

IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
NUMBER 103223	§	COMMITTEE
ISSUED TO	§	OF THE TEXAS
SCARLETT B. COUCH	§	BOARD OF NURSING

ORDER OF THE BOARD

TO: SCARLETT B. COUCH
608 BARRYWOOD, NO. 1034
FT. WORTH, TEXAS 76112

During open meeting held in Austin, Texas, on November 13, 2007, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to file a written response to the Formal Charges as required by 22 TEX. ADMIN. CODE § 213.16.

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

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

The Committee finds that after proper and timely notice of the violations alleged in the Formal Charges were given to Respondent in this matter, Respondent has failed to file an answer in accordance with 22 TEX. ADMIN. CODE § 213.16.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056 and 22 TEX. ADMIN. CODE § 213.16.

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

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

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 103223, previously issued to SCARLETT B. COUCH, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 103223, previously issued to SCARLETT B. COUCH, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

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

Entered this 13th day of November, 2007.

TEXAS BOARD OF NURSING
FOR THE STATE OF TEXAS

BY:


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

Re: Permanent Certificate Number 103223
Issued to SCARLETT B. COUCH
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of November, 2007, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

SCARLETT B. COUCH
608 BARRYWOOD, NO. 1034
FT. WORTH, TEXAS 76112

BY: Katherine A. Thomas
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License § **BEFORE THE BOARD**
Number 103223, Issued to § **OF NURSE EXAMINERS**
SCARLETT B. COUCH, Respondent § **FOR THE STATE OF TEXAS**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SCARLETT B. COUCH, is a Vocational Nurse holding license number 103223, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about December 8, 2006, Respondent failed to comply with the Reinstatement Agreed Order issued to her on November 8, 2005, by the Board of Nurse Examiners for the State of Texas. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Two (2) of the Order which states, in pertinent part:

(2) Petitioner shall, within one (1) year of relicensure, successfully complete a course in nursing jurisprudence....

A copy of the November 8, 2005, Reinstatement Agreed Order, Findings of Fact and Conclusions of Law, is attached and incorporated, by reference, as part of this pleading.

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

CHARGE II.

On or about December 8, 2006, Respondent failed to comply with the Reinstatement Agreed Order issued to her on November 8, 2005, by the Board of Nurse Examiners for the State of Texas. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Three (3) of the Order which states, in pertinent part:

(3) Petitioner shall, within one (1) year of relicensure, successfully complete a course in nursing documentation....

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

CHARGE III.

On or about December 8, 2006, Respondent failed to comply with the Reinstatement Agreed Order issued to her on November 8, 2005, by the Board of Nurse Examiners for the State of Texas. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Four (4) of the Order which states, in pertinent part:

(4) Petitioner shall, within one (1) year of relicensure, successfully complete a course in nursing ethics....

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

CHARGE IV.

On or about November 2, 2006, February 2, 2007, and May 2, 2007, Respondent failed to comply with the Reinstatement Agreed Order issued to her on November 8, 2005, by the Board of Nurse Examiners for the State of Texas. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Eight (8) of the Order which states, in pertinent part:

(8) Petitioner shall cause each employer to submit, on forms provided to the Petitioner by the Board, periodic reports as to Petitioner's capability to practice vocational nursing....

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

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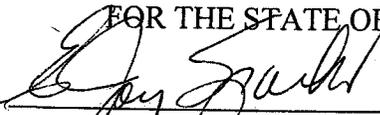
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice vocational nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

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

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Default Order dated September 9, 2003, and Reinstatement Agreed Order dated November 8, 2005.

Filed this 10th day of August, 2007.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Victoria Cox, Assistant General Counsel
State Bar No. 00789585

E. Joy Sparks, Assistant General Counsel
State Bar No. 18874600

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305.8101 or (512)305-7401

Attachments: Default Order dated September 9, 2003
Reinstatement Agreed Order dated November 8, 2005.

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Vocational Nurse	§	REINSTATEMENT
License Number 103223	§	AGREED ORDER
issued to SCARLETT B. COUCH	§	

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 vocational nurse license number 103223, held by SCARLETT B. COUCH, hereinafter referred to as Petitioner.

An informal conference was held on July 26, 2005, 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 Mary Beth Thomas, MSN, RN, Director of Nursing, Executive Director's Designee; Elizabeth Higginbotham, RN, JD, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; and Carolyn Hudson, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.
3. Petitioner received a Certificate in Vocational Nursing from Weatherford College, Weatherford, Texas, on August 26, 1983. Petitioner was originally licensed to practice vocational nursing in the State of Texas on November 30, 1983.

4. Petitioner's vocational employment history includes:

1983 - 1986	LVN	Campbell Hospital Weatherford, Texas
1986 - 1990	LVN Clinic Director	West Side Clinic Fort Worth, Texas
1990 - 1992	LVN Office Nurse	Robert Barret, M.D. Fort Worth, Texas
1992 - 1993	LVN Office Nurse	James Parker, M.D. Fort Worth, Texas
1993 - 2002	LVN Charge Nurse	Wedgewood Nursing Home Fort Worth, Texas
2002 - 2004	LVN Charge Nurse	Heritage Oaks Fort Worth, Texas
2004 - Present	Not employed in nursing	

5. On September 9, 2003, Petitioner's license to practice vocational nursing in the State of Texas was revoked by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the September 9, 2003, Order and Complaint, is attached and incorporated, by reference, as a part of this Order.

6. On or about March 14, 2005, Petitioner submitted a Petition for Reinstatement of her License to practice vocational nursing in the State of Texas.

7. Petitioner presented the following in support of her petition:

7.1. Letter of support, dated, March 6, 2004, written by Christine Morris, R.N.C., DON, Heritage Oaks Nursing and Rehabilitation, Arlington, Texas, states that Petitioner was employed at Heritage Oaks from April 4, 2002, to October 18, 2005, as a Licensed Vocational Nurse and a Medical Records Clerk. Ms. Morris states that Petitioner offered meticulous patient care and set high standards for the certified nurse aides and herself. Her clinical skills were excellent and she maintained communication with all required departments. Ms. Morris states that Petitioner was a valuable asset to the facility and an asset to the field of nursing. Ms. Morris recommends reinstatement of Petitioner's license.

- 7.2. Letter of support, dated February 3, 2005, written by Billye D. Ramey, LVN, states that she has known Petitioner for thirteen (13) years and worked with her in the same nursing facility. Ms. Ramey states that Petitioner is a caring, compassionate, and knowledgeable nurse. Ms. Ramey recommends reinstatement of Petitioner's nursing license.
- 7.3. Letter of support, dated February 4, 2005, written by Sara F. Garrett, states that she recommends Petitioner as a nurse for her or any member of her family. Ms. Garrett states that her cousin was a resident at the nursing home in which Petitioner was a nurse, and she was compassionate, caring, and dedicated to the patients.
- 7.4. Letter of support, dated February 4, 2005, written by Naomi Ashlock, states that her husband was a resident of Wedgewood Nursing Home for six (6) years and Petitioner was his nurse. Ms. Ashlock states that Petitioner cares for her patients in a professional manner, and she took great care of her husband as well as all of her patients.
- 7.5. Letter of support, dated February 7, 2005, written by Connie Simmons, states that she worked with Petitioner for nine (9) years, and she is one of the best nurses. Ms. Simmons states that she chose Petitioner to care for her grandmother in a nursing facility, and she has good nursing skills. Petitioner listens to her patients and their families with concern and understanding.
- 7.6. Letter of support, dated February 11, 2005, written by Annie Hernandez, states that she worked with Petitioner for over a year and she was an excellent nurse. Ms. Hernandez recommends reinstatement of Petitioner's license.
- 7.7. Verification of successful completion of twenty (20) Type I Continuing Education Contact Hours.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. 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.
3. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that the petition of SCARLETT B. COUCH, license number 103223, to practice vocational 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 Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et. seq.* and the stipulations contained in this Order:

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

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

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has paid all re-registration fees and is issued a license to practice vocational nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to SCARLETT B. COUCH, shall be subject to the following agreed post-licensure stipulations:

(2) 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 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 must include vocational 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. *Board-approved courses can be found on the Board's website www.bne.state.tx.us (under BNE events).*

(3) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing documentation. PETITIONER SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. PETITIONER SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify PETITIONER's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(4) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing ethics. PETITIONER SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by 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. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, SHOULD PETITIONER PRACTICE AS A VOCATIONAL NURSE IN THE STATE OF TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING 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:

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

(6) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Petitioner by the Board, to the Board's office within five (5) days of employment as a vocational nurse.

(7) For the duration of this Order, PETITIONER 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 PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Petitioner is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to PETITIONER's capability to practice vocational nursing. These reports shall be completed by the Registered Nurse or Licensed Vocational Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for one (1) year(s) of employment as a vocational nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

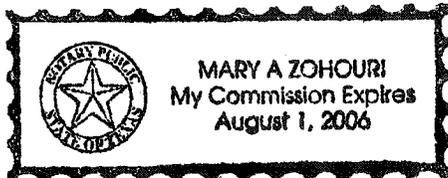
I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice vocational nursing in the state of Texas. 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 8th day of September, 2005.

Scarlett Couch
SCARLETT B. COUCH, Petitioner

Sworn to and subscribed before me this 8th day of September, 2005.

SEAL



[Signature]
Notary Public in and for the State of Texas

Signed this 8th day of September, 2005.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 8th day of September, 2005, by SCARLETT B. COUCH, license number 103223, and said Order is final.

Effective this 8th day of November, 2005.



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

IN THE MATTER OF PERMANENT

LICENSE NUMBER #103223

ISSUED TO

SCARLETT B. COUCH

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BEFORE THE BOARD OF

VOCATIONAL NURSE EXAMINERS

IN AND FOR THE

STATE OF TEXAS

DEFAULT ORDER

TO: SCARLETT B. COUCH
608 BARRYWOOD, NO. #1034
FORT WORTH, TEXAS 76112

On this day came to be considered by the Board of Vocational Nurse Examiners for the State of Texas, hereinafter referred to as "the Board", the matter of vocational nurse license number 103223 held by SCARLETT B. COUCH hereinafter called "Respondent".

A sworn Complaint has been filed in accordance with the TEX. OCC. CODE ANN. § 302.403 & § 302.404 and served on the Respondent, pursuant to TEX. GOV'T CODE ANN. Chapter 2001 (Vernon 2000), 22 TEX. ADMIN. CODE (TAC) § 239.23 (1999); which alleges violations of the Texas Occupations Code, Chapter 302, and grounds to take disciplinary action against Respondent.

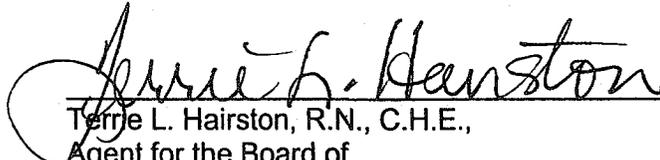
During open meeting on September 9, 2003, at Austin, Texas, the Board finds that, after proper and timely notice was given in the above-styled case, Respondent has failed to file an "Answer to Appear".

The Board, after review and due consideration of Respondent's failure to enter an appearance, in accordance with 22 TEX. ADMIN. CODE (TAC) § 239.46 (2000), ratifies and adopts the Default Order.

DEFAULT ORDER – REVOKED
RE: SCARLETT B. COUCH, LVN #103223
PAGE 2

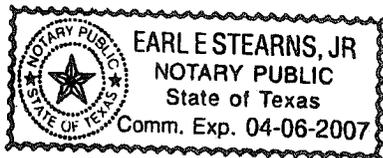
NOW, THEREFORE, IT IS ORDERED that License Number #103223 heretofore issued to SCARLETT B. COUCH to practice vocational nursing in the State of Texas be, and the same is hereby, **REVOKED**.

Appeals from a final decision or Order of the Board must be made pursuant to the requirements of the Administrative Procedure Act, TEX. GOV'T CODE, ANN., Chapter 2001, § 2001.146, as amended. A motion for rehearing must be filed the Board within 20 days from the date of this notice, as a jurisdictional prerequisite to an Appeal.



Terrie L. Hairston, R.N., C.H.E.,
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 9th day of September, 2003.



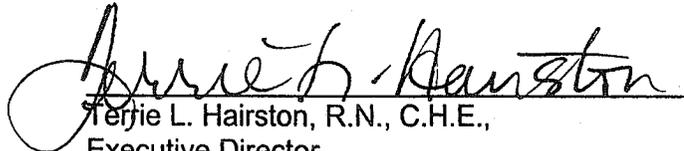


NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

DEFAULT ORDER – REVOKED
RE: SCARLETT B. COUCH, LVN #103223
PAGE 3

WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse Examiners for the State of Texas does hereby ratify and adopt the Default Order, on the 9th day of September, 2003, that Said Order is Final in the matter of SCARLETT B. COUCH, LVN #103223.

Effective this 9th day of September, 2003.

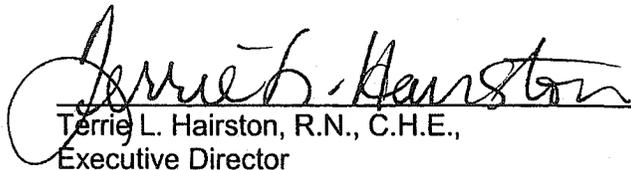

Terjie L. Hairston, R.N., C.H.E.,
Executive Director
On Behalf of Said Board

DEFAULT ORDER – REVOKED
RE: SCARLETT B. COUCH, LVN #103223
PAGE 4

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of September, 2003, a true and correct copy of the foregoing **DEFAULT ORDER** was served by placement in the U.S. Mail first class mail, and addressed to the following person(s):

SCARLETT B. COUCH
608 BARRYWOOD, NO. #1034
FORT WORTH, TEXAS 76112



Terrie L. Hairston, R.N., C.H.E.,
Executive Director
Agent for the Board of Vocational Nurse Examiners

BOARD OF VOCATIONAL NURSE
EXAMINERS

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STATE OF TEXAS

VS.

SCARLETT B. COUCH

COUNTY OF TRAVIS

COMPLAINT

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Lynda G. Pringle, who after being by me duly sworn, did depose and say:

As an Investigator for the Board of Vocational Nurse Examiners, I, Lynda G. Pringle, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against SCARLETT B. COUCH, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 103223, hereinafter called Respondent.

I.

a. Respondent was employed as a Licensed Vocational Nurse with Wedgewood Nursing Home in Fort Worth, Texas from about April 12, 1993 through about February 19, 2002.

b. While so employed with said facility, on or about February 18, 2002, Respondent failed to follow physician's orders and negligently administered a PRN medication (Vicodin) to a resident prior to its scheduled time. Furthermore, Respondent fraudulently altered in the medication administration records the times in which the previous nurse had given the medication to give the appearance that she had administered the medication within the timeframe of the physician's orders.

II.

The foregoing acts constitute unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public, in violation of the Texas Occupations Code, Chapter 302, Section 302.402 (a) (10) and Rule 239.11 of the Rules and Regulations of the Board of Vocational Nurse Examiners, Title 22, Texas Administrative Code. Rule 239.11, provides in pertinent part: that "Unprofessional Conduct" shall include, but not be limited to:

- (2) administering medications and treatments in a negligent manner;
- (3) failing to accurately or intelligibly report and/or document a patient's/client's status including signs, symptoms, or responses and the nursing care delivered;
- (4) failing to make entries, destroying entries, and/or making false entries in records pertaining to care of patient(s)/client(s);
- (27) failing to conform to the minimal standards of acceptable prevailing practice, regardless of whether or not actual injury to any person was sustained, including but not limited to:
 - (K) negligently or intentionally violating a physician's order addressing patient care.

III.

The foregoing acts constitute grounds for the Board of Vocational Nurse Examiners to take disciplinary action as provided under the Texas Occupations

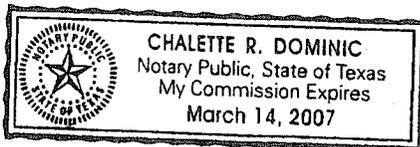
COMPLAINT
RE: SCARLETT B. COUCH, LVN #103223
PAGE 3

Code, Chapter 302, Licensed Vocational Nurse, Section 302.403 and Section 302.451, relief such as revocation, suspension, suspension with probation, reprimand, warning, denial of licensure and/or imposition of administrative penalties (fines), may be recommended by the Board. Pursuant to Board Rule 239.19 the Board may assess penalties (fines), in the minimum amount of two hundred fifty dollars (\$250.00), not to exceed two thousand dollars (\$2,000.00).

WHEREFORE, PREMISES CONSIDERED, I, Lynda G. Pringle, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against SCARLETT B. COUCH, LVN #103223, in accordance with the provisions of the laws of the State of Texas.

Lynda G. Pringle
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME by the said Lynda G. Pringle, on this the 5th day of May 2003.



Chalette R. Dominic
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

COMPLAINT
RE: SCARLETT B. COUCH, LVN #103223
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Filed with the Board of Vocational Nurse Examiners on the 5th day of May 2003.

A handwritten signature in black ink, appearing to read "Kirby W. Hattox", written over a horizontal line.

Kirby W. Hattox, Supervisor
Enforcement Division
Board of Vocational Nurse Examiners