

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse License Number 161653 § AGREED
issued to DARCELIA FAYE HANEY § 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.
Patricia P. Thomas
Executive Director of the Board

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 161653, issued to DARCELIA FAYE HANEY, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived 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.
2. Respondent waived 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 Diploma in Vocational Nursing from South Plains College, Lubbock, Texas, on January 10, 1997. Respondent was licensed to practice vocational nursing in the State of Texas on February 19, 1997.
5. Respondent's vocational nursing employment history includes:

February 1997 - September 1998	Unknown
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Respondent's vocational nursing employment history continued:

October 1998 - December 2000	Staff LVN Texas Tech Health Science Center Lubbock, Texas
January 2001 - January 2002	Unknown
February 2002 - December 2002	Staff LVN Medical Staffing Network, Inc. Lubbock, Texas
December 2002 - Unknown	Staff LVN Preferred Medical Staffing, Inc. Garland, Texas
March 2003 - September 2003	Staff LVN Denton Rehab Nursing Denton, Texas
September 2003 - April 2004	Staff LVN Vintage Denton, Texas
April 2004 - September 2005	Staff LVN Longmeadow Health Care Justin, Texas
October 2005 - Unknown	Staff LVN Preferred Medical Staffing, Inc. Garland, Texas
February 2007 - November 2008	Staff LVN UNT Health Science Center at Fort Worth Fort Worth, Texas
December 2008 - Present	Unknown

6. On or about March 23, 2006, while employed with Preferred Medical Staffing, Inc., Garland, Texas, and on assignment at Alpha Omega Hospice, Hurst, Texas, Respondent lacked fitness to practice vocational nursing in that she was observed exhibiting characteristics of impaired behavior including, but not limited to: slurred speech, unsteady gait, and an inability to communicate a report on a patient to a co-worker. Respondent was also observed cradling

a patient in an unprofessional manner. Respondent was released from duty and deemed unsafe to drive herself home. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

7. On or about October 10, 2007, while employed with University of North Texas Health Science Center, Fort Worth, Texas, and actively participating in the Texas Peer Assistance Program for Nurses (TPAPN), Respondent engaged in the use of alcohol in that she submitted a specimen for a drug screen which resulted positive for alcohol. As a result of the positive screen for alcohol, Respondent became non-compliant with terms of the TPAPN contract. The use of alcohol by a Licensed 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.
8. On or about November 6, 2008, while employed with University of North Texas Health Science Center at Fort Worth, Fort Worth, Texas, Respondent lacked fitness to practice vocational nursing in that she was observed exhibiting impaired behavior including, but not limited to, slurred and loud speech. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
9. On or about November 6, 2008, while employed with University of North Texas Health Science Center at Fort Worth, Fort Worth, Texas, Respondent engaged in the intemperate use of alcohol in that she submitted a specimen for a for cause drug screen which resulted positive for alcohol. The use of alcohol by a Licensed 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.
10. On March 30, 2009, Respondent admitted to the Board that she was using alcohol and needs to go to treatment.
11. Formal Charges were filed on February 24, 2009.
12. Formal Charges were mailed to Respondent on February 27, 2009.
13. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.

14. 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.
15. 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 violations of Section 301.452(b)(9), (10) & (12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(E), (5), (9) & (10)(A).
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 161653, heretofore issued to DARCELIA FAYE HANEY, 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 Nurse License Number 161653, heretofore issued to DARCELIA

FAYE HANEY, 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 DARCELIA FAYE HANEY, 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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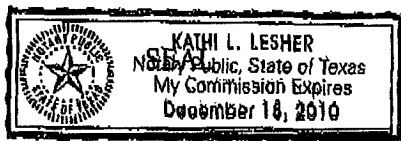
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order.
I 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 21 day of May, 2010.

Darcelia Faye Haney
DARCELIA FAYE HANEY, Respondent

Sworn to and subscribed before me this 21 day of May, 2010.



Kathi L. Lesher

Notary Public in and for the State of Texas

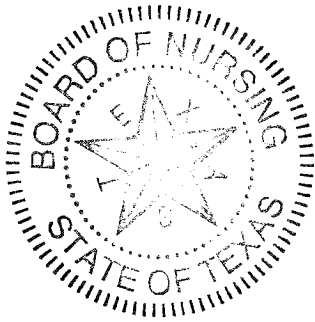
Approved as to form and substance.


[Signature]
LOUIS LEICHTER, Attorney for Respondent

Signed this 24 day of May, 2010.

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 161653, previously issued to DARCELIA FAYE HANEY.

Effective this 24th day of May, 2010.




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