



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 Registered Nurse License Number 689412 § AGREED
and Vocational Nurse License Number 182905 §
issued to ROCHELLE DENESE LYONS § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ROCHELLE DENESE LYONS, Registered Nurse License Number 689412 and Vocational Nurse License Number 182905, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on February 19, 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 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. Respondent maintains a license to practice vocational nursing in the State of Texas, which is currently in "delinquent" status.
4. Respondent received a Certificate in Vocational Nursing from North Harris College, Houston, Texas, on August 19, 2001, and an Associate Degree in Nursing from N. Harris Community College, Houston, Texas, on May 10, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on November 15, 2001, and Respondent was licensed to practice professional nursing in the State of Texas on August 6, 2002.
5. Respondent's vocational and professional nursing employment histories are unknown.

6. On or about October 17, 1996, Respondent pled "Nolo Contendere" to ASSAULT, (a Misdemeanor offense committed on June 9, 1996), in the County Criminal Court at Law Number Eight, Harris County, Texas, under Cause No. 9628265. 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 one (1) year. Additionally, Respondent was ordered to pay a fine and court costs.
7. In response to Finding of Fact Number Six (6), Respondent states: She got into an argument with her father's girlfriend, who subsequently drew a knife against Respondent. Respondent pushed and wrestled her against the wall in self defense.
8. On or about April 15, 2004, Respondent entered a plea of Guilty and was convicted of ASSAULT (a Class A misdemeanor offense committed on February 11, 2004, reduced to a Class C misdemeanor offense), in the County Criminal Court Number Eleven, Harris County, Houston, Texas, under Cause No. 1219419. As a result of the conviction, Respondent was ordered to pay a fine and court costs.
9. In response to Finding of Fact Number Eight (8), Respondent states: She and her husband got into an argument. As they argued they wrestled for the keys. Eventually she left. After she left, the police arrived and her husband explained what had happened. The next day, her husband went to the police station to ensure that nothing would happen. However, because of her previous charge, the District Attorney declined to drop the charges.
10. On or about February 6, 2005, Respondent submitted a Texas Online Renewal Document Registered Nurse to the Board of Nurse Examiners in which she provided false, deceptive, and/or misleading information, in that she 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) since the last renewal? . . ."
 - A. On or about April 15, 2004, Respondent entered a plea of Guilty and was convicted of ASSAULT in the County Criminal Court Number Eleven, Harris County, Houston, Texas, under Cause No. 1219419.
11. In response to Finding of Fact Number Ten (10), Respondent states that she sought advice from two separate attorneys regarding whether she was required to disclose the 2004 charge and was told that she did not have to answer "Yes" to the question because it was a Class C offense. Respondent states that she did not intend to provide false, deceptive and/or misleading information to the Board.
12. On or about July 3, 2008, Respondent presented herself to Joyce M. Gayles, PhD, Clinical Psychologist, Transformation Works, Bellaire, Texas, for a psychological evaluation. Dr. Gayles states: The overall results of Respondent's evaluation show no indication of mental illness, emotional instability, or propensity toward criminal behavior.

13. Respondent submitted her 2007 and 2008 job evaluations from Houston Northwest Medical Center, Houston, Texas, indicating that Respondent is an excellent performer and consistently exceeds expectations.

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)(2)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(I)&(13).
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 689412 and Vocational Nurse License Number 182905, heretofore issued to ROCHELLE DENESE LYONS, including revocation of Respondent's licenses to practice 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 licenses are 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 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.

(2) 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.

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. 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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 05 day of April, 2009.

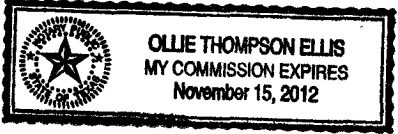
Rochelle Denese Lyons RN
ROCHELLE DENESE LYONS, Respondent

Sworn to and subscribed before me this 05 day of April, 2009.

SEAL

Ollie Thompson ETS

Notary Public in and for the State of TEXAS



Approved as to form and substance.

Taralynn R. Mackay
Taralynn Mackay, Attorney for Respondent

Signed this 27th day of March, 2009.

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 5th day of April, 2009, by ROCHELLE DENESE LYONS, Registered Nurse License Number 689412 and Vocational Nurse License Number 182905, and said Order is final.



Effective this 20th day of April, 2009.



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