

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.
Patricia A. Johnson
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse	§	REINSTATEMENT
License Number 135974	§	
issued to SAMMY KAY WHISENHUNT	§	AGREED ORDER
AKA SAMMY KAY FOLLOWELL	§	

On this day came to be considered by the Texas Board of Nursing, hereinafter referred to as the Board, the Petition for Reinstatement of Vocational Nurse License Number 135974 by SAMMY KAY WHISENHUNT, hereinafter referred to as Petitioner.

An informal conference was held on January 11, 2011, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Mary Beth Thomas, PhD, RN, Director of Nursing, Executive Director's Designee; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; and Carolyn Hudson, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.
3. Petitioner received a Certificate in Vocational Nursing from Grayson County College, Denison, Texas, on August 23, 1991. Petitioner was licensed to practice vocational nursing in the State of Texas on December 3, 1991.

4. Petitioner's vocational nursing employment history includes:

08/91 - 06/93	GVN/LVN	W-NJ Hospital Sherman, Texas
06/93 - 06/96	LVN	Office of Dr. I. A. Sarris Sherman, Texas
06/96 - 07/97	LVN	IHS of Sherman Sherman, Texas
07/97 - 05/99	LVN	Sherman Nursing Center Sherman, Texas
05/99 - 12/99	LVN	Denison Manor Denison, Texas
12/99 - 06/04	LVN	Leonard Care Center Leonard, Texas
07/04 - 11/04	Private Duty Nurse	Private Home Pottsboro, Texas
11/04 - 01/05	LVN	Brentwood Place Denison, Texas
02/05 - 06/05	LVN	Southfield Nursing Center Pasadena, Texas
06/05 - 05/06	LVN	Denison Manor Denison, Texas
05/06 - 08/06	LVN	Texoma Healthcare Sherman, Texas
09/06 - 03/07	Not employed in nursing	
04/07 - 03/08	LVN	Collinsville Care Center Collinsville, Texas
04/08 - Present	Not employed in nursing	

5. On March 14, 2008, 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 Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.
6. On or about December 10, 2009, Petitioner submitted a Petition for Reinstatement of 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 Jeanette Bowen, LNFA, Denison Nursing & Rehabilitation, Denison, Texas, states that she worked with Petitioner over the last several years, and she was dependable. Ms. Bowen states that Petitioner was very caring toward her residents, and she had good skills. Ms. Bowen states that Petitioner has a positive attitude and good work ethic.
 - 7.2. Letter of support from John Galewaler, D.O., Whitesboro Family Clinic, Whitesboro, Texas, states that he has known Petitioner since April 4, 2007, when she was employed with Collinsville Nursing Facility as a nurse. Dr. Galewaler states that Petitioner attended to his patients at the nursing facility, and he was very impressed with her nursing capabilities. Dr. Galewaler states that when Petitioner lost her nursing license he hired her, and random drug screens were required on all employees. Dr. Galewaler states that Petitioner's drug screens were negative. Dr. Galewaler states that Petitioner has done an exceptional job and is a model employee. Dr. Galewaler recommends reinstatement of Petitioner's nursing license.
 - 7.3. Letter of support from David Turner, RN, states that he has known Petitioner for about two (2) years. Mr. Turner states that he met Petitioner in a recovery program, and she has been an inspiration to him. Mr. Turner states that he would allow Petitioner to care for him or his family with full confidence that she would do her best and do it soberly. Mr. Turner states that Petitioner is a competent professional and should have her nursing license reinstated.
 - 7.4. Letter of support from Scott Taylor, Chief of Police, Whitesboro, Texas, states that he has been a patient of Dr. Galewaler's for over nineteen (19) years and has known Petitioner on a professional level. Petitioner is very professional and kind. Mr. Taylor states that Petitioner has admitted to her mistake and has turned her life in a positive direction.

- 7.5. Letter of support from Carla Wilson, Business Office Manger, Homestead Nursing and Rehabilitation, Collinsville, Texas, states that Petitioner was a dependable and excellent employee at Homestead of Collinsville. Ms. Wilson states that Petitioner submitted to monthly drug screens, and the drug screens were negative for all drugs. Ms. Wilson states that Petitioner would be eligible for re-hire upon reinstatement of her nursing license.
- 7.6. Verification of successful completion of twenty (20) Type I Continuing Education Contact Hours.
8. Petitioner gives March 8, 2007, 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. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication.
3. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of SAMMY KAY WHISENHUNT, Vocational Nurse License Number 135974, 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) 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. Said license issued to SAMMY KAY WHISENHUNT, shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL, within forty-five (45) days of relicensure, apply to TPAPN which SHALL, within ninety (90) days following relicensure, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350) payable to TPAPN.

(3) Upon acceptance into the TPAPN, PETITIONER SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Texas Board of Nursing.

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

(5) PETITIONER SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN contract.

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 EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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PETITIONER'S CERTIFICATION

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

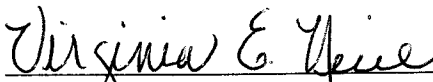
I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms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

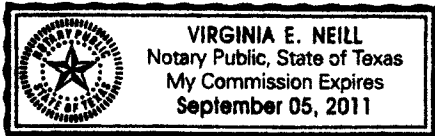
Signed this 9 day of March, 2011.


SAMMY KAY WHISENHUNT, Petitioner

Sworn to and subscribed before me this 9th day of March, 2011.

SEAL


Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 9th day of March, 2011, by SAMMY KAY WHISENHUNT, Vocational Nurse License Number 135974, and said Order is final.

Effective this 28th day of April, 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 135974 § AGREED
issued to SAMMY KAY FOLLOWELL § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 135974, issued to SAMMY KAY FOLLOWELL, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal conference and hearing, and agreed to the entry of this Order.

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

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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, 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 Grayson County College on August 23, 1991. Respondent was licensed to practice vocational nursing in the State of Texas in December 1991.
5. Respondent's employment history is unknown.
6. On or about January 18, 2007, Respondent was charged with the offense of Possession Transport Chemical with Intent to Manufacture Controlled Substance, a 2nd Degree Felony, in the 15th District Court of Grayson County, Texas, Cause #55260-15. Proceedings were deferred without adjudication and Respondent was placed on one (1) year Intensive

Supervision and ten (10) years probation and ordered to pay a fine and court cost.

7. On or about January 18, 2007, Respondent was convicted of the offense of Possession of Marijuana, a Class B misdemeanor, in the County Court at Law #2, Grayson County, Texas, Cause #2007-2-88 CR. Respondent was sentenced to ninety (90) days in the county jail and ordered to pay court costs in the amount of \$216.
8. On or about February 4, 2008, Respondent submitted a written statement related to the preceding Findings of Fact, in which she stated, "On September 25, 2006, I was arrested for possession of marijuana and possession with intent to manufacture and transport chemicals. As for the Class B misdemeanor charge I pled guilty for one marijuana cigarette that was in my possession. I served a 90 day jail sentence for this offense. As for the Felony 2 charge I pled guilty by association and the fact that I was an addict, not a manufacturer. That is the reason I was given deferred adjudication. Initially I had tried methamphetamines for weight loss and also to try and understand why my youngest daughter had such a problem with its usage, only to find myself becoming more and more of an addict myself."
9. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender his/her license to practice nursing in the State of Texas.
10. 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.
11. 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 a violation of Section 301.452(b)(3)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(11)(B)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.453(d), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 135974, heretofore issued to SAMMY KAY FOLLOWELL, including revocation of Respondent's

license to practice nursing in the State of Texas.

5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational License Number 135974, heretofore issued to SAMMY KAY FOLLOWELL, to practice nursing in the State of Texas, is accepted by 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 SAMMY KAY FOLLOWELL, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice vocational nursing, use the title "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 privilege, if any, to practice 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 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 this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

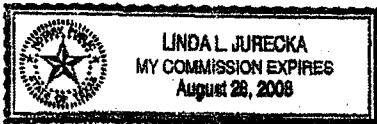
Signed this 9th day of March, 2008

Sammy Kay Followell
SAMMY KAY FOLLOWELL, Respondent

Sworn to and subscribed before me this 10 day of March, 2008.

SEAL

Linda Jurecka
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 the voluntary surrender of Vocational Nurse License Number 135974, previously issued to SAMMY KAY FOLLOWELL.

Effective this 14th day of March, 2008.



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