

5. Respondent's nursing employment history is unknown.
6. On or about December 15, 1997, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED 1st (a Class B Misdemeanor offense committed on September 22, 1997), in the County Court at Law No. 2 of Fort Bend County, Texas, under Cause No. 75165. As a result of the conviction, Respondent was sentenced to confinement in the Fort Bend County Jail for a period of one hundred eighty (180) days; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of twelve (24) months. Additionally, Respondent was ordered to pay a fine and court cost.

On or about May 23, 2000, Respondent's probation was revoked, in the County Court at Law No. 2 of Fort Bend County, Texas, under Cause No. 75165. As a result, Respondent was adjudged guilty and sentenced to confinement in the Fort Bend County Jail for a period of thirty (30) days less two (2) days.

7. On or about February 9, 1998, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED 1st (a Class B Misdemeanor offense committed on July 14, 1997), in the County Court at Law No. 1 of Brazoria County, Texas, under Cause No. 94902M. As a result of the conviction, Respondent was sentenced to confinement in the Brazoria County Jail for a period of one hundred eighty (180) days; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of twelve (12) months. Additionally, Respondent was ordered to pay a fine and court cost.
8. In response to Findings of Fact Numbers Six (6) and Seven (7), Respondent admits to the charge and has no defense as to what occurred. During this period she mis-used and abused alcohol. Respondent separated from her husband and had full custody of her four children. She had become very stressed and was uncertain about what life would then hold for them.
9. On or about October 20, 1998, Respondent entered a plea of Guilty and was convicted of POSSESSION CONTROLLED SUBSTANCE, NAMELY: COCAINE (a State Jail Felony offense committed on September 1, 1998, prosecuted as a Class A Misdemeanor offense), in the 184th District Court of Harris County, Texas, under Cause No. 791907. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of ten (10) days and ordered to pay court costs.
10. In response to Finding of Fact Number Nine (9), Respondent admits to this charge. This occurred, but, Respondent was not in possession of the Cocaine. Respondent did have the paraphernalia in her purse.

11. On or about September 20, 2001, Respondent entered a plea of Guilty and was convicted of POSSESSION MARIJUANA (a Class B Misdemeanor offense committed on October 22, 2000), in the County Court at Law No. 1 of Brazoria County, Texas, under Cause No. 113628. As a result of the conviction, Respondent was sentenced to confinement in the Brazoria County Jail for a period of three (3) days. Additionally, Respondent was ordered to pay a fine and court costs.
12. In response to Finding of Fact Number Eleven (11), Respondent admits to this charge. She went camping with her family and was pulled over for a wrong turn. During a search of the vehicle marijuana was found between the driver and passenger front seats. Respondent's eldest son admitted it was his, but, since it was in reach of the driver she was arrested.
13. On or about February 4, 2002, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE LICENSE SUSPENDED (a Misdemeanor offense committed on September 16, 2001), in the County Court at Law No. 2 of Brazoria County, Texas, under Cause No. 118827. As a result of the conviction, Respondent was sentenced to confinement in the Brazoria County Jail for a period of three (3) days. Additionally, Respondent was ordered to pay a fine and court costs.
14. In response to Finding of Fact Number Thirteen (13), Respondent admits to this charge. Respondent's husband was unable to drive her to work on this day. Respondent was pulled over for a traffic violation and was arrested.
15. On or about September 23, 2002, Respondent submitted an Online Renewal Document for Registered Nurse to the Board of Nurse Examiners in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Since issuance or last renewal, have you plead guilty (including no contest plea), been found guilty or convicted of any felony or misdemeanor other than a minor traffic violation?"

Respondent failed to disclose, that on or about December 15, 1997, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense September 22, 1997), in the County Court at Law No. 2 of Fort Bend County, Texas, under Cause No. 75165.

Respondent failed to disclose, that on or about February 9, 1998, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense July 14, 1997), in the County Court at Law No. 1 of Brazoria County, Texas, under Cause No. 94902M..

Respondent failed to disclose, that on or about October 20, 1998, Respondent entered a plea of Guilty and was convicted of POSSESSION CONTROLLED SUBSTANCE, NAMELY: COCAINE (a State Jail Felony offense committed on September 1, 1998, prosecuted as a Class A Misdemeanor offense), in the 184th District Court of Harris County, Texas, under Cause No. 791907. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of ten (10) days and ordered to pay court costs.

Respondent failed to disclose, that on or about September 20, 2001, Respondent entered a plea of Guilty and was convicted of POSSESSION MARIJUANA (a Class B Misdemeanor offense committed on October 22, 2000), in the County Court at Law No. 1 of Brazoria County, Texas, under Cause No. 113628. As a result of the conviction, Respondent was sentenced to confinement in the Brazoria County Jail for a period of three (3) days. Additionally, Respondent was ordered to pay a fine and court costs.

Respondent failed to disclose, that on or about February 4, 2002, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE LICENSE SUSPENDED (a Misdemeanor offense committed on September 16, 2001), in the County Court at Law No. 2 of Brazoria County, Texas, under Cause No. 118827.

16. On or about September 17, 2006, Respondent submitted an Online Renewal Document to the Board of Nurse Examiners in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you ever been arrested, convicted, placed on community supervision whether or not adjudicated 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, or received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrested whether or not on appeal?"

Respondent failed to disclose, that on or about December 15, 1997, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense September 22, 1997), in the County Court at Law No. 2 of Fort Bend County, Texas, under Cause No. 75165.

Respondent failed to disclose, that on or about February 9, 1998, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense July 14, 1997), in the County Court at Law No. 1 of Brazoria County, Texas, under Cause No. 94902M.

Respondent failed to disclose, on or about October 20, 1998, Respondent entered a plea of Guilty and was convicted of POSSESSION CONTROLLED SUBSTANCE, NAMELY: COCAINE (a State Jail Felony offense committed on September 1, 1998, prosecuted as a Class A Misdemeanor offense), in the 184th District Court of Harris County, Texas, under Cause No. 791907. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of ten (10) days and ordered to pay court costs.

Respondent failed to disclose, that on or about September 20, 2001, Respondent entered a plea of Guilty and was convicted of POSSESSION MARIJUANA (a Class B Misdemeanor offense committed on October 22, 2000), in the County Court at Law No. 1 of Brazoria County, Texas, under Cause No. 113628. As a result of the conviction, Respondent was sentenced to confinement in the Brazoria County Jail for a period of three (3) days. Additionally, Respondent was ordered to pay a fine and court costs.

Respondent failed to disclose, that on or about February 4, 2002, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE LICENSE SUSPENDED (a Misdemeanor offense committed on September 16, 2001), in the County Court at Law No. 2 of Brazoria County, Texas, under Cause No. 118827.

17. In Response to Findings of Fact Numbers Fifteen (15) and Sixteen (16), Respondent admits to these charges. She did submit the renewal forms and answered No to the criminal history questions. Respondent was afraid if she answered yes she may lose her job. Respondent was bringing in the income due to her husband losing his job and having major depression.
18. On or about September 28, 2008, Respondent submitted an Online Renewal Document to the Texas Board of Nursing, in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:.....

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

H. been arrested or have any pending criminal charges?...."

Respondent failed to disclose, that on or about September 14, 2008, Respondent was arrested by the Killeen Police Department, Killeen, Texas, for POSSESSION CONTROLLED SUBSTANCE 3<28G (a Misdemeanor Class A offense). On or about May 12, 2010, Respondent entered a plea of Guilty and was convicted of POSS DANGEROUS DRUG (a Class A Misdemeanor offense committed on September 14, 2008), in the County Court at Law of Bell County, Texas, under Cause No. MR2C0807435. As a result of the conviction, Respondent was sentenced to confinement in the Bell County Jail for a period of three (3) days, with three (3) days credit time served. Additionally Respondent was ordered to pay a fine and court costs.

19. In response to Finding of Fact Number Eighteen (18), Respondent states: She had a bottle which did not have a label on it holding some Xanax, which she did have a prescription for. Respondent attorney had informed her the case would be dismissed when she produced the written prescription from the pharmacy. Respondent was only able to provide a prescription that was 4 years old. Respondent was convicted and was ordered to pay a fine.
20. Formal Charges were filed on April 29, 2010.
21. Formal Charges were mailed to Respondent on April 30, 2010.
22. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.
23. 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.
24. 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 violation of Article 4525(b)(9), Tex. Rev. Civ. Stat. (eff. September 1997), 301.452(b)(2)&(10), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.13(1) (Eff. 7/97), 22 TEX. ADMIN. CODE §217.12(1)(Eff. 2/01), 22 TEX. ADMIN. CODE §217.12(6)(I) (eff. 9/04), 22 TEX. ADMIN. CODE §217.12(23)(Eff. 6/02).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered License Number 555561 and Vocational Nurse License 107882, heretofore issued to PATRICIA GAIL ROGERS, 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 Registered Nurse License Number 555561 and Vocational Nurse License Number 107882, heretofore issued to PATRICIA GAIL ROGERS, 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 professional or vocational nursing, use the title "registered or vocational nurse" or the abbreviation "RN" or "LVN" or wear any insignia identifying herself as a registered and vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered or 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 ____ day of _____, 20____.

PATRICIA GAIL ROGERS, Respondent

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

SEAL

Notary Public in and for the State of _____

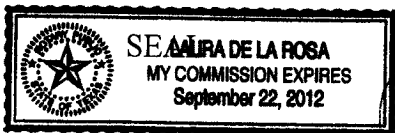
RESPONDENT'S CERTIFICATION

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 19th day of October, 2010.

Patricia Gail Rogers
PATRICIA GAIL ROGERS, Respondent

Sworn to and subscribed before me this 19th day of October, 2010



Laura de la Rosa
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 Registered Nurse License Number 555561 and Vocational Nurse License Number 107882, previously issued to PATRICIA GAIL ROGERS.

Effective this 26th day of October, 2010.



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