

6. On October 22, 2008, the Board of Nursing provided notice to Respondent for the following allegations:
 - a. On or about September 4, 2008, while employed as a Licensed Vocational Nurse working in a Home Health Care setting, Respondent attempted to obtain Hydrocodone #90 from the Town and Country Pharmacy, Odessa, Texas, under the her own name, through the use of a fraudulent oral or telephonically communicated prescription, using the name "Gabby" (an employee of Pamela S. Cunningham, M.D.), as well as the name and Drug Enforcement Agency (DEA) number assigned to Pamela S. Cunningham, M.D. Respondent was arrested by the Ector County Sheriff's Office and charged with Fraudulent Possession of Controlled Substance/Prescription Schedule III/IV, a 3rd Degree Felony. On January 26, 2009 Respondent pled Guilty to Fraudulent Possession of Controlled Substance/Prescription Schedule III/IV, a 3rd Degree Felony in 358th District Court, Odessa, Texas and received Deferred Adjudication, two years.
7. 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.
8. 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 violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(10)(E)&(13).
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.

THE BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 193620, heretofore issued to CLAUDIA DARLENE RESENDIZ, to practice vocational 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 vocational nursing, use the title of 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 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 multistate licensure privilege, if any, to practice vocational nursing in compact states.

Effective this 17th day of September, 2009.

TEXAS BOARD OF NURSING

By: *Kath A. Thomas*
Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board



Claudia Darlene Resendiz
3653 W. 10th Street
Odessa, Texas 79763
Texas LVN License #193620

Voluntary Surrender Statement

August 18, 2009

Dear Texas Board of Nursing:

I no longer desire to be licensed as a vocational nurse. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. I Claudia Darlene Resendiz 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 Claudia D Resendiz
Date 9-4-09

Texas Nursing License Number 193620

The State of Texas

Before me, the undersigned authority, on this date personally appeared Claudia Darlene Resendiz 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 4 day of September, 2009.

SEAL



Debra Kay Martin
Notary Public in and for the State of Texas