



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 Vocational Nurse § AGREED
License Number 111950 §
issued to LINDA P. SCOTT § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LINDA P. SCOTT, Vocational Nurse License Number 111950, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4528c, Sec. 10(3)&(9), Revised Civil Statutes of Texas, as amended, and Section 301.452(b)(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 October 2, 2008, 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 Southwest Texas Junior College, Uvalde, Texas, on August 17, 1985. Respondent was licensed to practice vocational nursing in the State of Texas on December 4, 1985.
5. Respondent's vocational nursing employment history is unknown.

6. On or about July 26, 2004, Respondent submitted an LVN License Renewal Form to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question: "Were you convicted of a misdemeanor other than a minor traffic violation since your last renewal?"
- A. On or about January 23, 2003, Respondent entered a plea of Guilty and was convicted of THEFT OF PROPERTY >=\$20 <\$500 BY CHECK, (a Class B misdemeanor offense committed on August 21, 2002), in the County Court at Law No. 1, Brazos County, Texas, under Cause No. 0201258CRMCCCL1. As a result of the conviction, Respondent was sentenced to confinement in the Brazos County Jail for a period of one hundred eighty (180) days; however, the imposition of 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.
7. On or about July 14, 2008, Respondent submitted a License Renewal Form to the Texas Board of Nursing in which she answered "Yes" to the question: "Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:
- A. been convicted of a misdemeanor?
- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
- D. received deferred adjudication?
- E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgement/punishment/action?"
- A. On or about May 1, 2007, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE LICENSE INVALID (a misdemeanor offense committed on February 28, 2007), in the County Court at Law No. 1, Brazos County, Texas, under Cause No. 07-01441-CRM-CCL1. As a result of the conviction, Respondent was sentenced to three (3) days confinement in the Brazos County jail. Additionally, Respondent was ordered to pay a fine and court costs.
- B. On or about July 31, 2007, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE LICENSE INVALID WITH PREVIOUS CONVICTION (a Class A misdemeanor offense committed on June 4, 2007), in the County Court at Law, Brazos County, Texas, under Cause No. 07-03408-CRM-CCL1. As a result of the conviction, Respondent was ordered to pay a fine and court costs.

- C. On or about July 22, 2007, Respondent was arrested by the College Station Police Department, College Station, Texas, and subsequently charged under Cause No. 07-04271-CRM-CCL2 for DRIVING WHILE LICENSE INVALID (a misdemeanor offense).

On or about July 27, 2007, Respondent was arrested by the College Station Police Department, College Station, Texas, and subsequently charged under Cause No. 07-04272-CRM-CCL2 for DRIVING WHILE LICENSE INVALID WITH PREVIOUS CONVICTION (a Class A misdemeanor offense).

On or about October 29, 2007, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE LICENSE INVALID WITH PREVIOUS CONVICTION, (a Class A misdemeanor offense committed on July 22, 2007), in the County Court at Law No. 2, Brazos County, Texas, under Cause No. 07-04271-CRM-CCC2. As a result of the conviction, Respondent was sentenced to confinement in the Brazos County Jail for a period of one hundred twenty (120) days. However, Respondent was allowed to participate in the House Arrest Program in lieu of jail confinement, and was supervised by electronic monitoring for one hundred twenty (120) days. Additionally, Respondent was ordered to pay court costs.

The unadjudicated offense of DRIVING WHILE LICENSE INVALID WITH PREVIOUS CONVICTION, filed under Cause No. 07-04272-CRM-CCL2, was considered in the punishment phase of Cause No. 07-04271-CRM-CCC2.

8. In response to Finding of Fact Number Seven (7), Respondent states she was stopped for speeding and her insurance had expired. She paid the ticket and fine and never received any form of notice that her license was suspended, and that there was a surcharge to be paid if you have no insurance. She was then stopped at a later date due to a brake light malfunction. At that time the police officer told her that her license was suspended. She paid the surcharge after going to court and received a sentence for house confinement.
9. On or about July 30, 2008, staff at the Texas Board of Nursing located the following additional criminal history concerning Respondent:
- A. On or about May 10, 1985, Respondent was convicted of ISSUANCE BAD CHECK - 2 COUNTS, (a misdemeanor), in Uvalde County, Texas. As a result of the conviction, Respondent was ordered to pay restitution. Additionally, Respondent was ordered to pay a fine and court costs.
10. In response to Finding of Fact Number Nine (9), Respondent states that at the time of this occurrence, her daughter was getting married and she did not balance her checkbook correctly. Checks came in before her payday and before her check was deposited. It was not done intentionally, but due to her error.

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 302.402(a)(10), Texas Occupations Code (effective through February 1, 2004), Section 301.452(b)(2)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(8)& (29)(A)(ii)(effective through September 28, 2004), and 22 TEX. ADMIN. CODE §217.12(6)(I)&(13)(effective September through 28, 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 111950, heretofore issued to LINDA P. SCOTT, 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 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 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 U.S. 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) 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 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, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure privileges, 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 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 8 day of April, 2009.

Linda P. Scott
LINDA P. SCOTT, Respondent

Sworn to and subscribed before me this 8 day of April, 2009.


SEAL

Helen J. Men
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 ratify and adopt the Agreed Order that was signed on the 8th day of April, 2009, by LINDA P. SCOTT, Vocational Nurse License Number 111950, and said Order is final.

Effective this 13th day of April, 2009.




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