

Petitioner's vocational nursing employment history continued:

11/88 - 05/91	LVN	Kelsey Seybold Clinic Surgery Dept. Houston, Texas
05/91 - 04/93	LVN	River Oaks Imaging Houston, Texas
05/93 - 12/00	Not employed in nursing	
01/01 - 06/01	LVN	All Seasons Care Center Houston, Texas
07/01 - 05/03	Not employed in nursing	
06/03 - 12/03	LVN	Medical Stafflink Houston, Texas
01/04 - 08/04	Not employed in nursing	
09/04 - 11/04	LVN	Interim Healthcare Houston, Texas
12/04 - 12/06	LVN	Anahuac Health Care Center Anahuac, Texas
01/07 - 02/07	LVN	Green Acres Baytown, Texas
02/07 - Present	Not employed in nursing	

5. On December 4, 2007, the Texas Board of Nursing accepted the voluntary surrender of Petitioner's license to practice vocational nursing in the State of Texas. A copy of the December 4, 2007, Order, Findings of Fact and Conclusions of Law is attached and incorporated, by reference, as a part of this Order.
6. On or about June 24, 2010, 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 from Sandra Robinson, LCDC, Brentwood Clinic South, Fort Worth, Texas, states that she has known Petitioner for thirty-five (35) years and she is an intelligent woman. Petitioner has worked hard to obtain the education that allowed her to become a licensed vocational nurse. Ms. Robinson states that she has been closely involved in Petitioner's recovery and it has been a privilege to watch the change. Petitioner is very active in the 12-step program of narcotics anonymous and has remained drug free and continues to practice the program in her daily life.
 - 7.2. Letter of support from Ted W. Krell, M.D., Jacinto Medical Group, Psychiatric Services, Baytown, Texas, states that he has been treating Petitioner since 2005, and she has been in compliance with all treatment. Dr. Kress recommends reinstatement of Petitioner's nursing license.
 - 7.3. Letter of support from Philip Ward, D.O., states that he has been Petitioner's family physician for several years and Petitioner is capable of practicing as a nurse safely and effectively. Petitioner worked at the nursing home in Anahuac, Texas, and worked her way up from a charge nurse position to Assistant Director of Nursing. Dr. Ward states that Petitioner has degenerative disc disease and arthritis in the neck and she has been compliant with treatment. Petitioner is currently maintained on medications for chronic pain with effective results. Dr. Ward states that Petitioner is able to practice safely, and she will be a great asset to her employer.
 - 7.4. Letter of support from Brad Barnes, Administrator, Anahuac Health Care Center, Anahuac, Texas, states that Petitioner has consistently impressed him with her professional skills, work ethic, and loyalty. Petitioner is highly effective in developing constructive relationships with the residents, the families, the staff, and the department managers.
 - 7.5. Letter of support from Belinda Adams states that she has known Petitioner for three (3) years, and worked with her at Anahuac Health Center for one (1) year. Petitioner's management skills were invaluable in helping establish a long term care facility. Ms. Adams states that Petitioner was efficient, innovative, and responsive to the residents' needs. Petitioner was a leader and admired for her dedication to patient care.
 - 7.6. Letter of support from Leanne Barron, LVN, states that she has known Petitioner for over a year. Petitioner was dependable and an excellent nurse. Ms. Barron states that the residents loved Petitioner because of the care she gave them and the time she took to really listen when they needed to talk. Ms. Barron states that Petitioner is a caring and exceptional person.

- 7.7. Verification of successful completion of twenty (20) Type I Continuing Education Contact Hours.
8. Petitioner gives December 1, 2003, as her date of sobriety.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of AMANDA BETH CASH, Vocational Nurse License Number 117247, 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 §211.1 *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) RESPONDENT SHALL pay a monitoring fee in the amount of three-hundred fifty dollars (\$350.00). RESPONDENT SHALL pay this fee 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.

(2) 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 AMANDA BETH CASH, shall be subject to the following agreed post-licensure stipulations:

(3) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing jurisprudence and 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. 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, 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. 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 other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board may have for relicensure.

*Board-approved courses may be found at the following Board website address: Board-approved courses may be found at the following Board website address:
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.*

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 THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) 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:

(4) 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.

(5) 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.

(6) For the first year of employment as a vocational nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse or a Licensed Vocational Nurse. Direct supervision requires another professional or vocational nurse to be working on the same unit as PETITIONER and immediately available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). The PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) For the remainder of the stipulation period, 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 NOT practice as a vocational nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Petitioner is regularly assigned for one (1) year of employment as a vocational nurse.

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

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

(11) 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. 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 three (3) years of employment as a vocational nurse.

(12) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and PETITIONER SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing**

evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(13) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis is the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the PETITIONER's place of employment at any time during the stipulation period and require PETITIONER to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Petitioner's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

(14) PETITIONER SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by PETITIONER. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

(15) RESPONDENT SHALL participate in pain management therapy with a Board approved Medical Doctor or Doctor of Osteopathy, licensed by the Texas Medical Board, and certified as a Diplomat with the American Board of Pain Medicine. RESPONDENT SHALL CAUSE the physician to submit written reports to the Board, which shall include, at a minimum, the clinical indications and rationale for the chronic use of controlled substances, RESPONDENT'S progress and compliance with pain management therapy, and a prognosis as to RESPONDENT'S

ability to safely practice nursing in a direct patient care setting. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation or until PETITIONER no longer requires the use of controlled substances.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from PETITIONER's license and PETITIONER shall be eligible for 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 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.

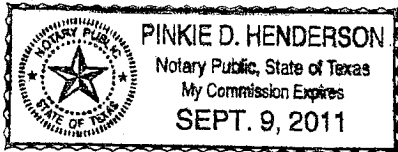
I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms 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.

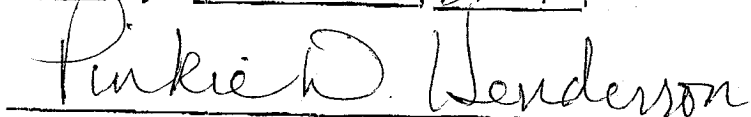
Signed this 25th day of March, 2011.

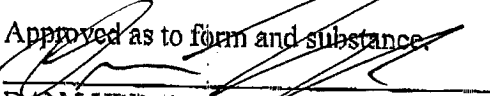

AMANDA BETH CASH, Petitioner

Sworn to and subscribed before me this 25th day of March, 2011.

SEAL

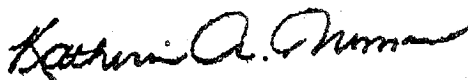



Notary Public in and for the State of Texas

Approved as to form and substance

DAN LYPE, Attorney for Petitioner

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 25th day of March, 2011, by AMANDA BETH CASH, Vocational Nurse License Number 117247, and said Order is final.

Effective this 10th day of May, 2011.



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse §
License Number 117247 §
issued to AMANDA BETH CASH §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 117247, issued to AMANDA BETH CASH, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal conference, notice and hearing.

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

FINDINGS OF FACT

1. Respondent's license to practice vocational nursing in the State of Texas is currently in delinquent status.
2. Respondent waived representation by counsel, informal conference, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from San Jacinto College, Houston, Texas, on December 19, 1986. Respondent was licensed to practice vocational nursing in the State of Texas on May 20, 1987.

4. Respondent's vocational nursing employment history includes:

05/87 - 05/89	LVN	Lake Area Surgical Clinic Cleveland, Texas
11/88 - 05/91	LVN	Kelsey Seybold Clinic Surgery Dept. Houston, Texas

Respondent's vocational nursing employment history continued:

05/91 - 04/93	LVN	River Oaks Imaging Houston, Texas
05/93 - 12/00	unknown	
01/01 - 06/01	LVN	All Seasons Care Center Houston, Texas
07/01 - 05/03	unknown	
06/03 - 12/03	LVN	Medical Stafflink Houston, Texas
01/04 - 08/04	unknown	
09/04 - 11/04	LVN	Interim Healthcare Houston, Texas
12/04 - 12/06	LVN	Anahuac Health Care Center Anahuac, Texas
01/07 - present	unknown	

5. On March 21, 2007, the Board of Nurse Examiners for the State of Texas noticed Respondent for the following allegations:

- 5.1 On or about July 3, 2002, Respondent was arrested by the Texas City Police Department and charged with the Class A Misdemeanor offense of UNLAWFULLY CARRYING A WEAPON, the Class B Misdemeanor offense of POSSESSION OF MARIJUANA < 2OZ, the Class A Misdemeanor offense of POSSESSION OF A DANGEROUS DRUG, and the 3rd degree Felony offense of POSSESSION OF A CONTROLLED SUBSTANCE.
- 5.2 On or about September 25, 2003, a Motion to Dismiss was filed in the County Court at Law No. 1 of Galveston County, Texas, under Cause Nos. 217258, 217261 and 217255, because Respondent was convicted in another case.
- 5.3 On or about October 27, 2003, Respondent entered a plea of Guilty to POSSESS WITH INTENT TO DELIVER, METHAMPHETAMINE, MORE THAN 4 GRAMS LESS THAN 200 GRAMS, (a 1st Degree Felony offense committed on June 27, 2002), in the 208th District Court of Harris County, Texas, under Cause No. 918970.

As a result of the guilty plea, the proceedings were deferred, without entering an adjudication of guilt, and Respondent was placed on Community Supervision for a period of eight (8) years. Additionally, Respondent was required to pay a fine and court costs.

- 5.4 On or about May 27, 2004, a Motion to Adjudicate Guilt was granted in the 208th District Court of Harris County, Texas, under Cause No. 918970, based on Findings that Respondent violated certain terms and conditions of her Community Supervision.
6. On November 29, 2007, Respondent submitted a notarized statement to the Board voluntarily surrendering the right to practice vocational nursing in the State of Texas.
7. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
8. 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 301.451-301.555, 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 Sections 301.452(b)(3) and 302.402(a)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(29)(A)(iv).
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 117247, heretofore issued to AMANDA BETH CASH, to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:


1. RESPONDENT SHALL immediately deliver the wallet-sized license, heretofore issued to AMANDA BETH CASH, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice vocational nursing, use the title of "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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 compact states.

Effective this 4th day of December, 2007.

TEXAS BOARD OF NURSING

By:


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

September 26, 2007

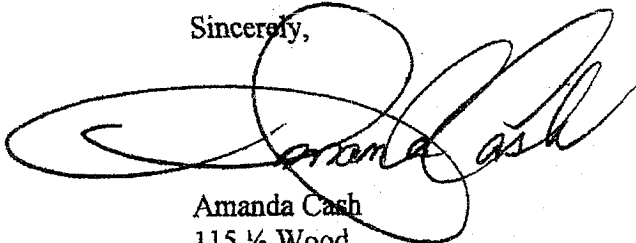
Noemi Reyes- Investigator
Board Of Vocational Nurse Examiners
333 Guadalupe, Ste. 3-460
Austin, Texas 78701

Dear Ms. Reyes,

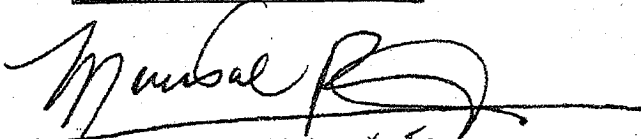
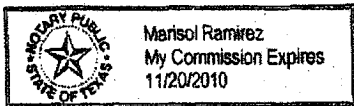
As per your request and direction I am surrendering my Vocational Nurse License # 117247 for a period of one year. I will at that time contact you in an effort to have my license renewed. I appreciate all the effort that you put into this matter to help get it resolved, and again I truly apologize for this issue.

I do need to know if my fee will be returned to me that I sent in for renewal?
Additionally am I to continue to obtain CEU's during the interim of the one year period?
After the one year period what steps will I need to take to renew?

Sincerely,



Amanda Cash
115 1/2 Wood
Baytown, Texas 77520


Notary Public, State of Texas

SUBSCRIBED AND SWORN TO BEFORE ME ON October 1, 2007, to certify upon
witness my hand and seal of office.