BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	AGREED
License Number 653822	§	
issued to MENDI AWTRY	§	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 MENDI AWTRY, Registered Nurse License Number 653822, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4525(b)(9), TEX. REV. CIV. STAT. ANN.(eff. date 09/01/1997). Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on March 3, 2011, 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(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 professional nursing in the State of Texas.

4. Respondent received a Diploma in Nursing from Methodist Hospital, Lubbock, Texas, on May 1, 1998. Respondent was licensed to practice vocational nursing in the State of Texas on July 21, 1998.

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

6. On or about May 29, 1998, Respondent submitted an Application for Initial Licensure for Graduates of Schools in the United States to the Board of 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 crime other than minor traffic violations?"

   On or about October 21, 1988, Respondent entered a plea of Guilty and was convicted of UNLAWFULLY DRIVING A MOTOR VEHICLE UPON A PUBLIC HIGHWAY WHILE INTOXICATED (a misdemeanor offense committed on March 5, 1988), in the County Court At Law #2, Lubbock County, Texas, under Cause No. 88-467129. Respondent was sentenced to confinement in the Lubbock County Jail for a period of ninety (90) days; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of twenty four (24) months. Additionally, Respondent was ordered to pay a fine and court costs.

   On or about April 12, 1994, Respondent entered a plea of Guilty and was convicted of UNLAWFULLY DRIVING A MOTOR VEHICLE UPON A PUBLIC HIGHWAY WHILE INTOXICATED (a misdemeanor offense committed on May 16, 1992), in the County Court At Law #1, Lubbock County, Texas, under Cause No. 92-490219. Respondent was sentenced to confinement in the Lubbock County Jail for a period of six (6) months; however, the imposition of sentence of confinement was suspended, and you were placed on probation for a period of twenty-four (24) months. Additionally, Respondent was ordered to pay a fine and court costs.

7. In response to Finding of Fact Number Six (6), Respondent stated at the time of the arrests, her family was told by legal representatives that the offenses would be probated and later deferred after completion of alcohol counseling and community service. She has never had any reason to question the deferrals, and was unaware the offenses are on her permanent record. Over the past 20 years she has had several background checks for employment and never been notified of anything on her record. The events occurred in 1988 and 1992 while attending college in Lubbock, Texas, ten years before applying to nursing school. Respondent further stated she was unaware the non-disclosure is a serious violation against the Nursing Practice Act of the State of Texas and it was never her intent to conceal or hide anything from the board. Respondent stated she has an exemplary record in nursing and values her license. She has never been reprimanded, nor had to appear before peer review. She has received awards for patient and family advocate, and still loves and values what she does.

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 Article 4525(b)(2)&(9), TEX. REV. CIV. STAT. ANN.(eff. date 09/01/1997), and is a violation of 22 Tex Admin Code §217.13(17).

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 653822, heretofore issued to MENDI AWTRY, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION AND A FINE, 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(s) is/are 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 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, 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 <u>not</u> 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.*

(2) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty ($250.00) dollars. 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, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 16th day of March, 2011.

Mendi Awtry

MENDI AWTRY, Respondent

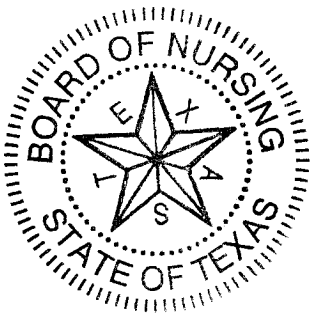
Sworn to and subscribed before me this 16th day of March, 2011.

SEAL DONNA R RILEY
Notary Public, State of Texas
My Commission Expires
December 06, 2014

Donna Riley

Notary Public in and for the State of TX

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 16th day of March, 2011, by MENDI AWTRY, Registered Nurse License Number 653822, and said Order is final.



Effective this 22nd day of March, 2011.

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