

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse § AGREED  
License Number 99052 §  
issued to LINA K TONEY § 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.  
*Katherine A. Thomas*  
Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LINA K TONEY, Vocational Nurse License Number 99052, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on March 11, 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 Vocational Nursing from Tyler Junior College, Tyler, Texas on September 3, 1982. Respondent was licensed to practice vocational nursing in the State of Texas on December 13, 1982.
5. Respondent's vocational nursing employment history is unknown.

6. On or about April 12, 2005, Respondent submitted a License Renewal Form Licensed Vocational Nurse to the Board of Nurse Examiners for the State of Texas in which he/she provided false, deceptive, and/or misleading information, in that he/she answered "No" to the question:

"In the past 5 years, have you been diagnosed with or treated or hospitalized for schizophrenia or other psychotic disorder, bipolar disorder, paranoid personality, antisocial personality disorder, or borderline personality disorder?(you may answer "no" if you have completed and/or are in compliance with TPAPN)."

7. On or about April 25, 2007, Respondent submitted a License Renewal Form Licensed Vocational Nurse to the Board of Nurse Examiners for the State of Texas in which he/she provided false, deceptive, and/or misleading information, in that he/she answered "No" to the question:

"In the past 5 years, have you been diagnosed with or treated or hospitalized for schizophrenia or other psychotic disorder, bipolar disorder, paranoid personality, antisocial personality disorder, or borderline personality disorder?(you may answer "no" if you have completed and/or are in compliance with TPAPN)."

8. On or about On April 13, 2009, Respondent submitted a License Renewal Form to the Texas Board of Nurse Examiners in which she answered "Yes" to the question:

"In the past 5 years, have you been diagnosed with or treated or hospitalized for schizophrenia or other psychotic disorder, bipolar disorder, paranoid personality, antisocial personality disorder, or borderline personality disorder?(you may answer "no" if you have completed and/or are in compliance with TPAPN)."

Barbara Horton, LCSW submitted a Report of health Status of Registered or Licensed Vocational Nurse, in which she stated that Respondent was diagnosed with 296.89 Bipolar II on November 2004. The Respondent has been treated for five (5) years. There was no requirement for hospitalization. Respondent does not take any medication prescribed by Ms Horton, however she is aware of her prescribed medications from Doctor Vladislav. Ms. Horton states that the Respondent is compliant with treatment and does not currently pose a direct threat to the health and safety of patients/clients, thier family or significant other, or the public.

9. Vladislav L. Yeganov MD, submitted a letter, in which he states that Respondent has been under his care since September 2004. She has been diagnosed with Bipolar II, Attention Deficit hyperactivity and Anxiety NOS. She is currently taking the following prescribed medications: Zyprexa 20 mg, Lamictal 200mg, Prozac 40mg, Temasepam, Clonazepam (Klonopin) 5 mg, Trileptal 300mg.

## 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 Section 301.452(b)(2)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(I).
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 99052 theretofore issued to LINA K. TONEY, 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 a 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 multistate licensure privilege, 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 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 pay a monetary fine in the amount of five hundred (\$500) dollars amount. 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.

(2) 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 re-licensure. *Board-approved courses may be found at the following Board website address:*  
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

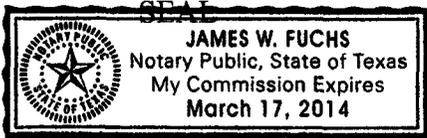
I understand that I have the right to legal counsel prior to signing this Agreed Order.

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 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 8 day of April, 2010.

Lina K. Toney  
LINA K. TONEY, Respondent

Sworn to and subscribed before me this 8 day of April, 2010.



[Signature]  
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 ratify and adopt the Agreed Order that was signed on the 8th day of April, 2010, by LINA K. TONEY, Vocational Nurse License Number 99052, and said Order is final.

Effective this 15th day of April, 2010.

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

