IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 114797	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
MONYA HOPE BERRY	§	BOARD OF NURSING

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.
Executive Director of the Board

ORDER OF THE BOARD

TO: Monya Hope Berry
17527 Hamilwood Drive
Houston, Texas 77095

Alt. Address: Monya Hope Berry
725 Blume Road, Trailer #60
Rosenberg, Texas 77471

During open meeting held in Austin, Texas, on Tuesday, December 13, 2011, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, 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 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 § 213.16(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 114797, previously issued to Monya Hope Berry, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

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

Entered this 13 day of December, 2011.

TEXAS BOARD OF NURSING

BY: Katherine A. Thomas

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

Attachment: Formal Charge filed August 25, 2010.

Re: Permanent Certificate Number 114797
Issued to Monya Hope Berry
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 16 day of December, 2011, 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):

Monya Hope Berry
17527 Hamilwood Drive
Houston, Texas 77095

Alt. Address:

Monya Hope Berry
725 Blume Road, Trailer # 60
Rosenberg, Texas 77471

BY: Katherine A. Thomas

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

In the Matter of Permanent License	§	BEFORE THE TEXAS
Number 114797, Issued to	§	
MONYA HOPE BERRY, Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MONYA HOPE BERRY, is a Vocational Nurse holding license number 114797, 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 August 2, 2010, Respondent plead Nolo Contendre to the offense of POSS DANGEROUS DRUG, a Class A Misdemeanor, in the County Court at Law #2, Brazoria County, Texas, under Cause Number 176744. Subsequently, Respondent received deferred adjudication and was placed on Community Supervision for a period of eighteen (18) months. In addition, Respondent was ordered to perform forty (40) hours of community service, pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(13).

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. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. 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 Guidelines for Criminal Conduct and 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 GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

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 October 23, 2007.

Filed this 25th day of August, 2010.

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
Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924
Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847
Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269
John F. Legris, Assistant General Counsel
State Bar No. 00785533
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 October 23, 2007

0999/D

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

In the Matter of Vocational Nurse	§	AGREED
License Number 114797	§	
issued to MONYA HOPE BERRY	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of MONYA HOPE BERRY, Vocational Nurse License Number 114797, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4528c, sec.10(a)(9), 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 offered on May 14, 2007, 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 conference, notice and hearing, and agreed to the entry of this Order.

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

4. Respondent received a Certificate in Vocational Nursing from Southwest State Technical College, Mobile, Alabama, on August 27, 1984. Respondent was licensed to practice vocational nursing in the State of Texas, on July 25, 1986.

5. Respondent's vocational nursing employment history includes:

07/1986 - 02/1995	Unknown
03/1995 - 07/1999	Licensed Vocational Nurse Bellaire, Texas
03/1998 - Present	Licensed Vocational Nurse Consolidated Community Resources, Inc. Houston, Texas
03/2000 - 09/2000	Licensed Vocational Nurse Westwood Home Care Texas
04/2005 - 04/2006	Licensed Vocational Nurse Pediatric Special Care Houston, Texas

6. On or about September 4, 2006, Respondent submitted a renewal application to the Board of Nurse Examiners for the State of Texas in which she answered "Yes" to the following question: "Have you ever been arrested, convicted, placed on community supervision...? " Respondent disclosed the following:

> On or about August 8, 1994, Respondent plead "Guilty" to Manufacturing/Delivering/Possession of a Controlled Substance <28 grams, a Second Degree Felony, in the 337th District Court, Houston, Texas, Cause #067969801010. Respondent was sentenced to three (3) years Deferred Adjudication Community Supervision, and assessed a fine in the amount of three hundred dollars ($300.00). On or about February 21, 1996, Respondent's Community Supervision Expired.

Respondent failed to disclose the following offenses:

A. On or about December 2, 1991, Respondent was arrested for Prostitution by the Houston Police Department, Houston, Texas.

B. On or about January 14, 1992, Respondent was arrested for Possession of Marijuana, by the Houston Police Department, Houston, Texas.

C. On or about February 28, 1992, Respondent was arrested for Prostitution by the Houston Police Department, Houston, Texas.

D. On or about May 13, 1992, Respondent was arrested for Prostitution and Possession of Marijuana by the Houston Police Department, Houston, Texas.

E. On or about September 18, 1992, Respondent was arrested for Prostitution by the Houston Police Department, Houston, Texas.

F. On or about January 20, 1993, Respondent was arrested for Possession of Controlled Substance <28G, a Second Degree Felony, by the Harris County Sheriffs Office, Houston, Texas.

7. On or about March 15, 2007, Respondent submitted a written statement related to Finding of Fact Number Six (6), which states that the above allegations listed above are a result of her inabilities, in that time period and lack of coping skills with day to day problems and tragedies such as divorce, death of family members and dysfunctional family unit led up to her disease of addiction. After each arrest, she would get clean and sober for a period of time. She would then go back to work and would try to stay clean and sober on her own in which after several attempts she was unsuccessful until her arrest on January 20, 1993. At that time, she was introduced to a 12 step recovery program in which she remained clean and sober for nine (9) months. Due to her relapse, she acquired the charge on January 25, 1994 and chose to go to treatment for approximately 30 days to get help for which she had remained clean and sober since that date. Her current clean and sober date is January 26, 1994. During her active addition, she was unable to function as a nurse. She worked as an agency nurse which allowed her to not take assignments while in her active addiction which led up to the Prostitution arrests for which she is deeply ashamed of but have learned over the years in recovery to deal with her past which is another reason it was time to get honest. She could no longer live with the dishonesty to a profession that she highly respected. In response to why she never notified the Board of Nursing of her arrests and charges was due to fear of losing her nursing license and being unable to support herself as well as her child. Through the process of working a 12 step program of recovery, she has been given the skills to deal with my past. She has been active in a 12 step program of recovery and at not time or has she ever placed a patient or her job in jeopardy due to her addition. Due to her anonymity, she has not disclosed her past to her employer. She had several surgeries in recovery including back surgery in 1997 for which she did not relapse. She believes that she has had a very strong recovery program and her coping skills through the grace of God are very strong. She takes full responsibility for her actions, her behavior and dishonesty and is in no way placing blame on anything or anyone for her dishonesty. She has enclosed letters of recommendations from Jenny Fromholz, LCDC and sponsor and James Nwanna, Assistant Administrator, Consolidated Community Resources, Inc. Home Health."

CONCLUSIONS OF LAW

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

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violation of Article 4528c, sec.10(a)(9), Revised Civil Statutes of Texas, and 22 TEX. ADMIN. CODE §239.11(29).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 114797, heretofore issued to MONYA HOPE BERRY, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION WITH A FINE, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Vocational Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice vocational 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 State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to MONYA HOPE BERRY to the office of the Board of Nurse Examiners within ten (10) days of the date of

ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(3) RESPONDENT SHALL pay a monetary fine in the amount of Two Hundred Fifty Dollars ($250.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

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

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 15th day of October, 2007.

Monya Hope Berry

MONYA HOPE BERRY, Respondent

Sworn to and subscribed before me this 15th day of October, 2007.

SEAL JANE JENTOFT Notary Public, State of Texas My Commission Expires August 09, 2009

Jane Jentoft

Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby ratify and adopt the Agreed Order that was signed on the 15th day of October, 2007, by MONYA HOPE BERRY, Vocational Nurse License Number 114797, and said Order is final.

Effective this 23rd day of October, 2007.

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

In the Matter of Permanent License	§	BEFORE THE TEXAS
Number 114797, Issued to	§	
MONYA HOPE BERRY, Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MONYA HOPE BERRY, is a Vocational Nurse holding license number 114797, 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 August 2, 2010, Respondent plead Nolo Contendre to the offense of POSS DANGEROUS DRUG, a Class A Misdemeanor, in the County Court at Law #2, Brazoria County, Texas, under Cause Number 176744. Subsequently, Respondent received deferred adjudication and was placed on Community Supervision for a period of eighteen (18) months. In addition, Respondent was ordered to perform forty (40) hours of community service, pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(13).

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. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. 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 Guidelines for Criminal Conduct and 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 GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

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 October 23, 2007.

Filed this 25th day of August, 20 10.

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
Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924
Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847
Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269
John F. Legris, Assistant General Counsel
State Bar No. 00785533
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 October 23, 2007

0999/D

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

In the Matter of Vocational Nurse	§	AGREED
License Number 114797	§	
issued to MONYA HOPE BERRY	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of MONYA HOPE BERRY, Vocational Nurse License Number 114797, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4528c, sec.10(a)(9), 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 offered on May 14, 2007, 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 conference, notice and hearing, and agreed to the entry of this Order.

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

4. Respondent received a Certificate in Vocational Nursing from Southwest State Technical College, Mobile, Alabama, on August 27, 1984. Respondent was licensed to practice vocational nursing in the State of Texas, on July 25, 1986.

5. Respondent's vocational nursing employment history includes:

07/1986 - 02/1995	Unknown
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6. On or about September 4, 2006, Respondent submitted a renewal application to the Board of Nurse Examiners for the State of Texas in which she answered "Yes" to the following question: "Have you ever been arrested, convicted, placed on community supervision...? " Respondent disclosed the following:

> On or about August 8, 1994, Respondent plead "Guilty" to Manufacturing/Delivering/Possession of a Controlled Substance <28 grams, a Second Degree Felony, in the 337th District Court, Houston, Texas, Cause #067969801010. Respondent was sentenced to three (3) years Deferred Adjudication Community Supervision, and assessed a fine in the amount of three hundred dollars ($300.00). On or about February 21, 1996, Respondent's Community Supervision Expired.

Respondent failed to disclose the following offenses:

A. On or about December 2, 1991, Respondent was arrested for Prostitution by the Houston Police Department, Houston, Texas.

B. On or about January 14, 1992, Respondent was arrested for Possession of Marijuana, by the Houston Police Department, Houston, Texas.

C. On or about February 28, 1992, Respondent was arrested for Prostitution by the Houston Police Department, Houston, Texas.

D. On or about May 13, 1992, Respondent was arrested for Prostitution and Possession of Marijuana by the Houston Police Department, Houston, Texas.

E. On or about September 18, 1992, Respondent was arrested for Prostitution by the Houston Police Department, Houston, Texas.

F. On or about January 20, 1993, Respondent was arrested for Possession of Controlled Substance <28G, a Second Degree Felony, by the Harris County Sheriffs Office, Houston, Texas.

7. On or about March 15, 2007, Respondent submitted a written statement related to Finding of Fact Number Six (6), which states that the above allegations listed above are a result of her inabilities, in that time period and lack of coping skills with day to day problems and tragedies such as divorce, death of family members and dysfunctional family unit led up to her disease of addiction. After each arrest, she would get clean and sober for a period of time. She would then go back to work and would try to stay clean and sober on her own in which after several attempts she was unsuccessful until her arrest on January 20, 1993. At that time, she was introduced to a 12 step recovery program in which she remained clean and sober for nine (9) months. Due to her relapse, she acquired the charge on January 25, 1994 and chose to go to treatment for approximately 30 days to get help for which she had remained clean and sober since that date. Her current clean and sober date is January 26, 1994. During her active addition, she was unable to function as a nurse. She worked as an agency nurse which allowed her to not take assignments while in her active addiction which led up to the Prostitution arrests for which she is deeply ashamed of but have learned over the years in recovery to deal with her past which is another reason it was time to get honest. She could no longer live with the dishonesty to a profession that she highly respected. In response to why she never notified the Board of Nursing of her arrests and charges was due to fear of losing her nursing license and being unable to support herself as well as her child. Through the process of working a 12 step program of recovery, she has been given the skills to deal with my past. She has been active in a 12 step program of recovery and at not time or has she ever placed a patient or her job in jeopardy due to her addition. Due to her anonymity, she has not disclosed her past to her employer. She had several surgeries in recovery including back surgery in 1997 for which she did not relapse. She believes that she has had a very strong recovery program and her coping skills through the grace of God are very strong. She takes full responsibility for her actions, her behavior and dishonesty and is in no way placing blame on anything or anyone for her dishonesty. She has enclosed letters of recommendations from Jenny Fromholz, LCDC and sponsor and James Nwanna, Assistant Administrator, Consolidated Community Resources, Inc. Home Health."

CONCLUSIONS OF LAW

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

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violation of Article 4528c, sec.10(a)(9), Revised Civil Statutes of Texas, and 22 TEX. ADMIN. CODE §239.11(29).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 114797, heretofore issued to MONYA HOPE BERRY, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION WITH A FINE, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Vocational Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice vocational 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 State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to MONYA HOPE BERRY to the office of the Board of Nurse Examiners within ten (10) days of the date of

ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(3) RESPONDENT SHALL pay a monetary fine in the amount of Two Hundred Fifty Dollars ($250.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

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

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the 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 when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 15th day of October, 2007.

Monya Hope Berry

MONYA HOPE BERRY, Respondent

Sworn to and subscribed before me this 15th day of October, 2007.

SEAL JANE JENTOFT Notary Public, State of Texas My Commission Expires August 09, 2009

Jane Jentoft

Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby ratify and adopt the Agreed Order that was signed on the 15th day of October, 2007, by MONYA HOPE BERRY, Vocational Nurse License Number 114797, and said Order is final.

Effective this 23rd day of October, 2007.

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