

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 609053
ISSUED TO
JILL ANN JOHNSON

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE 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.
Patricia Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Jill Ann Johnson
805 E. Olympic
Pflugerville, TX 78660

During open meeting held in Austin, Texas, on March 23, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 609053, previously issued to JILL ANN JOHNSON, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 609053, previously issued to JILL ANN JOHNSON, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 23rd day of March, 2010.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN

EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of March, 2010, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Jill Ann Johnson
805 E. Olympic
Pflugerville, TX 78660

BY:



KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

**In the Matter of Permanent License
Number 609053, Issued to
JILL ANN JOHNSON, Respondent**

§
§
§

**BEFORE THE TEXAS
BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JILL ANN JOHNSON, is a Registered Nurse holding license number 609053, which is in Delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about March 25, 2009, Respondent voluntarily surrendered her license to practice professional nursing in the State of Wyoming, to the Wyoming State Board of Nursing, Cheyenne, Wyoming. A copy of the Findings of Fact, Conclusions of Law, and Voluntary Surrender Order, dated April 9, 2009, is attached and incorporated by reference as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

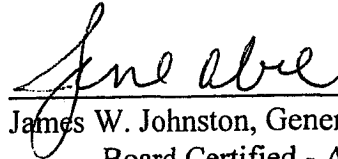
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Findings of Fact, Conclusions of Law, and Voluntary Surrender Order, dated April 9, 2009, issued by the Wyoming State Board of Nursing.

Filed this 29th day of January, 2010.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Findings of Fact, Conclusions of Law, and Voluntary Surrender Order, dated April 9, 2009, issued by the Wyoming State Board of Nursing.

0999/D



David D. Freudenthal
Governor

Wyoming

STATE BOARD OF NURSING

Mary Kay Goetter, PhD(c),
RNC, NEA-BC
Executive Director

1810 Pioneer Avenue • Cheyenne, Wyoming 82002 • Phone: 307-777-7601 • FAX: 307-777-3519 • <http://nursing.state.wy.us>

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

April 10, 2009

Jill Johnson
150 Kaulima
Kailua, HI 96734

Re: Voluntary Surrender

Ms. Johnson:

Enclosed is a true and correct copy of the Settlement Agreement, Stipulation and Order that was signed by the members of the Wyoming State Board of Nursing (WSBN), and the Wyoming Attorney General's Office during the April, 2009 Board meeting.

You will always need to answer "YES" to any question you may be asked in the future relating to disciplinary action having been taken against your license.

If you have any questions, contact the Compliance Consultant directly for assistance. Brenda Burnett, (307) 777-7616 or Bburne@state.wy.us.

Sincerely,

A handwritten signature in cursive script that reads "Mary Kay Goetter".

MARY KAY GOETTER, PhD(c), RNC, NEA-BC
Executive Director

CC: Dave Hooper, Local Counsel for Respondent (Jill Johnson)
Robert Stewart, Counsel for Respondent

encl.

MKG: nm

BEFORE THE WYOMING STATE BOARD OF NURSING

In the Disciplinary Matter of)	
Jill A. Johnson)	
Registered Professional Nurse License)	Docket Number 05-6-168
Number 23016)	

SETTLEMENT AGREEMENT, STIPULATION AND ORDER

COMES NOW the Disciplinary Committee (hereinafter "Petitioner") on behalf of the Wyoming State Board of Nursing (hereinafter Board), in consultation with the assigned prosecuting attorney of the Wyoming Attorney General's Office, and Jill A. Johnson (hereinafter "Respondent"), pursuant to WYO. STAT. ANN. § 16-3-107(n), WYO. STAT. ANN. § 33-21-122(c)(ix) and the Board's Rules and Regulations and hereby enter into this Settlement Agreement, Stipulation and Order.

FINDINGS OF FACT:

1. Respondent was a Registered Professional Nurse (RN) in the State of Wyoming and held Registered Professional Nurse Number 23016 as issued by the Board at all times in which alleged misconduct occurred. Therefore, the Board has jurisdiction over the matter contained and set forth herein pursuant to WYO. STAT. ANN. §§33-21-119 et. seq., the Wyoming Administrative Procedure Act, WYO. STAT. ANN. §§16-3-101 et. seq. and the Board's Rules and Regulations.
2. On or about March 20, 2006, the Board office received a complaint filed by Kim Thebault, CNO, at St. John's Medical Center in Jackson, Wyoming. The complaint alleged drug diversion by Respondent. The complaint was assigned to Petitioner, and Petitioner substantiated the following facts:
 - A. On or about the week of January 15, 2006, while Respondent was employed as a contractor through Cross Country Staffing at St. John's Medical Center (SJMC), Jackson, WY, Respondent approached Dr. Martha Stearn for a prescription of Ativan for a patient. On or about January 21, 2006, Respondent attempted to fill the prescription for herself at the Albertson's pharmacy in Jackson, WY. The pharmacist noticed the name on the prescription was overwritten and contacted the Jackson Police Department and the Board of Pharmacy. The pharmacy also contacted Dr. Martha Stearn, and after reviewing the prescription, Dr. Stearn determined that her original prescription was altered for the following reasons: 1) the name and possibly the date were overwritten, and 2) the prescription included information Dr. Stearn did not complete, including age and address. Criminal charges followed the criminal investigation. Respondent plead guilty to one count of Possession of Controlled Substance by Fraud, pursuant to W.S. § 35-7-1033(c)(iii). However, the conviction was deferred and governed by WYO. STAT. ANN. § 7-13-301, and the Court placed Respondent on three (3) years of supervised probation beginning on September 19, 2006.

- B. Apart from the criminal investigation, SJMC conducted its own investigation of Respondent and possible drug diversion.
- (i) SJMC's investigation into the allegations set forth above revealed that there was no evidence of behaviors or pattern of diversion evident from a review of both MARS and PYXIS reports, though the facility's CNO noted that "(t)here were a number of charting deficiencies . . . primarily failure to document efficacy of many medications given (and that) (t)he medication charting was not ideal."
- C. On or about June 30, 2006, Respondent addressed the complaint filed against her with the Board. In a written statement provided to the Board office, Respondent admitted she had entered a plea agreement to defer her criminal sentence in Teton County and received probation. Respondent also admitted to abuse of prescription medication. Respondent admitted altering the January 15, 2006 Ativan prescription by adding her name, address, age and date on the prescription, though she denied any willful wrongdoing and attributed her alteration to a "miscommunication" she had with the prescribing physician. Specifically, she indicated the prescribing physician simply assumed the prescription was for a mutual patient, rather than for Respondent. Ultimately however, Respondent admitted she had been abusing prescription medication since 2005. Respondent further informed the Board that she had admitted herself to Lokahi Treatment Center and later Freedom Recovery Services for outpatient care. Though Respondent verbally agreed to participate in the Hawaii Nurse Association Peer Assistance Program on June 6, 2007, she did not sign a Monitoring Agreement for the program until May 20, 2008.
3. Respondent understands that her conduct, as alleged in paragraph 2 above, and all subsets thereof, if proven, form a basis for disciplinary action of her license pursuant to WYO. STAT. ANN. § 33-21-146 which provides in pertinent part:
- (a) The Board of Nursing may refuse to issue or renew, or may suspend or revoke the license, certificate or temporary permit or any person, or to otherwise discipline a licensee, upon proof that the person:
- (i) Has engaged in any act inconsistent with uniform and reasonable standards of nursing practice as defined in Board Rules and Regulations;
-
- (iv) Is unfit or incompetent to practice nursing by reason of negligence, habits or other causes including but not limited to:
- (A) Being unable to practice nursing with reasonable skill and safety to patients by reason of physical or mental disability, or use of drugs, narcotics, chemicals or any other mind-altering material;

....

(ix) Has failed to comply with the Nurse Practice Act or Board Rules and Regulations.

4. Respondent understands her conduct is also a basis for disciplinary action pursuant to Chapter 3, Section 4(a) of the Board's Rules and Regulations which establishes as grounds for discipline:

(i) the inability to function with reasonable skill and safety for . . . reasons including but not limited to:

(B) Substance abuse/dependency;

....

(iv) Failure to conform to the standards of prevailing nursing practice, in which case actual injury need not be established.

....

5. Respondent has read this entire Agreement, fully understands its content, and agrees to surrender her license, for discipline, in lieu of a contested case hearing for the revocation of her license. By executing this Agreement, Respondent waives her right to a hearing and all appeals in this matter pursuant to the Wyoming Administrative Procedure Act, WYO. STAT. ANN. §§ 1603-101 et. seq., the Nurse Practice Act, WYO. STAT. ANN. §§ 33-21-119 et. seq., and the Board's Rules and Regulations in return for the Board's acceptance of her voluntary limitation of practice as set forth in the Board's Order which is attached and incorporated herein.
6. Respondent fully understands this Agreement constitutes disciplinary action, is a permanent part of her record with the Board, and is a public record subject to inspection and dissemination in accordance with federal and state law. Respondent further understands the Board shall report this disciplinary action to the National Council of State Boards of Nursing, Inc., Disciplinary Data Bank.
7. Respondent understands this Agreement must be submitted to the Board which may approve or reject the Agreement. If the Board approves the Agreement, the conditions contained herein shall be effective upon full execution by all parties to this Agreement. If the Board rejects this Agreement, the allegations as referenced in paragraph 2 above, and all subsets thereof shall be set for hearing in accordance with the Wyoming Administrative Procedure Act, the Nurse Practice Act, and the Board's Rules and Regulations.
8. Neither the Petitioner, nor the Board, waive sovereign immunity by entering into this Settlement Agreement, Stipulation and Order, and both specifically retain immunity and all defenses available to them as sovereigns pursuant to WYO. STAT. ANN. §1-39-104(a) and all other state law.

9. Any changes, modifications, revisions or amendments to this Settlement Agreement, Stipulation and Order which are mutually agreed upon by the Board, Petitioner and Respondent shall be incorporated by written instrument, executed and signed by the Board, Petitioner and Respondent.
10. Due and proper notice of this matter has been afforded to Respondent, and she agrees she has not been subjected to undue influence, pressure, or coercion by Petitioner, the Board, its staff or the Office of the Attorney General; and that she is entering into this agreement under her own free will after having the opportunity to obtain advice from an attorney regarding the consequences of entering into this Agreement.

CONCLUSIONS OF LAW:

1. Paragraphs 1-10 of the Findings of Fact set forth above are incorporated herein by reference.
2. The Board has jurisdiction in this matter and over Respondent pursuant to the Nurse Practice Act, WYO. STAT. ANN. §§ 33-21-119 et. seq., the Wyoming Administrative Procedure Act, WYO. STAT. ANN. §§ 16-3-101 et. seq., and the Board's Rules and Regulations.
3. Respondent's conduct as set forth in paragraph 2 of the Findings of Fact, and all subsets thereof, are a basis for discipline of her license pursuant to WYO. STAT. ANN. § 33-21-146 which states in pertinent part:
 - (a) The Board of Nursing may refuse to issue or renew, or may suspend or revoke the license, certificate or temporary permit or any person, or to otherwise discipline a licensee, upon proof that the person:
 - (i) Has engaged in any act inconsistent with uniform and reasonable standards of nursing practice as defined in Board Rules and Regulations;

....
 - (iv) Is unfit or incompetent to practice nursing by reason of negligence, habits or other causes including but not limited to:
 - (A) Being unable to practice nursing with reasonable skill and safety to patients by reason of physical or mental disability, or use of drugs, narcotics, chemicals or any other mind-altering material;

....
 - (ix) Has failed to comply with the Nurse Practice Act or its Rules and Regulations.

4. Respondent's conduct, as set forth in paragraph 2 of the Findings of Fact, is also a basis for discipline pursuant to Chapter 3, Section 4(a) of Board Rules and Regulations which establishes the following grounds for discipline:
- (i) the inability to function with reasonable skill and safety for . . . reasons including but not limited to:
.....
 - (B) Substance abuse/dependency;
.....
 - (iv) Failure to conform to the standards of prevailing nursing practice, in which case actual injury need not be established;
5. Respondent's conduct, as set forth in paragraph 2 of the Findings of Fact, and all subsets thereof, and her violations of the Nurse Practice Act and the Board's Rules and Regulations as set forth in paragraphs 2, 3 and 4 of the Conclusions of Law, are adequate grounds to discipline her license. The Board further concludes that Respondent's voluntary surrender of her license, for discipline, is an appropriate alternative to the revocation of her license pursuant to WYO. STAT. ANN. §33-21-149 and WYO. STAT. ANN. §§16-3-107(n).

INTENTIONALLY LEFT BLANK

ORDER:

IT IS THEREFORE HEREBY SETTLED, AGREED AND ORDERED:

1. The Board approves this Agreement, and accepts Respondent's Voluntary Surrender of her License, for discipline, based on all Findings of Fact and Conclusions of Law set forth in this Agreement.
2. This Settlement Agreement, Stipulation and Order constitutes disciplinary action and as such, shall become a part of Respondent's permanent record with the Board. It also constitutes a public record and therefore, shall be available for inspection and dissemination in accordance with federal and state law and shall be reported to the National Council of State Boards of Nursing, Inc., Disciplinary Data Bank.
3. The Board shall retain continuing jurisdiction in this matter to take further action as may be necessary to conclude this matter.
4. This agreement shall become effective upon full execution by all signatories.

ACCEPTED BY RESPONDENT:

Jill Johnson
Jill Johnson, Respondent

3/25/2009
Date

STATE OF HAWAII)
)ss
COUNTY OF HONOLULU)

The foregoing instrument was subscribed and sworn to before me by Jill Johnson, personally known to me, on the 25th day MARCH, 2009.

My Commission Expires: OCTOBER 27 2010

Fermina F Escano
Notary Public

NOTARY PUBLIC CERTIFICATION
Fermina F Escano First Judicial Circuit
Doc Description: SETTLEMENT AGREEMENT,
STIPULATION AND ORDER -
DOCKET NUMBER 05-6-168
No. of Pages: 7 Date of Doc: 12/20/09

LS

Fermina F Escano 07-26-09
Notary Signature Date

LS

ACCEPTED BY PETITIONER:

Kim Williamson LPN
Kim Williamson, LPN

4/8/09
Date

APPROVED BY AND FOR THE BOARD OF NURSING

[Signature]
Board President or Designate

4/08/09
Date

APPROVED AS TO FORM:

Angela C. Dougherty
Angela C. Dougherty
Senior Assistant Attorney General
Attorney for Petitioner

4/9/09
Date