

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBERS 699768 and 113639
ISSUED TO
LEE ANNE (COOPER) BARBER

§
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§
§
§

BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE
TEXAS BOARD OF NURSING



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

NUNC PRO TUNC ORDER OF THE BOARD

TO: Lee Anne (Cooper) Barber
5109 Tennington Park
Dallas, TX 75287

On February 9, 2010, during open meeting in Austin, Texas, an Order of the Board was entered for Lee Ann (Cooper) Barber. However, the Order contained the incorrect registered nursing license number of the Respondent and the incorrect effective date of the 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, invalidates the Order of the Board for Lee Ann (Cooper) Barber that is dated February 9, 2009, and submits and enters the corrected Order of the Board, which contains the correct registered nursing license number of the Respondent and the correct effective date. No other changes to the Order have been made. Ms. Barber received due process regarding her licenses; 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 February 9, 2010.

Entered this 23rd of April, 2012.

TEXAS BOARD OF NURSING

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

IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 699768 & 113639	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
LEEANNE COOPER BARBER	§	BOARD OF NURSING

ORDER OF THE BOARD

TO: LeeAnne Cooper Barber
5109 Tennington park
Dallas, Texas 75287

During open meeting held in Austin, Texas, on February 9, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional and 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 regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas

Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

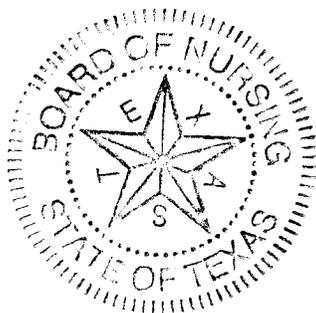
All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 699768 and 113639, previously issued to LEEANNE COOPER BARBER, to practice professional and vocational nursing in the State of Texas be, and the same are hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 699768 and 113639, previously issued to LEEANNE COOPER BARBER, 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 professional and vocational nursing in the State of Texas.

Entered this 9th day of February, 2010.



TEXAS BOARD OF NURSING

BY:

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

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of February, 2010, 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):

LeeAnne Cooper Barber
5109 Tennington Park
Dallas, Texas 75287

BY:



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

IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
NUMBER 699763 & 113639	§	COMMITTEE
ISSUED TO	§	OF THE TEXAS
LEEANNE COOPER BARBER	§	BOARD OF NURSING

ORDER OF THE BOARD

TO: LeeAnne Cooper Barber
5109 Tennington park
Dallas, Texas 75287

During open meeting held in Austin, Texas, on February 9, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional and 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 regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas

Government Code § 2001.056.

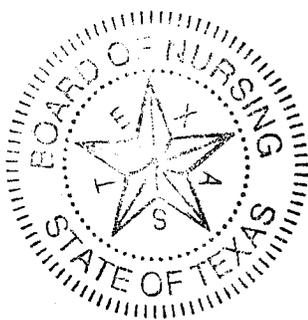
The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

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

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 699768 and 113639, previously issued to LEEANNE COOPER BARBER, to practice professional and vocational nursing in the State of Texas be, and the same are hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 699768 and 113639, previously issued to LEEANNE COOPER BARBER, 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 professional and vocational nursing in the State of Texas.



Entered this 9th day of February, 2009.

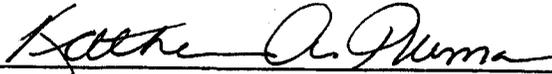
TEXAS BOARD OF NURSING

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

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of February, 2010, 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):

LeeAnne Cooper Barber
5109 Tennington Park
Dallas, Texas 75287

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

In the Matter of Permanent License
Number 699768 and 113639, Issued to
LEEANNE COOPER BARBER, Respondent

§ **BEFORE THE TEXAS**
§
§ **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, LEEANNE COOPER BARBER, is a Registered Nurse holding license number 699768, which is in delinquent status at the time of this pleading, and a Vocational Nurse holding license number 113639, which is in delinquent 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 June 25, 2009, Respondent became non-compliant with the Agreed Order issued to her by the Texas Board of Nursing on April 15, 2009. Non-compliance is the result of Respondent's failure to comply with Stipulation Number One (1) of the Order dated April 15, 2009, which states: "(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of three hundred and fifty dollars (\$350) payable to TPAPN." On February 13, 2009, Respondent was dismissed from TPAPN and referred to the Board.

The evidence received is sufficient to prove violations of Section 301.452(b)(1) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. and TEX. OCC. CODE Ch. 53. 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.bon.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance

Dependency, or other Substance Use Disorder which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS 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: Agreed Order dated April 15, 2009.

Filed this 28th day of October, 2009.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel

Board Certified - Administrative Law

Texas Board of Legal Specialization

State Bar No. 10838300

Jena Renee Koslan Abel, Assistant General Counsel

State Bar No. 24036103

Robert Kyle Hensley, Assistant General Counsel

State Bar No. 50511847

John F. Legris, Assistant General Counsel

State Bar No. 00785533

Ronald Lloyd Simpson, Jr., Assistant General Counsel

State Bar No. 24067868

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460

Austin, Texas 78701

P: (512) 305-6824

F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated April 15, 2009

0999/D

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse License Number 699768 § AGREED
and Vocational Nurse License Number 113639 §
issued to LeeAnne Cooper Barber § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LEEANNE COOPER BARBER, Registered Nurse License Number 699768 and Vocational Nurse License Number 113639, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on March 17, 2009, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal proceedings, 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. Respondent's license to practice vocational nursing in the State of Texas is currently in delinquent status.
4. Respondent received a Certificate in Nursing from Bessemer State Technical College, Bessemer, Alabama, on August 30, 1984. Respondent was licensed to practice vocational nursing in the State of Texas on March 26, 1986. Respondent received an Associate Degree in Nursing from Wallace State Community College, Selma, Alabama, on December 21, 1998. Respondent was licensed to practice professional nursing in the State of Texas on August 13, 2003.

5. Respondent's professional nursing employment history includes:

06/2001 - 03/2003	RN	South Baldwin Hospital Foley, Alabama
01/2003 - 02/2004	RN	New Age Travel Nurses Birmingham, Alabama
02/2004 - 09/2004	Employment History Unknown	
09/2004 - 08/2005	RN	Brookwood Medical Center Birmingham, Alabama
09/2005 - 01/2006	RN	Shelby Baptist Medical Center Alabaster, Alabama
01/2006 - 01/2007	Employment History Unknown	
01/2007 - 03/2008	RN	Baylor Medical Center Grapevine, Texas
03/2008 - 10/2008	Employment History Unknown	
10/2008 - Present	RN	The Vintage Nursing Home Denton, Texas

6. At the time of the incident, Respondent was employed as a Registered Nurse with Baylor Medical Center-Grapevine, Grapevine, Texas, and had been in this position for one (1) year and one (1) month .
7. On or about February 24, 2008 through May 24, 2008, while employed as a Registered Nurse with Baylor Regional Medical Center-Grapevine, Grapevine, Texas, Respondent withdrew Demerol, Dilaudid and Norco from the Medication Dispensing System (Pyxis) for patients who were not assigned to her care, and without valid physicians' orders. Respondent's conduct was likely to injure the patients, in that the administration of Hydromorphone, without a valid physician's order, could result in the patients experiencing respiratory depression and was in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
8. On or about February 24, 2008 through May 24, 2008, while employed as a Registered Nurse with Baylor Regional Medical Center-Grapevine, Grapevine, Texas, Respondent withdrew Demerol, Dilaudid and Norco from the Medication Dispensing System (Pyxis) for

patients, but failed to document, or accurately document the administration of the medications in the patients' Medication Administration Records and/or the nurse's notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patients which could result in an overdose and placed the hospital in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act).

9. On or about February 24, 2008 through May 24, 2008, while employed as a Registered Nurse with Baylor Regional Medical Center-Grapevine, Grapevine, Texas, Respondent withdrew Demerol, Dilaudid and Norco from the Medication Dispensing System (Pyxis) for patients, but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (controlled Substances Act).
10. On or about February 24, 2008 through May 24, 2008, while employed as a Registered Nurse with Baylor Regional Medical Center-Grapevine, Grapevine, Texas, Respondent misappropriated Demerol, Dilaudid and Norco from the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
11. In Response to Findings of Fact Numbers Seven (7) through Ten (10), Respondent admits that she had a substance abuse problem that escalated then and the issue gained control of her entire life, including her nursing career. Respondent entered Richardson Hospital inpatient for five (5) days and followed up with a six (6) week outpatient program for substance abuse. Respondent currently follows her psychiatric care with Dr. Daniel Creason. Respondent also attends AA and has become totally committed to maintaining her sobriety. Respondent is willing to do whatever is required by the state to be allowed to work in nursing.
12. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
13. 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.
14. Respondent's conduct described in Findings of Fact Number Seven (7) through Ten (10) was significantly influenced by Respondent's dependency on chemicals.
15. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 301.452(b)(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B),(C)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(A),(4),(5),(6)(G),(8),(10)(C),(E)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 699768 and Vocational Nurse License Number 113639, heretofore issued to LEEANNE COOPER (BARBER), including revocation of Respondent's license to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

RESPONDENT SHALL deliver the wallet-sized license issued to LEE ANN COOPER (BARBER), to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500) payable

to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep his/her license to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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 multistate licensure 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 multistate licensure 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, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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 and vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 13 day of April, 2009

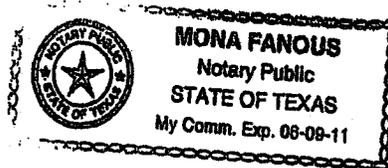
Leeanne Cooper Barber
LEEANNE COOPER BARBER, Respondent

Sworn to and subscribed before me this 13 day of April, 2009.

SEAL

Mona Fanous

Notary Public in and for the State of Texas



WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on 13th day of April, 2009, by LEEANNE COOPER BARBER, Registered Nurse License Number 699768 and Vocational Nurse License Number 113639, and said Order is final.

Entered and effective this 15th day April, 2009.


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

