



6. On or about August 29, 2006, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas which required him 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 Findings of Fact, Conclusions of Law, and Agreed Order dated August 29, 2006, is attached and incorporated, by reference, as part of this Order.
7. On or about October 18, 2007, Respondent's license to practice professional nursing in the State of Texas was SUSPENDED for a period of three (3) years with the suspension STAYED and Respondent was placed on PROBATION for a period of three (3) years with STIPULATIONS by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated October 18, 2007, is attached and incorporated, by reference, as part of this Order.
8. On or about March 23, 2008, Respondent was arrested by the Longview Police Department, Longview, Texas, for DRIVING WHILE INTOXICATED (a Class B misdemeanor offense).

On or about December 18, 2008, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED/OPEN CONTAINER (a Class B misdemeanor offense committed on March 23, 2008), in the County Court at Law, Gregg County, Texas, under Cause No. 2008-1701. As a result of the conviction, Respondent was sentenced to confinement in the Gregg County Jail for a period of one hundred eighty (180) days; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of one (1) year. Additionally, Respondent was ordered to pay a fine and court costs.

9. On or about March 23, 2008, Respondent failed to comply with the Agreed Order issued to him on October 18, 2007, by the Board of Nurse Examiners for the State of Texas. Noncompliance is the result of Respondent's failure to comply with Stipulation Number Thirteen (13) of the Order which reads, in pertinent part:

(13) "RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose . . ."

Specifically, on or about March 23, 2008, Respondent was arrested by the Longview Police Department, Longview, Texas, for DRIVING WHILE INTOXICATED (a Class B misdemeanor offense).

10. On or about August 22, 2008, Respondent was arrested by the DPS Law Enforcement, Rusk County, Texas, and subsequently charged in the County Court at Law In and For Rusk County, Texas, under Cause No. 08-10-546CR, for DRIVING WHILE INTOXICATED (a Class B misdemeanor offense). This case is scheduled for a hearing on October 16, 2009.

11. On or about August 22, 2008, Respondent failed to comply with the Agreed Order issued to him on October 18, 2007, by the Board of Nurse Examiners for the State of Texas. Noncompliance is the result of Respondent's failure to comply with Stipulation Number Thirteen (13) of the Order which reads, in pertinent part:

(13) "RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose . . ."

Specifically, on or about August 22, 2008, Respondent was arrested by the DPS Law Enforcement, Rusk County, Texas, and subsequently charged in the County Court at Law In and For Rusk County, Texas, under Cause No. 08-10-545CR, for DRIVING WHILE INTOXICATED (a Class B misdemeanor offense).

12. On or about May 27, 2009, Respondent entered a plea of Guilty to BURGLARY OF BUILDING (a State Jail felony offense committed on August 22, 2008), in the 4th Judicial District Court, Rusk County, Texas, under Cause No. CR08-275. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of three (3) years. Additionally, Respondent was ordered to pay court costs.
13. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license to practice nursing in the State of Texas.
14. 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.
15. 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),(3)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(11)(B)&(13).

4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered License Number 589944, heretofore issued to RICHARD HOBSON SIMMONS, including revocation of Respondent's license to practice 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 Registered License Number 589944, heretofore issued to RICHARD HOBSON SIMMONS, to practice 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 RICHARD HOBSON SIMMONS, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying himself 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.
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.

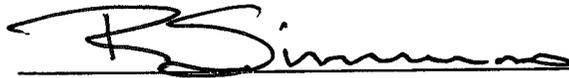
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RESPONDENT'S CERTIFICATION

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 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 22<sup>nd</sup> day of July, 2009.

  
\_\_\_\_\_  
RICHARD HOBSON SIMMONS, 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 Registered Nurse License Number 589944, previously issued to RICHARD HOBSON SIMMONS.

Effective this 22<sup>nd</sup> day of July, 2009.

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

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of Registered Nurse           §     AGREED  
License Number 589944                     §     ORDER  
issued to RICHARD HOBSON SIMMONS   §

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of RICHARD HOBSON SIMMONS, Registered Nurse License Number 589944, 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 informal conference, notice and hearing, and agreed to the entry of this Order offered on August 8, 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 informal conference, 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 an Associate Degree in Nursing from Houston Baptist University, Houston, Texas, on November 13, 1992. Respondent received a Baccalaureate Degree in Nursing from the University of Texas at Tyler, Tyler, Texas, on December 15, 2000. Respondent was licensed to practice professional nursing in the State of Texas on March 23, 1993.

5. Respondent's professional nursing employment history includes:

November 1992 to April 1994	GN/Staff Nurse Good Shepherd Medical Center Longview, Texas
October 1993 to September 1995	Staff Nurse Meadow Pines Hospital Longview, Texas
October 1994 to March 1995	Staff Nurse Samaritan Home Health Care Longview, Texas
March 1995 to August 1996	Staff Nurse Amedisys Home Health of Texas Longview, Texas
August 1997 to September 1997	Director of Nursing Samaritan Home Health Care Longview, Texas
September 1997 to March 2002	Staff Nurse Highland Pines Nursing and Rehabilitation Longview, Texas
March 2002 to January 2004	Director of Nursing Havencare Nursing and Rehabilitation Longview, Texas
January 2004 to April 2004	Employment Unknown
April 2004 to April 2005	Staff Nurse/Assistant Director of Nursing Clairmont Longview Longview, Texas
April 2005 to July 2005	Staff Nurse Henderson Memorial Hospital Henderson, Texas
July 2005 to September 2005	Employment Unknown

Respondent's professional nursing employment history continued:

September 2005 to February 2006	Director of Nursing Grove Gardens Care Center Marshall, Texas
February 2006 to April 2006	Employment Unknown
April 2006 to Present	Staff Nurse Pathways Hospital Longview, Texas

6. At the time of the incident in Findings of Fact Numbers seven (7) and eight (8), Respondent was employed as a Staff Nurse/Assistant Director of Nursing with Clairmont Longview, Longview, Texas, and had been in this position for eleven (11) months. At the time of the incident in Finding of Fact Number nine (9), Respondent was employed as a Director of Nursing with Grove Gardens Care Center, Marshall, Texas, and had been in this position for one (1) month.
7. On or about March 28, 2005, while employed with Clairmont Longview, Longview, Texas, Respondent misappropriated Vicodin, Ultracet, and Duragesic patches belonging to the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
8. On or about March 28, 2005, while employed with Clairmont Longview, Longview, Texas, Respondent failed to follow the policy and procedure for the wastage of Vicodin, Ultracet, and Duragesic patches. Respondent's conduct was likely to deceive the facility pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
9. On or about October 18, 2005, while employed as the Director of Nursing at Grove Gardens Care Center, Marshall, Texas, Respondent inappropriately instructed a Licensed Vocational Nurse to complete and transfer missing information from the pressure sore assessment collective form to a separate individual form for each patient. Respondent's conduct could have resulted in nonefficacious treatment and unsafe or ineffective client care.
10. On June 1, 2006, Respondent underwent a Forensic Psychological Evaluation with Dr. Timothy J. Proctor, Ph.D., PLLC, who concluded based on his evaluation, Respondent's disclosure, and the polygraph examination, that should the Board decide to allow Mr. Simmons to maintain his licensure, the following additional recommendations are put forth:
  - A. Referral to TPAPN;
  - B. Random urine drug screening be conducted with regularity to ensure that he is refraining from drug use;

- C. Completion of an ethics course to provide additional education regarding his responsibilities and duties as a nurse; and
  - D. A period of supervised probation for at least one year.”
11. On June 2, 2006, Eric Jay Holden, Polygraph Examiner concluded, “Deception Indicated” when, Respondent answered “no” to both of the relevant test questions:  
*“Have you ever used any narcotics that were prescribed for a patient?” and “Have you ever used any illegal drugs that you did not tell me about today?”.*
  12. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
  13. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to chemical dependency.
  14. Respondent's conduct described in Findings of Facts Number seven (7) and eight (8) resulted from Respondent's dependency on chemicals.
  15. 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 violations of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12 (1)(B)(C),(6)(G)&(10)(C).
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 589944, heretofore issued to RICHARD HOBSON SIMMONS, including revocation of Respondent's license to practice professional 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 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 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 comply in all 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 professional 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 professional nursing in the State of Texas.

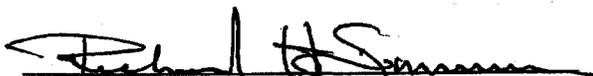
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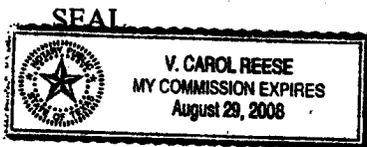
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 24<sup>th</sup> day of August, 2006.

  
RICHARD HOBSON SIMMONS, Respondent

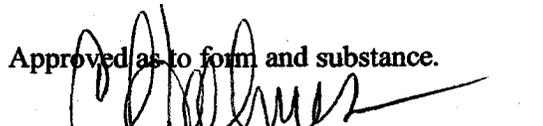
Sworn to and subscribed before me this 24<sup>th</sup> day of August, 2006.



  
\_\_\_\_\_

Notary Public in and for the State of TEXAS

Approved as to form and substance.

  
Clifton L. Holmes, Attorney for Respondent

Signed this 24<sup>th</sup> day of August, 2006.

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 24th day of August, 2006, by RICHARD HOBSON SIMMONS, Registered Nurse License Number 589944, and said Order is final.

Entered and effective this 29th day of August, 2006.



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

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of Registered Nurse                   §     AGREED  
License Number 589944                               §  
issued to RICHARD HOBSON SIMMONS               §     ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of RICHARD HOBSON SIMMONS, Registered Nurse License Number 589944, 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 conference, notice and hearing, and agreed to the entry of this Order offered on August 28, 2007, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Houston Baptist University, Houston, Texas, on November 13, 1992. Respondent received a Baccalaureate Degree in Nursing from the University of Texas at Tyler, Tyler, Texas on December 15, 2000. Respondent was licensed to practice professional nursing in the State of Texas on March 23, 1993.
5. Respondent's complete professional nursing employment history is unknown.

6. On August 29, 2006, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas which required him to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated August 29, 2006, is attached and incorporated by reference as part of this Order.
7. On or about April 4, 2007, Respondent failed to comply with the Agreed Order issued to him on August 29, 2006, by the Board of Nurse Examiners for the State of Texas. Non-compliance is the result of Respondent's failure to sign the TPAPN participation agreement in a timely manner; failure to become active in drug testing in a timely manner; failure to submit the required psychiatric report; and Respondent terminated his employment without notice after being counseled. Stipulation number three (3) of the Agreed Order dated August 29, 2006, states :  
  
"RESPONDENT SHALL, comply with all requirements of the TPAPN contract during its term."  
  
8. On or about April 4, 2007, Respondent was dismissed from the Texas Peer Assistance Program for Nurses (TPAPN) and referred to the Board of Nurse Examiners.
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 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).
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 589944, heretofore issued to RICHARD HOBSON SIMMONS, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that Registered Nurse License Number 589944, previously issued to RICHARD HOBSON SIMMONS, to practice professional nursing in Texas is hereby SUSPENDED for a period of three (3) years with the suspension STAYED and Respondent is hereby placed on PROBATION for three (3) years with the following agreed terms of probation:

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this order the 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.

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§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.

(2) RESPONDENT SHALL deliver the wallet-sized license issued to RICHARD HOBSON SIMMONS, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order for appropriate notation.

(3) 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) contact 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 Chemical Dependency, 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 relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bne.state.tx.us/about/stipscourses.html>.*

(4) RESPONDENT SHALL pay a monetary fine in the amount of seven hundred fifty (\$750.00) dollars. RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR THREE (3) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE**

**PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:**

(5) RESPONDENT SHALL notify each present employer in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in professional nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a professional nurse.

(7) For the first year of employment as a Registered Nurse, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and

predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) RESPONDENT SHALL NOT practice as a professional nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned for one (1) year of employment as a professional nurse.

(10) RESPONDENT SHALL NOT practice as a professional nurse in any critical care area for one (1) year of employment as a professional nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(11) RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of

employment as a professional nurse.

(12) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for three (3) year(s) of employment as a professional nurse.

(13) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(14) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period,

random screens shall be performed at least once per month.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT's place of employment at any time during the stipulation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation period. Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

(15) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the RESPONDENT's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three

(3) month period for the duration of the stipulation period, or until RESPONDENT is dismissed from therapy. Enclose the list of Board accepted Therapists/Counselors with Order. Enclose the list of Board accepted Therapists/Counselors with Order.

(16) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

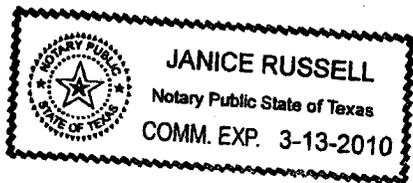
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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 20<sup>th</sup> day of September, 2007.

Richard Hobson Simmons  
RICHARD HOBSON SIMMONS, Respondent

Sworn to and subscribed before me this 20<sup>th</sup> day of September, 2007.

SEAL



Janice Russell  
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 20<sup>th</sup> day of September, 2007, by RICHARD HOBSON SIMMONS, Registered Nurse License Number 589944, and said Order is final.

Effective this 18<sup>th</sup> day of October, 2007.



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