/04), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on July 5, 2010, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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(s).

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

3. Respondent is currently licensed to practice vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from Paris Junior College, Paris, Texas on August 14, 1986. Respondent was licensed to practice vocational nursing in the State of Texas on November 22, 1986.

5. Respondent's vocational nursing employment history includes:

11/86 - 11/98	LVN	Christus St. Joseph Hospital Paris, Texas

I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Executive Director of the Board

Respondent's vocational nursing employment history continued:

12/98 - 06/01	LVN	Paris Pulmonary Clinic Paris, Texas
2002	LVN	Favorite Nurses Dallas, Texas
03/03 - 10/03	LVN	Wilson N. Jones Sherman, Texas
10/03 - 08/05	LVN	Exceptional Home Care Tyler, Texas
06/05 - 09/06	LVN	Favorite Nurse Dallas, Texas
10/06 - 04/07	Unknown	
05/07 - 05/08	LVN	East Texas CareTeam, Inc. Longview, Texas
02/08 - 05/10	LVN	Angels of Care Pediatric Home Health Sherman, Texas
06/10 - Present	Unknown	

6. On or about May 10, 2001, Respondent pleaded guilty to the offense of "Theft Property >= $20 < $500 By Check," a Misdemeanor, in the Lamar County Court at Law, Paris, Texas, Cause Number 39261. Respondent's adjudication of guilt was deferred, and Respondent was placed on probation for a period of twelve (12) months and assessed a fine and court costs.

7. On or about February 19, 2009, Respondent pleaded guilty to "Theft Property >= $20 < $500 By Check," a Misdemeanor, in the Lamar County Court at Law, Paris, Texas, Cause Number 54781. An adjudication of guilt was deferred, and Respondent was placed on probation for a period of two (2) years and assessed a fine and court costs. Respondent completed deferred adjudication on March 2, 2010.

8. On or about May 1, 2009, Respondent plead Guilty and was convicted of "Theft of Property By Check of $20 or more but less than $500," a Class B Misdemeanor (committed on September 17, 2008), in the Fannin County Court at Law, Bonham, Texas, Cause Number 44297. Respondent was ordered to confinement in the Fannin County Jail for a period of one (1) day and ordered to pay restitution and court costs.

9. On or about April 13, 2010, Respondent submitted an online renewal application to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "no" in relevant part to the following questions:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:"

"A. been convicted of a misdemeanor?"
"C. pled nolo contendere, no contest, or guilty?"

On or about February 19, 2009, Respondent pleaded guilty to "Theft Property>=$20<$500 By Check," a Misdemeanor, in the Lamar County Court at Law, Paris, Texas, Cause Number 54781. On or about May 1, 2009, Respondent pleaded Guilty and was convicted of "Theft of Property By Check of $20 or more but less than $500," a Class B Misdemeanor, in the Fannin County Court at Law, Bonham, Texas, Cause Number 44297.

10. On or about May 4, 2010, while employed with Angels of Care Pediatric Home Health, Sherman, Texas, Respondent engaged in the unlawful use of Methamphetamine in the she submitted a specimen for a random drug screen which resulted positive for Methamphetamine. Possession of Methamphetamine without a valid prescription is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act).

11. Respondent admits to the conduct outlined in Finding of Fact Number Six (6). She states that it was a returned check that she was not aware of at the time. She understood that her plea of no contest would result in deferred adjudication. She states that she successfully completed her one year of probation. Regarding the conduct outlined in Findings of Fact Number Seven (7) and Eight (8), Respondent states that she currently has no pending criminal cases other than a traffic violation and is not on probation or deferred adjudication. Regarding the conduct outlined in Finding of Fact Number Nine (9), Respondent states that she takes responsibility for hastily completing the on-line LVN renewal application without reading the "Eligibility Issues" section. She states that had she read the section that she would have disclosed the listed incidents. She states that it was not her intent to be deceptive. She states that she was not aware that deferred adjudication was considered a conviction but now knows that it is. Regarding the conduct outlined in Finding of Fact Number Ten (10), Respondent states that prior to this she has never had a positive test in her entire career. She states that when she is not on the job, she takes Hydrocodone and Xanax for pain. She states that the drugs did not show on the drug test noted and that is why she questioned the validity of the test and offered to submit another specimen. She states that the offer was declined and she was terminated immediately.

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.

CONCLUSIONS OF LAW

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

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violations of Sections 301.452(b)(2), (3) & (10) and 302.402(a)(10) (before 2/1/04), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.12(6)(I), (10)(D), (11)(B) & (13), and 22 TEX. ADMIN. CODE §239.11(1) (before 9/25/04).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 116112, heretofore issued to CYNTHIA ANN BABB, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply 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 this Order.

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

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 nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT 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. RESPONDENT 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 RESPONDENT'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.state.tx.us/disciplinaryaction/stipscourses.html.*

(2) RESPONDENT SHALL pay a monetary fine monitoring fee in the amount of two hundred fifty dollars ($250.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. 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.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT

CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(3) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. RESPONDENT 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. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. RESPONDENT 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.

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

(5) RESPONDENT SHALL be supervised by a Registered Nurse or a Licensed

Vocational Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, 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 Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(6) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the Registered Nurse or Licensed Vocational Nurse who supervises the RESPONDENT. 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 one (1) year of employment as a nurse.

(7) RESPONDENT 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, RESPONDENT 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 RESPONDENT SHALL submit to an

evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(8) RESPONDENT 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. 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 RESPONDENT'S place of employment at any time during the stipulation period and require RESPONDENT 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. RESPONDENT 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 failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice 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 RESPONDENT'S license to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order 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 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 nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 12 day of August, 2010.

Cynthia Ann Babb

CYNTHIA ANN BABB, Respondent

Sworn to and subscribed before me this 12 day of August, 2010.

SEAL

DALTON W. KUECKELHAN
Notary Public, State of Texas
My Commission Expires
May 13, 2011

Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the _12th_ day of August, 20 10, by CYNTHIA ANN BABB, Vocational Nurse License Number 116112, and said Order is final.

Effective this 14th day of September, 20 10.

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