

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 518166	§	REINSTATEMENT
issued to LEIGH A. COKINS	§	AGREED ORDER

On this day came to be considered by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the Petition for Reinstatement of registered nurse license number 518166, held by LEIGH A. COKINS, hereinafter referred to as Petitioner.

An informal conference was held on April 25, 2000, at the office of the Board of Nurse Examiners, 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, Executive Director; James W. Johnston, General Counsel; Anthony L. Diggs, Director of Enforcement; Sandra Owen, Director of Professional Nursing; and Noemi Leal, Senior Investigator.

FINDINGS OF FACT

1. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.
2. Petitioner received an Associate Degree in Nursing from Galveston College, Galveston, Texas in May of 1984. Petitioner was originally licensed to practice professional nursing in the state of Texas on August 24, 1984.
3. Petitioner's professional employment history included:

06/84 - 08/84	Staff RN
	UTMB Children's Hospital
	Galveston, TX

Petitioner's employment history continued:

08/84 - 11/84	Staff RN Northwest Texas Hospital Amarillo, TX
11/84 - 01/85	Pre/Post Op RN Texas Children's Hospital Houston, TX
01/85 - 05/85	Staff RN Mainland Medical Center Texas City, TX
05/85 - 06/87	Staff RN UTMB Children's Hospital Galveston, TX
06/87 - 07/91	Infant Care RN UTMB Women's and Infants Galveston, TX
07/91 - 06/92	Pediatric ICU RN UTMB Children's Hospital Galveston, TX
06/92 - 01/94	Newborn Nursery RN UTMB Galveston, TX
01/94 - 04/95	Pediatric Emergency RN UTMB Children's Hospital Galveston, TX
04/95 - 10/96	Unemployed
10/96 - present	Not employed in nursing

4. The Board accepted the voluntary surrender of Petitioner's license to practice professional nursing on August 6, 1996. A copy of the Order accepting the surrender of Petitioner's license is attached and incorporated by reference as a part of this Order.

5. On or about November 2, 1999, Petitioner submitted a Petition for Reinstatement of license to practice professional nursing in the State of Texas.
6. Petitioner presented the following in support of her petition:
 - 6.1 Copy of court documents for Cause No. 162033 in the County Court No.1 of Galveston County, Texas. On September 19, 1996, Petitioner plead nolo contendere to Forge/Increase Prescribed Quantity/Dangerous Drug, a Class B misdemeanor. Petitioner was fined \$400 and court costs.
 - 6.2 Letter of reference, dated February 26, 1999, from Janice Connard, Galveston, Texas. Ms. Connard has employed Petitioner since October 1996 as a health care provider.
 - 6.3 Letter of reference, dated August 16, 1999, from Penny Janke, Galveston, Texas. Ms. Janke has been Petitioner's NA sponsor since September 1996.
 - 6.4 Evidence of Petitioner's completion of the continuing education hours necessary for relicensure.
7. Petitioner's sobriety date is September 3, 1996.

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.

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ORDER

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that the petition of LEIGH A. COKINS, license number 518166, to practice professional nursing in the state of Texas, be and the same is hereby GRANTED SUBJECT TO THE FOLLOWING CONDITIONS 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 Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et. seq.* and the stipulations contained in this Order:

(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. The refresher course 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 24-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 conditions of reinstatement, as set out in this Order, PETITIONER SHALL pay all re-registration fees and be issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to LEIGH A. COKINS, shall be subject to the following agreed post-licensure stipulations:

(6) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing jurisprudence. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. 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 is to be taken in addition to any continuing education requirements the Board may have for relicensure.

(7) PETITIONER SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER SHALL present a copy of this Order to each future employer prior to accepting an offer of employment.

(8) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form to the Board's office within five (5) days of employment as a professional nurse.

(9) For the first year of employment as a registered nurse under this Order, PETITIONER SHALL be directly supervised by a registered nurse. Direct supervision requires another professional nurse to be working on the same unit as PETITIONER and readily 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, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(10) For the remainder of the stipulated period, PETITIONER SHALL be supervised by a registered nurse who is on the premises. The supervising RN 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. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

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

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

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

(14) PETITIONER SHALL CAUSE each employer to submit, on forms provided by the Board, periodic reports as to PETITIONER's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the PETITIONER. These reports shall be submitted to the office of the Board at the end of each three (3) months for two (2) years of employment as a professional nurse.

(15) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan 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.

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(16) PETITIONER SHALL submit to random periodic screens for controlled substances and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month period, random screens shall be performed at least once per month. For the remainder of the stipulation/probation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene

A Board representative may appear at the PETITIONER's place of employment at any time during the stipulation/probation 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/probation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board.

(17) 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 professional 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 for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation period, or until PETITIONER is dismissed from therapy.

(18) PETITIONER SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and 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) months. 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, PETITIONER SHALL be issued an unencumbered license to practice professional nursing in the State of Texas.

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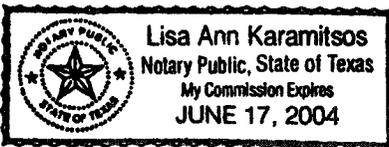
PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I 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 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 16th day of June, 2000.

Leigh A Cokins
LEIGH A. COKINS, Petitioner

Sworn to and subscribed before me this 16th day of June, 2000.
Lisa Ann Karamitos



Notary Public in and for the State of Texas

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 16th day of June, 2000, by LEIGH A. COKINS, license number 518166, and said Order is final.

Effective this 15th day of August, 2000.

Katherine A. Thomas

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 Permanent Certificate §
Number 518166 issued to §
LEIGH ANN COKINS §

ORDER OF THE BOARD

To: LEIGH ANN COKINS
 3311 Ashton Place, #163
 Galveston, Texas 77551

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of professional nurse license number 518166, issued to LEIGH ANN COKINS, hereinafter referred to as Respondent. This action was taken in accordance with Article 4525.1(c), Revised Civil Statutes of Texas, as amended.

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

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice 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 is currently licensed to practice professional nursing in the State of Texas.
3. On or about August 26, 1994, while employed at the University of Texas Medical Branch, Pediatric Intensive Care Unit, Galveston, Texas, Respondent admitted to using crack cocaine. Possession of crack cocaine is prohibited by Chapter 481 (Controlled Substance Act) of the Texas Health and Safety Code. The use of crack cocaine by a Registered Nurse, while subject to duty or call could impair a nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition and 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.

4. On or about September 9, 1994, while employed at the aforementioned facility, Respondent produced a specimen for a drug screen which tested positive for benzodiazepines. Possession of benzodiazepines is prohibited by Chapter 481 (Controlled Substance Act) of the Texas Health and Safety Code. The use of benzodiazepines by a Registered Nurse, while subject to duty or call could impair a nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition and 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.
5. On or about September 9, 1994, while employed at the aforementioned facility, Respondent produced a specimen for a drug screen which tested positive for amphetamine and methamphetamine. Possession of amphetamine and methamphetamine is prohibited by Chapter 481 (Controlled Substance Act) of the Texas Health and Safety Code. The use of amphetamine and methamphetamine by a Registered Nurse, while subject to duty or call could impair a nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition and 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.
6. On or about March 31, 1995, while employed at the aforementioned facility, Respondent produced a specimen for a drug screen which tested positive for cocaine. Possession of cocaine is prohibited by Chapter 481 (Controlled Substance Act) of the Texas Health and Safety Code. The use of cocaine by a Registered Nurse, while subject to duty or call could impair a nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition and 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.
7. Respondent submitted a notarized statement to the Board voluntarily surrendering the right to practice professional nursing in Texas.

CONCLUSIONS OF LAW

1. Pursuant to Article 4525, Revised Civil Statutes of Texas, as amended, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. Under Article 4525.1(c), Revised Civil Statutes of Texas, as amended, the Board has the authority to accept the voluntary surrender of a license.
4. Under Article 4525.1(d), Revised Civil Statutes of Texas, as amended, the Board may impose conditions for reinstatement of licensure.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of license number 518166, heretofore issued to LEIGH ANN COKINS 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 NOT practice professional nursing, use the title of "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 in surrender.
2. RESPONDENT SHALL NOT submit a petition for reinstatement until 5 years have elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

Signed this 6th day of August, 1996.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

By:



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