BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse License Number 672276 §
issued to JENNIFER H. BOLEN §

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

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Boa accepted the voluntary surrender of Registered Nurse License Number 672276, issued to JENNIFER H. BOLEN, 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.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice professional nursing in the State of Texas.

2. Respondent waived representation by counsel, informal proceedings, notice and hearing.

3. Respondent received a Baccalaureate Degree in Nursing from West Texas A&M University, Canyon, Texas, on December 1, 1999. Respondent was licensed to practice professional nursing in the State of Texas on August 22, 2000.

4. Respondent's complete professional nursing employment history is currently unknown.

5. On or about November 25, 2009, Respondent was issued an Agreed Order by the Texas Board of Nursing, requiring Respondent to apply to, and be accepted into the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated November 25, 2009, is attached and incorporated, by reference, as part of this Order.

6. On or about March 19, 2010, the Texas Board of Nursing notified Respondent of the following allegations:

- On or about February of 2010, while employed as a Registered Nurse with Covenant Specialty Hospital, Lubbock, Texas, and while enrolled in the Texas Peer Assistance Program for Nurses (TPAPN), Respondent falsified a specimen for a drug screen.

- On or about February 25, 2010, Respondent failed to comply with the Agreed Order issued to Respondent on November 25, 2009, by the Texas Board of Nursing. Respondent's non-compliance is the result of her failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) in that she engaged in the intemperate use of Alcohol and Propoxyphene in that Respondent submitted a specimen for a drug screen which resulted positive for Ethanol and Propoxyphene. Stipulation Number Three (3) of the Agreed Order dated November 25, 2009, reads, in pertinent part:

  (3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term.

- On or about February 26, 2010, Respondent failed to comply with the Agreed Order issued to Respondent on November 25, 2009, by the Texas Board of Nursing. Respondent's non-compliance is the result of her failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) in that she engaged in the intemperate use of Propoxyphene in that Respondent submitted a specimen for a drug screen which resulted positive for Propoxyphene. Stipulation Number Three (3) of the Agreed Order dated November 25, 2009, reads, in pertinent part:

  (3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term.

7. On April 9, 2010, Respondent submitted a notarized statement to the Board voluntarily surrendering the right to practice professional nursing in Texas. A copy of Respondent's notarized statement, dated April 5, 2010, is attached and incorporated herein by reference as part of this Order.

8. 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.

9. 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 violation of Section 301.452(b)(1),(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(9),(10)(D)&(11)(B).

4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.

6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 672276, heretofore issued to JENNIFER H. BOLEN, to practice professional nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title of Registered Nurse or the abbreviation "RN" or wear any insignia identifying herself as a Registered Nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a Registered 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 professional nursing in the State of Texas.

Effective this 14th day of April, 2010.

TEXAS BOARD OF NURSING

By: Katherine A. Thomas

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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 672276	§	
issued to JENNIFER H. BOLEN	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JENNIFER H. BOLEN, Registered Nurse License Number 672276, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on October 22, 2009, 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 professional nursing in the State of Texas.

4. Respondent received a Baccalaureate Degree in Nursing from West Texas A&M University, Canyon, Texas, on December 1, 1999. Respondent was licensed to practice professional nursing in the State of Texas on August 22, 2000.

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

6. On or about November 24, 2007, Respondent was arrested by the Texas Highway Patrol, Lubbock, Texas, for FRAUD POSS CS/PRESCRIPTION SCH III/IV (a 3rd Degree felony offense). Subsequently, on May 15, 2008, Respondent entered into a pre-prosecution

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agreement in the Adult Drug Court of Lubbock County, Texas, under Drug Court Number 82, for a period of eighteen (18) months.

7. In response to Finding of Fact Number Six (6), Respondent states: In October 2007 her marriage ended and she made some poor decisions. On November 24, 2007, she was arrested for Possession of a Controlled Substance. On May 7, 2008, she chose to enter the Lubbock County Drug Court Pre-Trial Diversion Program, and in April 2009, she entered the TPAPN.

8. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.

9. 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.

10. Respondent's conduct described in Finding of Fact Number Six (6) was significantly influenced by Respondent's impairment by dependency on chemicals.

11. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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 Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5)&(13).

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 672276, heretofore issued to JENNIFER H. BOLEN, including revocation of Respondent's license to practice nursing in the State of Texas.

5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

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ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

RESPONDENT SHALL deliver the wallet-sized license issued to JENNIFER H. BOLEN, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars ($500) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep her license to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§301.001 *et seq.*, the

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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 multistate licensure 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 multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or revocation of Respondent's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

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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. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, and 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 16 day of November, 2009.

JENNIFER H. BOLEN, Respondent

Sworn to and subscribed before me this 16 day of November, 2009.

SEAL

Wanda L. Lampe

Notary Public in and for the State of Tx

WANDA L LAMPE
MY COMMISSION EXPIRES
June 13, 2013

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 16th day of November, 2009, by JENNIFER H. BOLEN, Registered Nurse License Number 672276, and said Order is final.

Entered and effective this 25th day of November, 2009.

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

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April 5, 2010

Kevin Freemyer
333 Guadalupe Street, Ste. 3-460
Austin, Texas 78701

Dear Mr. Freemyer:

I have enclosed the signed and notarized voluntary surrender that we discussed. I would like to take this time to tell you thank you for all your assistance with this matter. This whole process has been very difficult for me, but with your assistance the process was somewhat easier. You treated me with respect, furthermore you were kind and took the time to answer all my questions. For that I am grateful.

I have one last request for you. When you send me the final order and the information of the UA's could you please send me a copy of the rules and regulations expected of me for reinstatement. I try to find them online but was unable to find a specific set of requirements. This will help me to know exactly what is needed for my reinstatement, so I can spend the next year taking the right steps required by the board.

Thank you again for all your assistance.

Sincerely,

Jennifer Bolen

JENNIFER H. BOLEN
2305A 33rd
Lubbock, TX 79411
Texas Registered Nurse License #672276

Voluntary Surrender Statement

March 31, 2020

Dear Texas Board of Nursing:

I no longer desire to be licensed as a professional nurse. Accordingly, I voluntarily surrender my license to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature Jennifer H. Bolen

Date 4/5/10

Texas Nursing License Number 672276

The State of Texas

Before me, the undersigned authority, on this date personally appeared JENNIFER H. BOLEN who, being duly sworn by me, stated that she executed the above for the purpose therein contained and that she understood same.

Sworn to before me the 5 day of April, 2010.

SEAL

Wanda L. Lampe
Notary Public in and for the State of Tx

WANDA L. LAMPE
MY COMMISSION EXPIRES
June 13, 2013

INSTRUCTIONS FOR BON URINE DRUG SCREEN COLLECTION

1. As a result of the proposed Order of the Board being offered by the Texas Board of Nursing (BON), you will be required to submit to periodic random drug screens **during employment as a registered/vocational nurse**. The BON has contracted with FirstLab Professional Health Monitoring (PHM) testing program and you will be submitting random urine specimens through this program. No other drug screens will be accepted toward meeting your Board-ordered requirements unless pre-authorized by your monitoring investigator/program analyst.

2. Enrollment in FirstLab is required before testing can begin. In order to confirm that you are aware of the BON policy for drug screening and the process, you are asked to sign this form and return it to the Board. Once you are employed as a nurse, and your Notification of Employment form has been received by the Board **you have two (2) weeks to submit your registration information to FirstLab's website at www.firstlab.com.** If access to a computer is a problem, you may contact FirstLab at 1-800-732-3784.

3. Credit or Debit cards are required to be kept on file for testing fees.

4. FirstLab contracts with LabCorp collection sites throughout the state of Texas. You will be receiving Chain of Custody Forms (CCF) from LabCorp at no cost to you once you are enrolled in the FirstLab System. When your supply gets low (less than 3) please order more from the FirstLab online system and the lab will send you a supply. All collection fees are to be paid at the time of collection if you are not using a LabCorp Patient Service Center (PSC). FirstLab will NOT pay any of these fees. Pricing for all of urine drug test panels is **$43.00**.

5. **You will be required to login to the FirstLab website or call every day to verify if you have been chosen to provide a specimen for screening. Failure to login or call every day could result in further action taken by the Board.** If you are planning to travel out of state, you must contact the Board's office in advance to make arrangements for drug screening; you may be required to submit to a random drug screen even during your time out of town or on vacation.

6. If, due to an emergency, you are unable to report to the collection site on the day you are requested to provide a urine specimen, or if you do not have the proper chain of custody form, you must immediately contact the Monitoring Investigator at the Board's office at (512) 305-6838. **Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action being taken against your license to practice registered/vocational nursing in the state of Texas for your failure to comply with the Order of the Board.**

7. If your specimen tests positive, you may have your results reviewed by a Medical Review Officer (MRO) for an additional fee. In addition, you must notify the Monitoring Investigator prior to making the request, so that it may be approved with FirstLab. (During this time period, the result will be treated as a positive result until proven otherwise).

8. While you are being monitored by the Board, your employer or a representative from the Texas Board of Nursing may require you to submit to a random drug screen at any time.

I have read and understood the requirements of the Board's random drug screening requirements. I agree to comply with the Board's drug screening requirements, should the proposed Order of the Board become effective. I understand a Board representative may appear at my place of employment at any time during my monitoring term in order to gather a specimen for random drug screening.

_____ _____

Printed name of Nurse Signature of Nurse

_____ _____

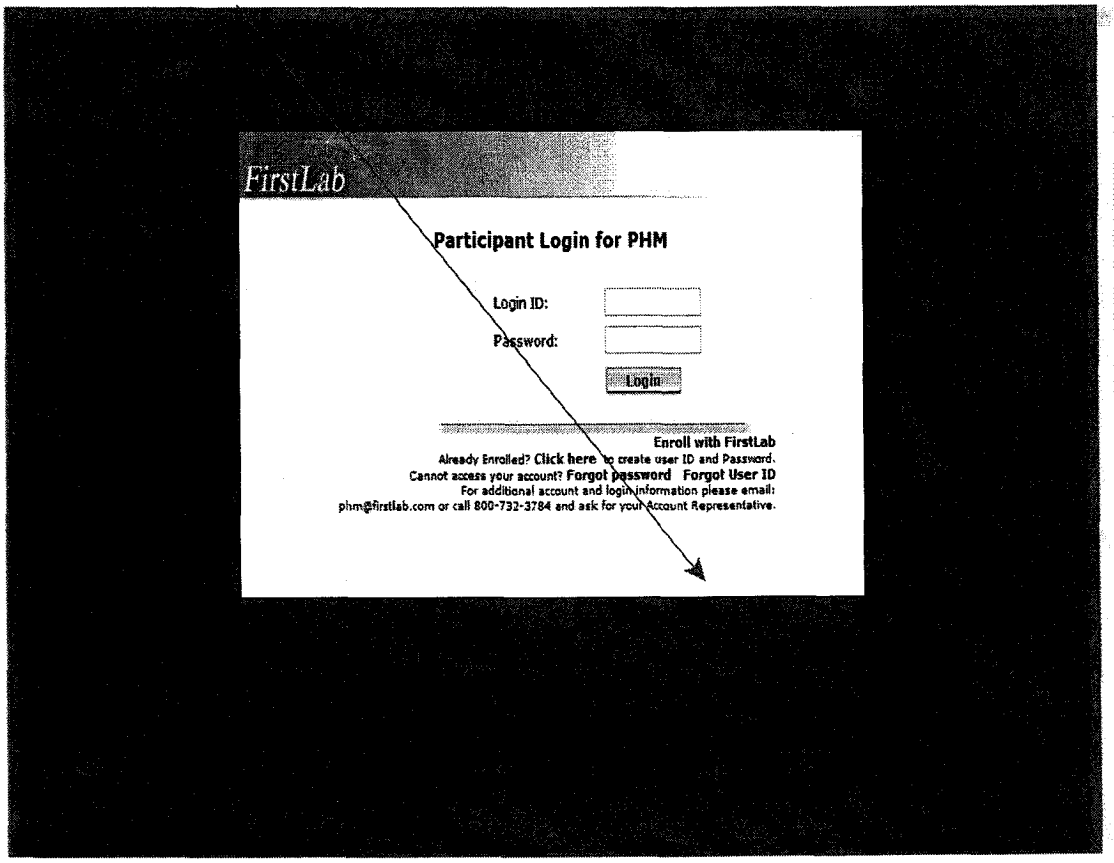
Date License Number

0403/I90

FirstLab Enrollment Instructions for Texas Board of Nursing(TXBON)

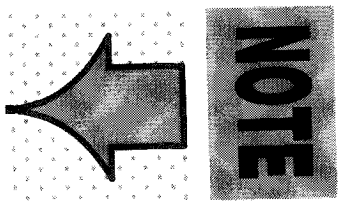
As a participant of the TXBON you are required to enroll in FirstLab's Professional Health Monitoring (PHM) testing program. Please follow the instructions outlined below to ensure timely enrollment and compliance.

1. Go to **www.firstlab.com.**
2. Click on the "**phm login**" button.
3. Then click on "**Enroll with FirstLab**"
4. Enter the Login and Passcode
   Program Login ID: **txbonrn (for RNs) or txbonlvn (for LVNs)**
   Password: **enroll**



5. Fill in the required fields indicated with an * which includes your SSN and credit/debit card account information. Read and electronically sign the Agreement. Then click "**Submit**".
6. Print and read the enrollment packet in its entirety.
7. You do not need to return any paperwork when enrolling on-line unless you are using another party's credit/debit card for payment.

If you do not have access to the internet, please call the FirstLab PHM Department at 1-800-732-3784 to request an enrollment packet.

Rules: 213.26-.29

BON Contact: Diane Burell
(512) 305-6827