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

In the Matter of License Number 594361	§	AGREED
issued to COLLEEN AGNES DOBBS	§	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 License Number 594361, issued to COLLEEN AGNES DOBBS, 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 a Baccalaureate in Nursing from Dallas Baptist College, Dallas, Texas, on May 1, 1993. Respondent was licensed to practice professional nursing in the State of Texas on September 22, 1993.

5. Respondent's professional employment history is unknown.

6. On or about January 14, 2002, Respondent surrendered her license to practice professional nursing in the Commonwealth of Massachusetts, Suffolk County, Board of Registration in Nursing, Boston, Massachusetts. A copy of the January 14, 2002, Surrender Agreement is attached and incorporated, by reference, as part of this Order.

7. On or about April 25, 2002, Respondent engaged in the intemperate use of cannibinoids in that Respondent produced a specimen for a drug screen which resulted positive for cannibinoids. Possession of cannibinoids is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act).

8. On or about October 22, 2002, while employed at Maxim Healthcare, Dallas, Texas, and on assignment at Lakepoint Medical Center, Rowlett, Texas, Respondent misappropriated Demerol from the facility and the patients thereof. Respondent's conduct defrauded the faility and the patients thereof of the cost of the medication.

9. Respondent, by his/her signature to this Order, expresses his/her desire to voluntarily surrender his/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 violations of Section 301.452(b)(8) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1) & (19).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 594361, heretofore issued to COLLEEN AGNES DOBBS, including revocation of Respondent's professional license to practice nursing in the State of Texas.

5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.

7. Any subsequent reinstatement of this license will be controlled by Section 301.452(b), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of License Number 594361, heretofore issued to COLLEEN AGNES DOBBS, 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-size license, heretofore issued to COLLEEN AGNES DOBBS, 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.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 13 day of November, 2002.

Colleen Agnes Dobbs

COLLEEN AGNES DOBBS, Respondent

Sworn to and subscribed before me this 13 day of November, 2002.

SEAL

Karen McGahen

Notary Public in and for the State of Texas

NOTARY PUBLIC STATE OF TEXAS
Karen M McGahen
My Commission Expires
January 11, 2005

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of License Number 594361, previously issued to COLLEEN AGNES DOBBS.

Effective this 20th day of November, 20 02.

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

RECEIVED
JAN 10 2002
BOARD OF REGISTRATION IN NURSING

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION
IN NURSING

In the Matter of
Colleen A. Dobbs, RN
License No. 238824

Docket No. RN-02-043

SURRENDER AGREEMENT

The Massachusetts Board of Registration in Nursing (Board) and Colleen A. Dobbs (Licensee), a Registered Nurse (RN) licensed by the Board, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee's record maintained by the Board:

1. The Licensee hereby acknowledges and agrees that this Surrender Agreement (Agreement) is entered into in resolution of the Board's investigation of a complaint filed against her Massachusetts nursing license, Docket No. RN-02-043.

2. The Licensee states that she is surrendering to the Board her license to practice as a Registered Nurse. The Licensee acknowledges that her conduct, as documented in Docket No. RN-02-043, constitutes failure to comply with the Board's Standards of Conduct at 244 Code of Massachusetts Regulations (CMR) sections 9.03(5), (6)(a), (9), (31), (35), (37), (38), (39), (44) and (47), and warrants disciplinary action by the Board under Massachusetts General Laws (G.L.) Chapter 112, section 61 and Board regulations at 244 CMR section 7.04, Disciplinary Actions. Specifically, the Licensee admits that, while employed by US Nurses, Inc. at Brockton Hospital in Brockton, MA, on or about various dates between May 25 and June 13, 2001, she diverted controlled substances from the facility for her own use; was observed to sign out and place in her pocket a 75mg tubex of Demerol for a patient who did not have an order for the medication and which she charted administering; and she removed controlled substances from the medication supply for patients who did not have orders for the medications, in excess of the dosages ordered and more frequently than ordered. The Licensee also admits that she has a substance abuse problem and chemical dependency.

3. The Licensee understands that the surrender of her nursing license is for at least a three (3) year period, commencing with the Effective Date of this Agreement, which is the date on which the Board signs this Agreement after receiving the Agreement signed by the Licensee, along with her Massachusetts nursing license,

License No. 238824, delivered to the Board by hand or certified mail (Effective Date). After a three (3) year period of license surrender, the Licensee may petition the Board in writing for reinstatement of her Massachusetts license. Upon such petition, the Licensee shall submit to the Board documentation satisfactory to the Board of her ability to practice nursing in a safe and competent manner, including, but not limited to, documentation of her successful and continued recovery from substance abuse as specified in Paragraph 4 below and evidence of completion of all continuing education required by Board regulations within the two (2) renewal cycles immediately preceding her reinstatement petition. The Board may choose to reinstate said license if the Board determines that reinstatement is in the best interests of the public at large.

4. The Licensee agrees that at the time of any request for license reinstatement she shall:

   a. arrange to have submitted directly to the Board, according to the conditions and procedures outlined in **Attachment A**, the results of random supervised urine tests for substances of abuse, collected no less than ten (10) times per year during the two (2) years immediately preceding the request for reinstatement, all of which are required to be negative;

   b. submit documentation that she has obtained a sponsor and is regularly attending Alcoholics Anonymous (AA) and/or Narcotics Anonymous (NA) meetings; and

   c. if employed during the year immediately prior to her request for reinstatement, arrange for each employer during said year to submit directly to the Board a performance evaluation, which reviews the Licensee's attendance, general reliability and overall job performance.

   Upon her request for reinstatement of her license, the Licensee shall submit to the Board documentation satisfactory to the Board that she has complied with these stipulations.

5. The Licensee further understands and agrees that any reinstatement of her nursing license by the Board after the Effective Date of this Agreement as provided under Paragraph 3 above, may be conditioned upon and immediately followed by, a Probation of her nursing license for a period of time (Probationary Period), as well as other restrictions and requirements that the Board may then determine are reasonably necessary in the best interests of the public health, safety and welfare.

6. The Licensee agrees that she will not practice as a Registered Nurse in Massachusetts from the Effective Date of this Agreement unless and until the Licensee's license is reinstated by the Board. The Licensee understands that

practice as a nurse includes, but is not limited to, seeking and/or accepting a paid or voluntary position as a nurse, or a paid or voluntary position requiring that the applicant hold a current nursing license.

7. The Licensee further understands that if she accepts a voluntary or paid position as a Registered Nurse or engages in any practice of nursing after the Effective Date of this Agreement and before formal reinstatement of her nursing license by the Board as provided herein, evidence of such practice shall be grounds for the Board's referral of any such unlicensed practice to the appropriate law enforcement authorities for prosecution, as set forth in G. L. c. 112, sections 65 and 80.

8. The Licensee understands that this surrender of her license is a final act depriving her of all privileges of registration and is not subject to reconsideration or judicial review.

9. The Licensee states that she has used legal counsel in connection with the decision to surrender her license or, if she has not used legal counsel, that the decision not to use legal counsel has been one taken of her own free will.

10. The Licensee understands that, after its Effective Date, the Board is authorized to forward a copy of this Agreement to other interested licensing boards and/or law enforcement entities, as well as to any other individual or entity as required by law.

11. The Board agrees that in return for the Licensee's execution and successful compliance with all the requirements of this Surrender Agreement, the Board shall not prosecute before itself the allegations arising from the Board's investigation in connection with Docket No. RN-02-043.

12. The Licensee agrees to return to the Board, by hand or by certified mail, her current Massachusetts license to practice as a Registered Nurse, License No. 238824, and two (2) original copies of this Agreement, signed witnessed and dated, within fifteen (15) days of her receipt of the Agreement.

13. The Licensee certifies that she has read this document entitled "Surrender Agreement." The Licensee understands that she has the right to a formal adjudication concerning the allegations against her and that at said hearing she would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her own behalf, to contest the allegations, to present oral argument, to appeal to the courts, and all other rights set forth in the Massachusetts Administrative Procedure Act, G. L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.00 *et seq.* The Licensee further states that she understands that in executing this document

entitled "Surrender Agreement," she is knowingly and voluntarily waiving her right to a formal hearing and to all of the above-listed rights attendant thereto.

Helen Dobbs 1/4/02
Witness (sign and date)

Jesse 1/4/02

Helen Dobbs
Witness (print name)

Jesse Wilson 1/4/02

Colleen Dobbs 1/4/02
Colleen A. Dobbs, RN
Licensee (sign and date)

Theresa M. Bonanno /CR
Theresa M. Bonanno, MSN, RN
Executive Director
Board of Registration in Nursing

January 14, 2002
Effective Date of license Surrender

Attachment A: Random Urine Testing Information Sheet

Fully Signed Agreement Sent to Licensee by Certified Mail No. 7000 1670 0003 1378 9936