



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 P. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse License Number 563759 § AGREED  
issued to TERRY LYNETTE O'BRIGHT § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 563759, issued to TERRY LYNETTE O'BRIGHT, 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 proceedings, notice 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, informal proceedings, 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 Alvin Community College, Alvin, Texas on May 1, 1990. Respondent was licensed to practice professional nursing in the State of Texas on August 31, 1990.
5. Respondent's professional nursing employment history includes:

08/1990 - 1991	Employment History	Unknown
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Respondent's professional nursing employment history continued:

1991 - 1994	RN	Carleton Medical Houston, Texas
1995 - 1997	RN	UTMB Galveston, Texas
1995 - 1997	RN	Alpha Staffing Tyler, Texas
1997 - 08/1998	Employment History	Unknown
09/1998 - 10/2001	RN	USA Nursing Dallas, Texas
10/2001 - 10/2002	RN	Heartland Home Health & Hospice Dallas, Texas
10/2002 - 10/2003	RN	Hospice of East Texas Tyler, Texas
11/2003 - 06/2004	RN	Alpha Staffing Tyler, Texas
06/2004 - 02/2005	RN	Peninsula Regional Medical Center Salisbury, Maryland
03/2005 - 06/2005	RN	Suburban Medical Center Bethesda, Maryland
06/2005 - 08/2005	RN	Abilene Regional Medical Center Abilene, Texas

Respondent's professional nursing employment history continued:

09/2005 - 12/2005	RN	Sierra View Medical Center Porterville, California
01/2006 - 02/2006	RN	Tarrant County Jail, JPS Fort Worth, Texas
02/2006 - 04/2006	RN	Paris Regional Medical Center Paris, Texas
05/2006 - 07/2006	RN	Central Maine Medical Center Lewiston, Maine
08/2006 - 12/2006	RN	Fort Washington Medical Center Fort Washington, Maryland
12/2006 - 02/2007	RN	University of Tennessee Medical Center Knoxville, Tennessee
02/2007 - 07/2007	RN	Methodist Dallas Medical Center Dallas, Texas
02/2007 - 01/2008	RN	Nightingale Nurses Boca Raton, Florida
07/2007 - 01/2008	RN	Nacogdoches Medical Center Nacogdoches, Texas
02/2008 - 04/2008	Employment History	Unknown
05/2008 - 07/2008	RN	Nacogdoches Memorial Hospital Nacogdoches, Texas
08/2008 - Present	Unknown	

6. At the time of the incident, Respondent was employed as a Registered Nurse with Nightingale Nurses, Boca Raton, Florida, and had been in this position for eleven (11) months.

7. On or about January 18, 2008, while employed as a Registered Nurse with Nightingale Nurses, L.L.C., Boca Raton, Florida, and on assignment with Nacogdoches Medical Center, Nacogdoches, Texas, Respondent produced a specimen for a post-accident drug screen which resulted positive for marijuana. The use of marijuana by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.
8. On or about March 10, 2008, while employed with Nacogdoches Memorial Hospital, Nacogdoches, Texas, Respondent engaged in the intemperate use of Cannabinoid in that she produced a specimen for a random drug screen requested by the Texas Peer Assistance Program for Nurses (TPAPN), which resulted positive for Cannabinoid. Possession of Cannabinoid is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Cannabinoid by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.
9. On or about May 8, 2008, while employed as a Registered Nurse with Nacogdoches Memorial Hospital, Nacogdoches, Texas, Respondent lacked fitness to practice professional nursing, in that while on duty, she exhibited slurred speech, continually nodded off to sleep, her eyes were not completely open and she continually asked to have statements repeated. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patients in potential danger.
10. On or about July 1, 2008, while employed as a Registered Nurse with Nacogdoches Memorial Hospital, Nacogdoches, Texas, Respondent misappropriated personal property belonging to patients and fellow employees, in that she took, and ate, frozen dinners stocked for patients, as well as dinners brought to work by fellow employees. Respondent's conduct was likely to defraud the facility and employees of the cost of the frozen dinners.
11. Regarding the conduct outlined in Finding of Fact Number Seven (7), Respondent admits that she had smoked marijuana and tested positive on a drug screen. She states that she has not smoked any marijuana since January 2008. Regarding the conduct outlined in Finding of Fact Number Eight (8), Respondent states that the positive screen was the result of residual marijuana in her system. Regarding the conduct outlined in Finding of Fact Number Nine (9), Respondent states that she was experiencing a very drowsy morning. She had taken her insulin but had not yet been able to eat her breakfast. Once she ate she was fully alert and fit to perform nursing care. Regarding the conduct outlined in Finding of Fact Number Ten (10), Respondent states that she purchased the same frozen dinners that the unit purchases for their patients. She would put her dinners in the same refrigerator that stocked those of

- the patients. She states it was just a simple mistake that could be made by anyone.
12. Formal Charges were filed on May 11, 2009.
  13. Formal Charges were mailed to Respondent on May 13, 2009.
  14. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
  15. 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.
  16. 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)(9),(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B)&(T), and 22 TEX. ADMIN. CODE §217.12(1)(A),(E),(4),(5),(6)(G),(10)(A)&(D).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 563759, heretofore issued to TERRY LYNETTE O'BRIGHT, 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 563759, heretofore issued to TERRY LYNETTE O'BRIGHT, 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 TERRY LYNETTE O'BRIGHT, 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 herself 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.

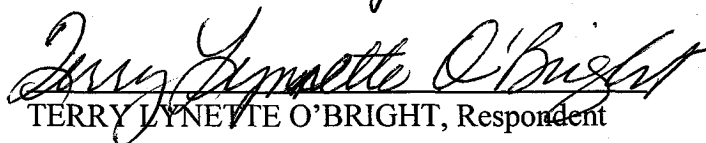
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RESPONDENT'S CERTIFICATION

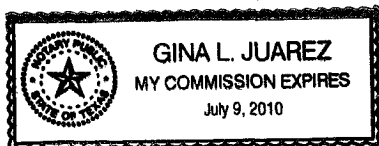
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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.

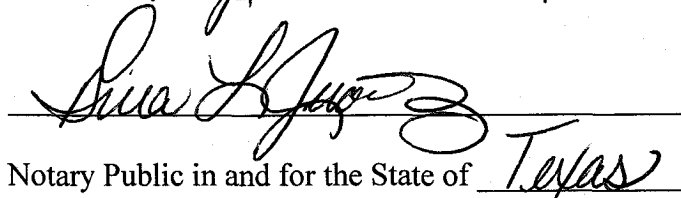
Signed this 22 day of June, 2009.

  
TERRY LYNETTE O'BRIGHT, Respondent

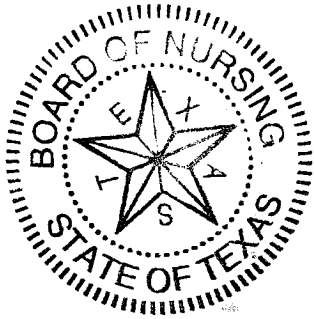
Sworn to and subscribed before me this 22 day of June, 2009.

SEAL



  
Notary Public in and for the State of Texas

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 563759, previously issued to TERRY LYNETTE O'BRIGHT.



Effective this 24th day of June, 2009.

A handwritten signature in cursive script, reading 'Katherine A. Thomas', is written over a horizontal line.

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