BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 139136	§	
issued to ROBBY GLEN WELCHER	§	ORDER

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 Boa considered the matter of ROBBY GLEN WELCHER, Vocational Nurse License Number 139136, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4528c Sec.(10)(a)(2), Tex. Rev. Civ. Stat (effective 9/1/1985), and 22 Tex. Admin. Code §231.81(2) (effective 1/1/1985). Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on April 15, 2010, 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.

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 Nursing from Odessa College, Andrews, Texas, on August 15, 1992. Respondent was licensed to practice vocational nursing in the State of Texas on December 6, 1992.

5. Respondent's nursing employment history is unknown.

6. On or about July 1, 1992, Respondent submitted an Application for Licensure By Examination to the Texas Board of Vocational Nurse Examiners in which Respondent provided false, deceptive, and/or misleading information, in that Respondent answered "No" to the question: "Have you ever been convicted and/or pled guilty to a felony or misdemeanor other than a minor traffic violation?"

   On or about October 21, 1974, Respondent entered a plea of Guilty and Respondent was convicted of DRIVING WHILE INTOXICATED (a Class B misdemeanor offense), in the County Court, Gaines County, Texas, under Cause No. 6289.

   On or about July 19, 1977, Respondent entered a plea of Guilty and Respondent was convicted of POSSESSION OF A USABLE QUANTITY OF MARIHUANA, in the County Court At Law No. 2, Lubbock County, Texas, under Cause No. 69,228.

7. In response to Finding of Fact Number Six (6), Respondent states he must plead ignorance, he does not ever remember being asked to disclose misdemeanors. He only remembers being asked to report felony charges of which he has none. If he had known he was supposed to report the incidents, he would have and he did not intend to hide anything

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 4528c Sec.(10)(a)(2), Tex. Rev. Civ. Stat (effective 9/1/1985), and 22 Tex. Admin. Code §231.81(2) (effective 1/1/1985).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 139136, heretofore issued to ROBBY GLEN WELCHER, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION

WITH 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 is 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 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) 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 to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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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 violation 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 to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 29 day of April, 2010.

Robby Glen Welcher

ROBBY GLEN WELCHER, Respondent

Sworn to and subscribed before me this 29th day of April, 2010.

SEAL

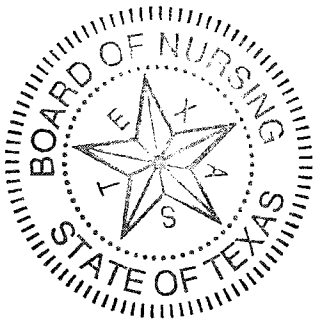
NORA L GONZALES
Notary Public, State of Texas
My Commission Expires
November 02, 2013

Nora L. Gonzales

Notary Public in and for the State of _____

Approved as to form and substance.

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 29th day of April, 2010, by ROBBY GLEN WELCHER, Vocational Nurse License Number 139136, and said Order is final.



Effective this 3rd day of June, 2010.

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