



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of License Number 198307 § AGREED
issued to JAMES ALLEN RUTHERFORD § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of JAMES ALLEN RUTHERFORD, Vocational Nurse License Number 198307, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 302.402(a)(2) &(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on April 30, 2009, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Army Practical Nurse Course, Fort Sam Houston, Texas, on March 23, 2005. Respondent was licensed to practice vocational nursing in the State of Texas on April 26, 2005
5. Respondent's vocational nursing employment history is unknown.
6. On or about June 11, 2003, Respondent was arrested by the Midwest City Police Department, Midwest City, Oklahoma, for DRIVING UNDER THE INFLUENCE OF LIQUOR OR DRUGS (a misdemeanor offense).

7. On or about July 24, 2003, Respondent entered a plea of No Contest to DRIVING UNDER THE INFLUENCE OF LIQUOR OR DRUGS (a misdemeanor offense committed on June 11, 2003, reduced to a lesser CARELESS DRIVING OFFENSE), in the Midwest City Municipal Court, Midwest City, Texas, under Cause No. 2003-0069847-CR. 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 six (6) months. Additionally, Respondent was ordered to pay a fine and court costs.
8. In response to Finding of Fact Number Six (6), Respondent states: He was at a party when the police arrived and asked him and others to leave. On his way home another vehicle hit his vehicle. The same officers who had been at the party responded to the accident. They knew he was at the party, so they arrested him and took him to the police department for a Breathalyzer test. He spent the night in jail. His license was subsequently suspended.
9. On or about November 29, 2004, Respondent submitted an Application by NCLEX-PN Examination for Licensed Vocational Nurses to the Board of Nurse Examiners for the State of Texas in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the question: "Have you been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrest (excluding minor traffic violations)? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUI's, DWI's, PI's must be reported and are not considered minor traffic violations."

On or about July 24, 2003, Respondent entered a plea of No Contest to DRIVING UNDER THE INFLUENCE OF LIQUOR OR DRUGS (a misdemeanor offense committed on June 11, 2003, reduced to a lesser CARELESS DRIVING), IN THE Midwest City Municipal Court, Midwest City, Texas, under Cause No. 2003-0069847-CR. Respondent was placed on deferred adjudication probation.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555 , the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 301.452(b)(2) & (10), Texas Occupations Code, (effective September 1, 2003) and 22 TEX. ADMIN. CODE §217.12 6(I) (effective October 1, 2004).

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 198307, heretofore issued to JAMES ALLEN RUTHERFORD, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION WITH A FINE, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice 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 that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to JAMES ALLEN RUTHERFORD to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order.

(2) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00). RESPONDENT SHALL pay this fine within forty-five(45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or US> money order. Partial payments will not be accepted.

(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) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

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

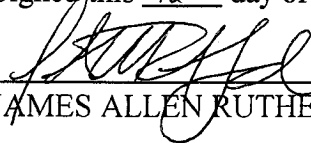
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RESPONDENT'S CERTIFICATION

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 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 when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

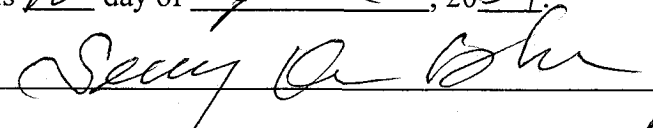
Signed this 16 day of JUNE, 2009.



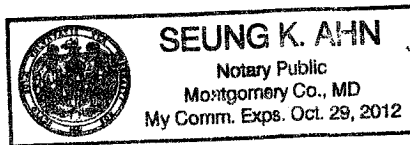
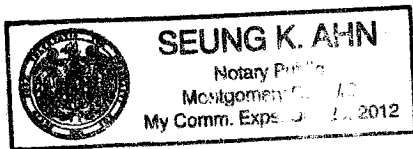
JAMES ALLEN RUTHERFORD, Respondent

Sworn to and subscribed before me this 16th day of June, 2009.

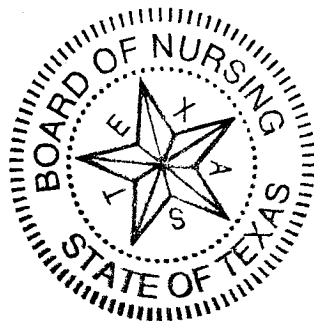
SEAL



Notary Public in and for the State of md



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 16th day of June, 2009, by JAMES ALLEN RUTHERFORD, Vocational Nurse License Number 198307, and said Order is final.



Effective this 26th day of June, 2009.

Katherine A. Thomas

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