BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 182477, issued to	§	
ROBIN ANN JANETTE HART	§	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 accepted the voluntary surrender of Vocational Nurse License Number 182477, issued to RO ANN JANETTE HART, 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 proceedings, notice 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(s).

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

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

4. Respondent received a Certificate in Vocational Nursing from Tyler Junior College, Tyler, Texas, on August 10, 2001. Respondent was licensed to practice vocational nursing in the State of Texas on October 25, 2001.

5. Respondent's nursing employment history includes:

10/01 - 2002	Unknown	
2003 - 05/09	LVN	Capstone Tyler, Texas

Respondent's nursing employment history continued:

2003 - 05/09	LVN	Excel Staffing Tyler, Texas
11/06 - 03/08	LVN	East Texas Medical Center Hospital Athens, Texas
05/09 - 06/09	LVN	Legend Oaks Healthcare & Rehabilitation
07/09 - Present	Unknown	

6. On or about March 19, 1986, Respondent was arrested by the Upshur County Sheriff's Office, Gilmer, Texas, for THEFT BY CHECK. On April 8, 1986, Respondent plead Guilty and was convicted of the offense of ISSUANCE OF BAD CHECK, in the County Court, Upshur County, Texas, under Cause Number 17,344.

7. On or about February 2, 1994, Respondent entered a plea of Guilty and was subsequently convicted of POSSESSION OF MARIJUANA (a Class B misdemeanor committed on June 6, 1993), in the County Court at Law, Gregg County, Texas, under Cause No. 83839. As a result of the conviction Respondent was ordered to pay a fine and court costs.

8. On or about March 27, 1997, Respondent entered a plea of Guilty and was issued a Deferred Adjudication Order for the offense of POSSESSION OF MARIJUANA, FIVE POUNDS OR LESS, MORE THAN 4 OZ (a 3rd Degree Felony committed on August 16, 1996), in the District Count Judicial District, Wood County, Texas, under Cause Number 14,975-97. Respondent was placed on community supervision for a period of five (5) years.

9. On or about May 22, 2001, Respondent submitted an Application For Licensure By Examination to the Board of Vocational Nurse Examiners for the State of Texas, in which Respondent provided false, deceptive, and/or misleading information, in that Respondent answered "No" to the question: "Have you ever been convicted of a misdemeanor other than a minor traffic violation? . . . " Respondent failed to disclose her criminal history as listed in Findings of Fact Numbers Six (6) through Eight (8). Respondent's conduct was likely to deceive the Board and could have affected the decision to issue a license.

10. On or about August 17, 2004, Respondent submitted an online License Renewal to the office of the Board and answered "No" to the question: "Have you been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrest since the last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. . . ." Respondent failed to disclose her criminal history as listed in Findings of Fact Numbers Six (6) through Eight (8). Respondent's conduct was likely to deceive the Board and could have affected the decision to issue a license.

11. On or about August 14, 2006, Respondent submitted an online License Renewal to the office of the Board and answered "No" to the question which states, "Have you ever been arrested, convicted, placed on community supervision whether or not adjudged guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrest whether or not on appeal. . .This includes expunged offenses and deferred adjudications with or without a finding of guilt. . . ." Respondent failed to disclose her criminal history as listed in Findings of Fact Numbers Six (6) through Eight (8). Respondent's conduct was likely to deceive the Board and could have affected the decision to issue a license.

12. At the time of the incidents in Findings of Fact Number Thirteen (13) and Fourteen (14), Respondent was employed as a LVN with East Texas Medical Center, Athens, Texas, and had been in this position for one (1) year and four (4) months.

13. On or about March 1, 2008 while employed with East Texas Medical Center Hospital, Athens, Texas, Respondent lacked fitness to practice vocational nursing in that while on duty she exhibited slurred and incoherent speech; was reported by staff to be "all over the place" and missing from the unit for extended period of time; she had not opened her charts for the entire shift; and she had failed to administer 2100 medications or complete MAR (Medication Administration Record) checks. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

14. On or about March 1, 2008 while employed with East Texas Medical Center Hospital, Athens, Texas, Respondent engaged in the intemperate use of Xanax, in that when Respondent was confronted about being impaired, Respondent admitted to using Xanax that she purchased on the internet. Possession of Xanax is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Xanax by a Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

15. At the time of the incidents in Findings of Fact Number Sixteen (16) and Seventeen (17), Respondent was employed as a LVN Staff Nurse with Legend Oaks Healthcare & Rehabilitation, Jacksonville, Texas, and had been in this position for one (1) month.

16. On May 28, 2009, while employed with Legend Oaks Healthcare & Rehabilitation, Jacksonville, Texas, Respondent lacked fitness to practice vocational nursing in that while on duty Respondent exhibited behavior which included strange body movements and she had sores on her arms and face. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

17. On September 28, 2009, Respondent plead guilty and was convicted of the offense of THEFT OF PROPERTY BY CHECK, Class B Misdemeanor in the County Court, Henderson County, Texas, under Cause Number 2009-0416CC. Respondent was sentenced to one hundred twenty (120) days confinement in the county jail with credit for time served and ordered to pay court costs.

18. On or about February 2, 2010, Respondent plead guilty and was convicted of the offense of THEFT OF PROPERTY BY CHECK, Class B Misdemeanor in the County Court, Anderson County, Texas, under Cause Number 56436. Respondent was sentenced to sixty (60) days confinement in the county jail with credit for time served, assessed a fine of one hundred dollars ($100) and court costs.

19. On or about April 16, 2010, Respondent was arrested by the Malakoff Police Department, Malakoff, Texas, for the offense of THEFT OF PROPERTY BY CHECK (a Class B misdemeanor offense). This case is pending in the Henderson County Court.

20. On May 26, 2010, Respondent plead no contest/nolo contendere to the offense of THEFT OF PROPERTY BY CHECK, Class B Misdemeanor in the County Court, Henderson County, Texas, under Cause Number 20100063CC. Respondent was assessed a fine in the amount of one hundred dollars ($100) and court costs.

21. On or about June 17, 2010, Respondent was arrested by the Wood County Sheriff's Office for CREDIT CARD OR DEBIT CARD ABUSE (a State Jail felony offense). On August 16, 2010, Respondent was Indicted for the offense of DEBIT CARD ABUSE (a State Jail Felony) in the 402nd Judicial District Court, Wood County, Texas, under Cause Number 21,096-2010.

22. On or about November 10, 2010, Respondent was arrested for offense of THEFT OF PROPERTY BY CHECK, (a Class B Misdemeanor offense committed on June 4, 2010) by the Upshur County Sheriff's Office. This case is pending in the Upshur County Court.

23. On or about November 10, 2010, Respondent was arrested by the Upshur County Sheriff's Office for the offense of CREDIT CARD OR DEBIT CARD ABUSE, (a State Jail Felony committed on August 3, 2010). On August 3, 2010, Respondent was indicted for the offense of CREDIT CARD OR DEBIT CARD ABUSE, in the 115th District Court of Upshur County Texas, under Cause Number 15,669. The case is pending in the Upshur County District Court.

24. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender his/her license(s) to practice nursing in the State of Texas.

25. 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.

26. 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 Section 301.402(a)(2),(3)&(10) (*effective September 1, 2001*) and Section 301.452(b)(3),(9),(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§239.11(8),(28)&(29)(*effective September 1, 2001*), 217.11(1)(T) and 217.12(1) (E),(4),(5),(10)(A),(11)(B)&(13).

4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 182477, heretofore issued to ROBIN ANN JANETTE HART, including revocation of Respondent's license(s) 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 Nurse License Number 182477, heretofore issued to ROBIN ANN JANETTE HART, 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 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.

2. 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.

3. 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 nurse licensure compact privileges, 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 25 day of April, 2011.

Robin Ann Janette Hart

ROBIN ANN JANETTE HART, Respondent

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

SEAL

Andrea J. Morgan

Notary Public in and for the State of Arkansas

STATE OF ARKANSAS NOTARY PUBLIC
ANDREA J. MORGAN
Hot Spring County
My Commission Expires
November 30, 2015

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 182477, previously issued to ROBIN ANN JANETTE HART.

Effective this **27th** day of **April**, **2011**.

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