



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                   §     AGREED  
License Number 698428                                 §  
issued to TAMMY LEE SIMMONS                     §     ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that TAMMY LEE SIMMONS, hereinafter referred to as Respondent, Registered Nurse License Number 698428, may have violated Section 301.452(b)(10) & (13), Texas Occupations Code.

An informal conference was held on March 24, 2009, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Louis Leichter, Attorney at Law. In attendance were Mary Beth Thomas, PhD, RN, Director of Nursing, Executive Director's Designee; Jena Abel, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Greg Wilson, Law Clerk; and Jesse Thibodeau, Investigator.

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 notice and hearing, and consented 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 Kilgore College, Kilgore, Texas, on May 9, 2003. Respondent was licensed to practice professional nursing in the State of Texas on July 15, 2003.

5. Respondent's professional nursing employment history includes:

05/03-08/03	GN/RN	Henderson Memorial Hospital Henderson, Texas
09/03-01/04	RN	SemperCare Hospital Longview, Texas
02/04-03/04	Unknown	
04/04-09/04	RN	Whispering Pines Lodge Longview, Texas
10/04	RN	Crest Care Longview, Texas
11/04-12/04	RN	The Clairmont Longview, Texas
01/05-07/05	RN	Henderson Memorial Hospital Henderson, Texas
08/05-06/06	RN	Truman W. Smith Child Care Center Gladewater, Texas
07/06-06/07	RN	Acadia Pathways Hospital Longview, Texas
07/07-10/07	Unknown	
11/07-Present	RN	Good Shepherd Medical Center Marshall, Texas

6. On or about January 18, 2004, while employed as a Registered Nurse with SemperCare Hospital, Longview, Texas, Respondent documented the administration of blood products that were actually administered by another nurse. Furthermore, Respondent failed to verify that the physician's order had been charted and that the patient had signed a consent for the procedure. Respondent's conduct was likely to injure the patient in that it could have resulted in the patient suffering adverse effects.

7. On or about July 14, 2005, while employed as a Registered Nurse with Henderson Memorial Hospital, Henderson, Texas, Respondent misappropriated Bactrim belonging to the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication and is prohibited by Chapter 483 of the Texas Health and Safety Code (Dangerous Drug Act).
8. On or about November or December of 2005, while employed as a Registered Nurse with Truman W. Smith Child Care Center, Gladewater, Texas, Respondent misappropriated Zofran from the facility and the patient's thereof, for her own personal use. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication and is prohibited by Chapter 483 of the Texas Health and Safety Code (Dangerous Drug Act).
9. Formal Charges were filed on October 17, 2008.
10. Formal Charges were mailed to Respondent on October 21, 2008.
11. In response to Finding of Fact Number Eight (8), Respondent states, "I was placed in a horrible predicament. I was extremely sick and called in, but someone else had also called in and the on call nurse was already working. They couldn't get anyone to take my place. I didn't want to take a chance getting the children I work with sick, but was made to come to work sick. I threw up several times. I took a Zantac from home, and that did not seem to help, so I took one dose of liquid Zofran. I know that it was wrong and that's why I discussed it with another nurse. I looked up in my drug book because I didn't want to take a medication with side effects. I felt I was putting those kids at risk of getting whatever I had by throwing up and the diarrhea. I felt I had to do what I needed to do in order to provide the care they deserve."

#### 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)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)&(4),(effective to September 28, 2004), and 22 TEX. ADMIN. CODE §217.12(6)(G),(10)(E)&(11)(B),(effective after September 28, 2004).
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 698428, heretofore issued to TAMMY LEE SIMMONS, including revocation of Respondent's license 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 a WARNING WITH STIPULATIONS, 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 compact states.

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 Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) 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>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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>.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully

complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address:*  
<http://www.learningext.com/products/generalce/critical/ctabout.asp>.

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD.**

(4) RESPONDENT SHALL notify each present employer in 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 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.

(5) RESPONDENT SHALL CAUSE each present employer in 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 nurse.

(6) 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.

(7) 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 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) month period for one (1) year of employment as a nurse.

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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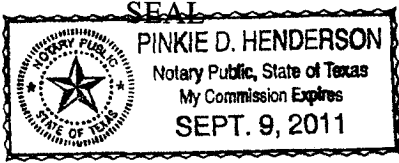


RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I 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 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 day of April, 2009  
Tammy Lee Simmons  
TAMMY LEE SIMMONS, Respondent

Sworn to and subscribed before me this 20 day of April, 2009.  
Pinkie D. Henderson  
Notary Public in and for the State of Texas

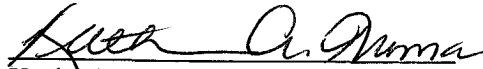


Approved as to form and substance.  
[Signature]  
LOUIS LEICHTER, Attorney for Respondent

Signed this 20 day of April, 2009

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 20th day of April, 2009, by TAMMY LEE SIMMONS, Registered Nurse License Number 698428, and said Order is final.

Effective this 12th day of May, 2009.



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