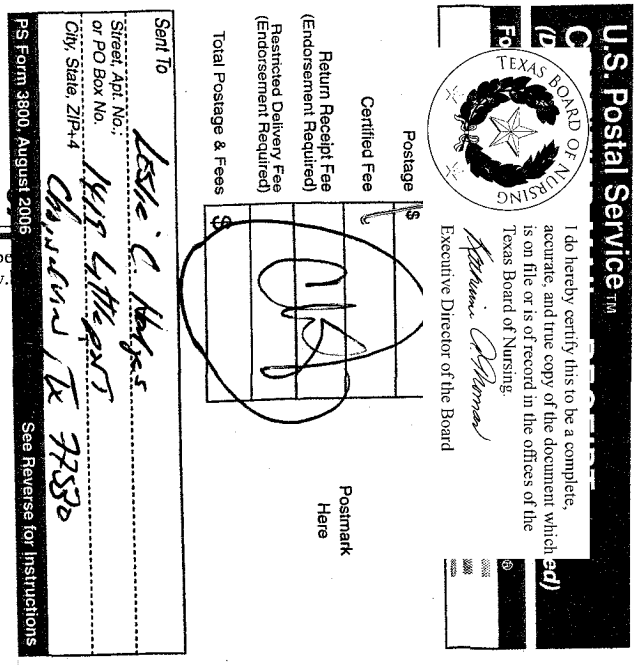
Board of Nurse Examiners For the S

Location Address: William P. Hobby Building, Ste. 3-460, 333 Guadalupe
Phone: (512) 305-7400 Fax: (512) 305-7401 Web: www.

Katherine A. Thomas, MN, RN
Executive Director



November 19, 2007

Certified Mail No. 7007 0710 0004 7177 5829
Return Receipt Requested

Leslie C. Hodges
1419 Littleport
Channelview, Texas 77530

Dear Ms Hodges:

The Texas Board of Nursing recommends that you voluntarily surrender your license to practice vocational nursing in Texas.

Enclosed, please find an Agreed Order that contains the Board's Findings of Fact and Conclusions of Law that must accompany the Board's acceptance of your surrender. Also included in the Order are the minimum conditions that must be fulfilled before any petition for reinstatement of your license to practice vocational nursing will be considered by the Board.

In order to be accepted, you must ensure that the signed and notarized Order is received in the Board's Office within three weeks of the date of this letter. Once the signed and notarized Order is received in the Board's office, the terms of the Order will become effective and your license will be placed in surrendered status in our licensure files. Although a voluntary surrender is not a statutory sanction listed in Section 301.453(a), of the Nursing Practice Act, the action will be reported to the data bank of National Council of State Boards of Nursing, Inc., the Healthcare Integrity and Protection Data Bank (HIPDB), and will appear in the Board's quarterly newsletter.

Should you desire to return to the practice of vocational nursing in Texas, you may contact our office to request a reinstatement petition. You will be subject to any reinstatement conditions that are in effect at the time that your petition is filed with the Board.

If you have any questions, please contact Earl E. Stearns, Senior Investigator, Enforcement Division, at (512) 305-7665.

Sincerely,

Katherine A. Thomas, MN, RN
Executive Director

KAT/ees/dab

Enclosures: Order of the Board

0400-C10vs

Members of the Board

Joyce Adams, PhD, RN, Houston; Deborah Bell, CLU, ChFC, Abilene; George Buchenau, Jr., BSN, RN, MBA, Amarillo; Virginia Campbell, BSN, RN, CNOR, Mesquite; Blanca Rosa Garcia, PhD, RN, Corpus Christi; Richard Gibbs, LVN, Mesquite; Rachel Gomez, LVN, Harlingen; Brenda Jackson, PhD, RN, San Antonio; Beverley Jean Nutall, LVN, Bryan; Anita Palmer, ME, MA, Olney; Phyllis Rawley, CPC, *Vice-President*; Linda Rounds, PhD, FNP, RN, *President*; Frank Sandoval, Jr., J.D., San Antonio

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Vocational Nurse License Number 107612	§	AGREED
issued to LESLIE C. HODGES	§	ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 107612, issued to LESLIE C. HODGES, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal conference 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 representation by counsel, 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 Community School of Nursing, Houston, Texas, on August 29, 1984. Respondent was licensed to practice vocational nursing in the State of Texas on December 17, 1984.

5. Respondent's complete vocational nursing employment history is unknown.

6. On March 22, 2006, the Board of Nurse Examiners for the State of Texas issued an Agreed Order that required Respondent to apply to, and be accepted into the Texas Peer Assistance Program for Nurses (TPAPN), and to comply with all requirements of the TPAPN contract during its term. A copy of the March 22, 2007, Agreed Order is attached and incorporated, by reference, as part of this Order.

7. On or about February 21, 2007, Respondent failed to comply with the Agreed Order issued to her on March 22, 2006, by the Board of Nurse Examiners for the State of Texas. Respondent's non-compliance is the result of her failure to comply with Stipulation Number Three (3) of the Order which reads, in pertinent part:

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

   On or about February 21, 2007, Respondent quit calling the mandatory daily 1-800 number for random drug testing.

8. Formal Charges were filed on November 2, 2007.

9. Formal Charges were mailed to Respondent on November 7, 2007.

10. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice vocational nursing in the State of Texas.

11. 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.

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

4. The evidence received is sufficient cause pursuant to Section 301.453(d), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 107612, heretofore issued to LESLIE C. HODGES, including revocation of Respondent's license to practice vocational 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 107612, heretofore issued to LESLIE C. HODGES, to practice vocational 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 LESLIE C. HODGES, 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.

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 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 _____ day of _____, 20____.

_____

LESLIE C. HODGES, Respondent

Sworn to and subscribed before me this _____ day of _____, 20____.

SEAL

_____

Notary Public in and for the State of _____

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 107612, previously issued to LESLIE C. HODGES.

Effective this _____ day of _____, 20____.

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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
****

In the Matter of Vocational Nurse License Number 107612	§	AGREED
issued to LESLIE C. HODGES	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of LESLIE C. HODGES, Vocational Nurse License Number 107612, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9) & (10), and Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on February 3, 2006, 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 conference, 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 Community School of Nursing, Houston, Texas, on August 29, 1984. Respondent was licensed to practice vocational nursing in the State of Texas on December 17, 1984.

5. Respondent's professional nursing employment history is as follows:

12/1984 - 12/1994	Staff Nurse Lyndon B. Johnson Hospital Houston, Texas

RECEIVED
2006
BY:

SCANNED
MAY 10 2006
BY:

Respondent's professional nursing employment history continued:

12/1994 - Tentative	Staff Nurse Pediatric Special Care Bellaire, Texas

6. On or about March 4, 2004, Respondent falsely documented Tylenol with Codeine as "wasted" and failed to follow the policy and procedure for wastage, in that Respondent did not have a witness for wastage of Tylenol with Codeine. Respondent's conduct was likely to deceive the home health pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

7. On or about May 18, 2004, while employed with Pediatric Special Care, Bellaire, Texas, Respondent provided a false urine specimen prior to a positive urine drug screen. Respondent's conduct was likely to deceive employer in that providing a false urine specimen would not result in a positive detection of controlled or illegal substances.

8. On or about May 18, 2004, while employed with Pediatric Special Care, Bellaire, Texas, Respondent engaged in intemperate use of Propoxyphene, in that she produced a specimen which resulted positive for Propoxyphene. Possession of Propoxyphene is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Propoxyphene by a 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.

9. 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.

10. 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.

11. Respondent's conduct described in Findings of Fact Numbers Six (6) through Eight (8) was significantly influenced by Respondent's chemical dependency.

12. 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.

SCANNED
MAY 10 2006
BY:

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violation of Section 301.452(b)(9) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(10), (27)(G), & (28).

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 107612, heretofore issued to LESLIE C. HODGES, including revocation of Respondent's vocational 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.

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):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars ($350) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

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

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL compl

SCANNED
MAY 10 2006
C40
BY:

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 20th day of March, 2006, by LESLIE C. HODGES, Vocational Nurse License Number 107612, and said Order is final.

Entered and effective this 22 day of March, 2006.

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

SCANNED
MAY 10 2006
BY: C40

Board of Nurse Examiners For

Location Address: William P. Hobby Building, Ste. 3-460, 333
Phone: (512) 305-7400 Fax: (512) 305-7401

Katherine A. Thomas, MN
Executive Director

November 7, 2007

Certified Mail No. 7007 0710 0004 7177 5461
Return Receipt Requested

Leslie C. Hodges
1419 Littleport
Channelview, Texas 77530

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com®
OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

TC

Postmark Here

7007 0710 0004 7177 5461

Sent To: Leslie C. Hodges
Street, Apt. No.; or PO Box No.: 1419 Littleport
City, State, ZIP+4: Channelview, Tx 77530

PS Form 3800, August 2006 See Reverse for Instructions

Dear Ms. Hodges:

Enclosed are Formal Charges which have been filed against you alleging one or more violations of Section 301.452(b) of the Nursing Practice Act, Texas Occupations Code. Within three weeks of the date of this letter, you must file a written answer to each charge admitting or denying each allegation. If you intend to deny only part of an allegation, you must specify so much of it as is true and deny only the remainder. Your answer shall also include any other matter, whether of law or fact, upon which you intend to rely for your defense. Please send your written answer to the attention of Earl E. Stearns, Senior Investigator. You may obtain legal counsel at your own expense.

FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY LEGAL REPRESENTATIVE, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF WILL BE GRANTED BY DEFAULT.

Please be advised that should you fail to file a written answer, the case will proceed on a default basis and it will be staff's recommendation that a default order be entered revoking your license or multistate privilege to practice vocational nursing in the State of Texas.

The results of any default order or formal disposition (Board Order) are public information. Results of informal and formal dispositions will appear in the Board's newsletter under the heading of "Disciplinary Action."

Should you desire to discuss this matter, you may contact Earl E. Stearns, Senior Investigator, Enforcement Division, at the above address, or at (512) 305-7665.

Sincerely,

Katherine A. Thomas

Katherine A. Thomas, MN, RN
Executive Director

KAT/ees

Enclosure: Formal Charges

09/99-DA

Members of the Board

Joyce Adams, PhD, RN, Houston; Deborah Bell, CLU, ChFC, Abilene; George Buchenau, Jr., BSN, RN, MBA, Amarillo; Virginia Campbell, BSN, RN, CNOR, Mesquite; Blanca Rosa Garcia, PhD, RN, Corpus Christi; Richard Gibbs, LVN, Mesquite; Rachel Gomez, LVN, Harlingen; Brenda Jackson, PhD, RN, San Antonio; Beverley Jean Nutall, LVN, Bryan; Anita Palmer, ME, MA, Olney; Phyllis Rawley, CPC, *Vice-President*; Linda Rounds, PhD, FNP, RN, *President*; Frank Sandoval, Jr., J.D., San Antonio

In the Matter of Permanent License	§	**BEFORE THE TEXAS**
Number 107612, Issued to	§	
LESLIE C. HODGES, Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, LESLIE C. HODGES, is a Vocational Nurse holding license number 107612, which is in Current 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 February 21, 2007, Respondent failed to comply with the Agreed Order issued to her on March 22, 2006, by the Board of Nurse Examiners for the State of Texas. Respondent's non-compliance is the result of her failure to comply with Stipulation Number Three (3) of the Order which reads, in pertinent part:

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

On or about February 21, 2007, Respondent quit calling the mandatory daily 1-800 number for random drug testing.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of 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 to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Chemical Dependency and Lying and Falsification which can be found at the Board's website, www.bon.state.tx.us.

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: Agreed Order dated March 22, 2006.

Filed this 2nd day of November, 2007.

TEXAS BOARD OF NURSING

James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
Victoria Cox, Assistant General Counsel
State Bar No. 00789585
E. Joy Sparks, Assistant General Counsel
State Bar No. 18874600
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: Agreed Order dated March 22, 2006

0999/D

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
****

In the Matter of Vocational Nurse License Number 107612	§	AGREED
issued to LESLIE C. HODGES	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of LESLIE C. HODGES, Vocational Nurse License Number 107612, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9) & (10), and Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on February 3, 2006, 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 conference, 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 Community School of Nursing, Houston, Texas, on August 29, 1984. Respondent was licensed to practice vocational nursing in the State of Texas on December 17, 1984.

5. Respondent's professional nursing employment history is as follows:

12/1984 - 12/1994	Staff Nurse Lyndon B. Johnson Hospital Houston, Texas

RECEIVED
By:

SCANNED
MAY 10 2006
BY:

Respondent's professional nursing employment history continued:

12/1994 - Tentative	Staff Nurse Pediatric Special Care Bellaire, Texas

6. On or about March 4, 2004, Respondent falsely documented Tylenol with Codeine as "wasted" and failed to follow the policy and procedure for wastage, in that Respondent did not have a witness for wastage of Tylenol with Codeine. Respondent's conduct was likely to deceive the home health pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

7. On or about May 18, 2004, while employed with Pediatric Special Care, Bellaire, Texas, Respondent provided a false urine specimen prior to a positive urine drug screen. Respondent's conduct was likely to deceive employer in that providing a false urine specimen would not result in a positive detection of controlled or illegal substances.

8. On or about May 18, 2004, while employed with Pediatric Special Care, Bellaire, Texas, Respondent engaged in intemperate use of Propoxyphene, in that she produced a specimen which resulted positive for Propoxyphene. Possession of Propoxyphene is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Propoxyphene by a 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.

9. 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.

10. 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.

11. Respondent's conduct described in Findings of Fact Numbers Six (6) through Eight (8) was significantly influenced by Respondent's chemical dependency.

12. 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.

SCANNED
MAY 10 2006
BY:

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violation of Section 301.452(b)(9) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(10), (27)(G), & (28).

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 107612, heretofore issued to LESLIE C. HODGES, including revocation of Respondent's vocational 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.

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):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars ($350) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

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

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL compl

SCANNED
MAY 10 2006
C40
BY:

respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *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 vocational 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, 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 revocation of Respondent's license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

SCANNED
MAY 10 2006
BY: C40

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. 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 Board of Nurse Examiners, 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 20 day of March, 2006.

Leslie Hodges

LESLIE C. HODGES, Respondent

Sworn to and subscribed before me this 20 day of March, 2006.

JEANETTE YOUNG
Notary Public
STATE OF TEXAS
My Comm. Exp. Aug. 23, 2007

Jeanette Young

Notary Public in and for the State of TEXAS

SCANNED
MAY 10 2006
BY: C40

107612:091

Earl E. Stearns
Senior Investigator,

In reply to Charge 1:
I did not continue the TPAPN program and explained why in my previous letter to the board. I do not have an addiction to any drug or alcohol. I did attempt TPAPN for several months because it was a board order. My case manager told me I was not eligible for TPAPN if I did not have an addiction and since I was finding it harder and harder to work steps of a 12 step program without an addiction I had to quit the program even knowing that my license could be revoked. I have previously informed the Board that I did attend more than 4 months of AA meetings including 90 meetings in 90 days. I did have 5 sessions with a drug counselor, who, I believe, recommended to my TPAPN Case manager that I did not show addictive behavior or actions. I did submit to 11 drug screens which I am sure were negative. I could have done any other part of the TPAPN program even without an addiction but I could not attend AA meetings and work the steps and admit to myself and others that I am powerless over drugs or alcohol. I am not powerless over any drug and do not drink.
Therefore, I would like to deny part of the allegation. I would like notice of my hearing And the right to legal counsel. Thank you for your time.

Leslie Hodges
107612
1419 Littleport
Channelview, TX 77530
281-452-3349