BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 506014	§	
issued to CYNTHIA LEE SEBA	§	ORDER

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

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of CYNTHIA LEE SEBA, Registered Nurse License Number 506 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 informal proceedings, notice and hearing, and agreed to the entry of this Order offered on April 16, 2010, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 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.

4. Respondent received a Baccalaureate Degree in Nursing from Texas Woman's University, Denton, Texas, in December 1982. Respondent was licensed to practice professional nursing in the State of Texas on March 18, 1983.

5. Respondent's professional nursing employment history includes:

03/83 - 1984	Unknown	
1985 - 1987	Staff Nurse	Medical City Dallas Hospital Dallas, Texas
12/88 - 03/92	Nurse Auditor	Quality Incorporated Carrollton, Texas

Respondent's professional nursing employment history continued:

04/92 - 03/95	not employed in nursing	
04/95 - 11/05	Holistic Health Nurse	Anaista Health Services Fort Worth, Texas
10/98 - 03/99	Charge Nurse	Metroplex Nursing Center Fort Worth, Texas
11/99 - 02/00	Weekend Supervisor	Peoples Nursing Center Hurst, Texas
04/02 - 03/03	Nurse Manager	Ballantrae Health Care Fort Worth, Texas
04/04 - 04/05	Home Health Nurse	Health Masters Home Care Fort Worth, Texas
11/05 - 01/06	Home Health Nurse	Destiny's Home Health Care Services Garland, Texas
02/06 - Present	Unknown	

6. On January 7, 2003, Respondent was issued an Agreed Order by the Board of Nurse Examines for the State of Texas. Respondent's license to practice professional nursing was suspended with the suspension stayed and probated until she successfully completed the Texas Peer Assistance Program for Nurses. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated January 7, 2003 is attached and incorporated by reference as part of this Order.

7. At the time of the incidents, Respondent was employed as a Home Health Nurse with Destiny's Home Health Care Services, Garland, Texas, and had been in this position for two (2) months.

8. During January 1, 2006, through January 24, 2006, while employed with Destiny's Home Health Care Services, Garland, Texas, Respondent submitted fifty-five (55) skilled nursing visit notes for patients' assessments which consisted of notes that had a portion that was photocopied, including body system assessments and wound care instructions, for Patients Medical Record Numbers 0674875A, 0497266A, 0620780A, and 0779536D. Respondent documented the patients' vital signs and a portion of the narrative for each visit note. Respondent's conduct was likely to result in an inaccurate medical record and was likely to injure the patients in that the portion of the nursing assessments, which was photocopied, may not have reflected the patient's current medical status, and additionally, other caregivers would have relied on her documentation while providing further care to the patient.

9. In response to the allegations, Respondent states that she did not submit the same note. What she did was complete the treatment portion of the note which included the dressing changes that were exactly the same order for each visit and then photocopied it. Each note had an original date, vital signs, assessment, teaching, and signatures. Each separate visit had the pertinent information for the visit. She contacted Medicaid herself and was told they would accept it. Respondent states that she submitted all the Oasis forms and conference notes on all her assigned patients. Due to the large volume of visits and numerous Oasis forms, no assistance provided when requested, and due to falling on December 25, 2005, the supervisor approved for her to turn in the Skilled Nursing Visits, Oasis forms, and conference notes on December 26, 2005, which she did.

10. Charges were filed on April 17, 2009.

11. Charges were mailed to Respondent on April 20, 2009.

CONCLUSIONS OF LAW

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

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violations of 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(D) and 217.12(1)(A),(4)&(6)(H).

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 506014, heretofore issued to CYNTHIA LEE SEBA, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply 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 §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact 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 nurse licensure compact 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 that:

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

(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) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. 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 at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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. 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. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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 at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

(4) RESPONDENT SHALL pay a monetary fine in the amount of Five Hundred Dollars ($500). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH 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 REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT 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) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.

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

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

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

Signed this 24 day of April, 2010.

Cynthia Lee Seba

CYNTHIA LEE SEBA, Respondent

Sworn to and subscribed before me this _____ day of _____, 20____.

SEAL

_____

Notary Public in and for the State of _____

Approved as to form and substance.

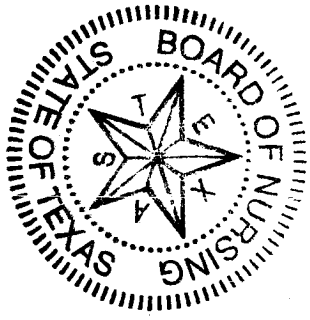
Bill Hopkins, Attorney for Respondent

Signed this 27th day of April, 2010.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 26th day of April, 2010, by CYNTHIA LEE SEBA, Registered Nurse License Number 506014, and said Order is final.

Effective this **22nd** day of **July**, **2010**.

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



BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
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In the Matter of License Number 506014	§	AGREED
issued to CYNTHIA LEE SEBA	§	ORDER

An investigation by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, produced evidence indicating that CYNTHIA LEE SEBA, hereinafter referred to as Respondent, License Number 506014, may have violated Article 4525(b)(9), Revised Civil Statutes of Texas, as amended, and Section 301.452(b)(10) & (12), Texas Occupations Code.

An informal conference was held on July 30, 2002, at the office of the Board of Nurse Examiners, in accordance with Section 301.464 of the Texas Occupations Code. Respondent appeared in person. Respondent was represented by Rachel Sheeran, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; E. Joy Sparks, Assistant General Counsel; Carolyn Schooley, RN, Investigator; and Noemi Leal, Supervising Investigator.

A formal hearing was convened at the State Office of Administrative Hearings on December 9, 2002. Respondent appeared in person represented by William E. Hopkins, Attorney at Law, and Board appeared and was represented by E. Joy Sparks, Assistant General Counsel. Prior to the issuance of a proposal for decision in that hearing, the parties agreed to enter into this Agreed Order.

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 receipt of a proposal for decision from the Administrative Law Judge, and consented to the entry of this Order.

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

4. Respondent received a Baccalaureate Degree in Nursing from Texas Woman's University, Denton, Texas, in December 1982. Respondent was licensed to practice professional nursing in the State of Texas on March 18, 1983.

5. Respondent's complete professional employment history is unknown.

6. Respondent, on or about June 9, 1998, passed a forged prescription for Tylenol #3 at Kroger Pharmacy, Fort Worth, Texas. On February 24, 1999, Respondent plead guilty to a 3rd degree felony, Possession of a Controlled Substance by Fraud, Namely: Codeine, and was issued deferred adjudication on case number 0698589D. Respondent was placed on Community Supervision/Probation for two (2) years. Respondent's conduct was likely to deceive the pharmacy and constitutes a violation of Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act).

7. Respondent, on or about January 6, 2000, passed a forged prescription for Tylenol #3 and Alprazolam at Albertsons Pharmacy, Fort Worth, Texas. On March 22, 2000, Respondent plead guilty to a 3rd degree felony, Possession of a Controlled Substance by Fraud, Namely: Codeine, and was issued deferred adjudication for case number 0758601D. Respondent was placed on Community Supervision/Probation for five (5) years. Respondent's conduct was likely to deceive the pharmacy and constitutes a violation of Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act).

8. On April 9 & 16, 2002, Respondent completed an evaluation, performed by John M. Lehman, Ph.D., Clinical Psychologist, Richardson, Texas. Dr. Lehman states that "Her level of denial of her substance dependency is such that programs to monitor her while she continues to nurse are questionable in their ability to adequately monitor her drug use. She has shown recently that she does not voluntarily provide full disclosure of her drug use. It may be that she will not be able to function as a nurse until physically healthy enough to have sustained abstinence from narcotic pain medication and tranquilizers. This appears to be another indicator of her ongoing denial of the seriousness of her problems."

9. On November 25, 2002, Respondent completed a second evaluation performed by Edward G. Bleker, Ph.D., Fort Worth, Texas. Dr. Bleker concludes that his tests of Respondent do not support removing Respondent from professional nursing. However, Dr. Bleker recommends that Respondent continue medical supervision with Dr. John Marshall and whatever recommendations that he would propose. Dr. Bleker opines that it is likely that Respondent is going to need to continue psychotherapeutic efforts to manage chronic pain problems and better coping strategies for this. Additionally Dr. Bleker recommends support group attendance and monitoring of chemical dependency issues.

10. Charges were filed by the Board on May 22, 2002.

11. Charges were mailed to Respondent on May 24, 2002.

12. First Amended Formal Charges were filed by the Board on June 25, 2002.

13. First Amended Formal Charges were mailed to Respondent on June 25, 2002.

14. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violations of Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN. CODE §217.13(1) & (16).

4. The evidence received is sufficient to prove violations of Section 301.452(b)(10) & (12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1) & (21).

5. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 506014, heretofore issued to CYNTHIA LEE SEBA, including revocation of Respondent's professional license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that License Number 506014, previously issued to CYNTHIA LEE SEBA, to practice professional nursing in Texas is hereby SUSPENDED, with the said suspension stayed and Respondent is hereby placed on probation for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN), with the following agreed terms of probation:

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

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.

(1) 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 Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

(2) RESPONDENT SHALL deliver the wallet-size license issued to CYNTHIA LEE SEBA, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order for appropriate notation.

(3) RESPONDENT SHALL, within forty-five (45) days following the issuance of a license to practice professional nursing in the State of Texas, apply to and be accepted into the TPAPN.

(4) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(5) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(6) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED that, upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license to practice professional nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

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

Signed this 26 day of December, 2002.

Cynthia Lee Seba

CYNTHIA LEE SEBA, Respondent

Sworn to and subscribed before me this 26th day of December, 2002.

SEAL

ROBIN B. WILSON
Notary Public, State of Texas
My Commission Expires
SEPTEMBER 14, 2006

Robin B. Wilson

Notary Public in and for the State of Texas

Approved as to form and substance.

William E. Hopkins, Attorney for Respondent

Signed this 6th day of January, 2003.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 26th day of December, 2002, by CYNTHIA LEE SEBA, License Number 506014, and said Order is final.

Effective this 7th day of January, 2003.

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