

BEFORE THE TEXAS BOARD OF NURSING



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

\*\*\*\*\*

In the Matter of Vocational Nurse License Number 139484 § AGREED  
issued to LARA LYNN LANEHART-MOUSER § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Bo accepted the voluntary surrender of Vocational Nurse License Number 139484, issued to LA LYNN LANEHART-MOUSER, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived 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 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 San Jacinto College, Houston, Texas, on May 9, 1992. Respondent was licensed to practice vocational nursing in the State of Texas on December 6, 1992.
5. Respondent's vocational nursing employment history includes:

01/93 - 08/93	Unknown	
09/93 - 10/01	Staff LVN	Memorial Hermann Healthcare System Houston, TX

Respondent's vocational nursing employment history (continued):

11/01 - 07/03	Unknown	
08/03 - 06/04	Staff LVN	Office of Dr. Gary Smith Houston, TX
07/04 - 01/05	Staff LVN	Office of Dr. William G. Guerriero Houston, TX
08/05 - 08/07	Staff LVN	Urology Associates of Houston Pasadena, TX
09/07 - present	Unknown	

6. On or about June 5, 2007, Respondent entered a plea of Guilty to POSSESSION OF A COCAINE LESS THAN 1 GRAM (a State Jail Felony offense committed on May 7, 2007), filed in the 337th District Court of Harris County, Houston, Texas, under Cause No. 1115667. As a result of Respondent's plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of two (2) years.

On or about October 23, 2008, Respondent's probation, granted under Cause No. 1115667, was revoked in the 337th District Court of Harris County, Houston, Texas. As a result of the revocation, Respondent was convicted of POSSESSION OF A COCAINE LESS THAN 1 GRAM (a State Jail Felony offense committed on May 7, 2007) and was sentenced to confinement in the State Jail for a period of twelve (12) months.

7. On or about May 31, 2007, Respondent submitted a renewal application to the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered "no" to the following question:

Have you ever been convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, or received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests whether or not on appeal (excluding minor Class C traffic violations)? This includes expunged offenses and deferred adjudications with or without a finding of guilt.

On or about May 5, 2007, Respondent was arrested by the Harris County Constable's Office, Precinct 8, Houston, Texas, for POSSESSION OF A CONTROLLED SUBSTANCE PENALTY GROUP1 >=4GRAMS<200GRAMS.

8. On or about September 17, 2007, while seeking employment as a Licensed Vocational Nurse at River Oaks Hospital, Houston, Texas, Respondent engaged in the intemperate use of Methadone in that Respondent produced a specimen for a drug screen which resulted positive for Methadone. Possession of Methadone without a lawful prescription is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Methadone by a Licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
9. 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.
10. Formal Charges were filed on January 2, 2008.
11. Formal Charges were mailed to Respondent on January 4, 2008.
12. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
13. 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.

#### 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),(3),(4), (9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(H)&(I), (10)(A)&(D),(11)(B)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 139484, heretofore issued to LARA LYNN LANEHART-MOUSER, 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 Vocational Nurse License Number 139484, heretofore issued to LARA LYNN LANEHART-MOUSER, 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 LARA LYNN LANEHART-MOUSER, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational 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.

**RESPONDENT'S CERTIFICATION**

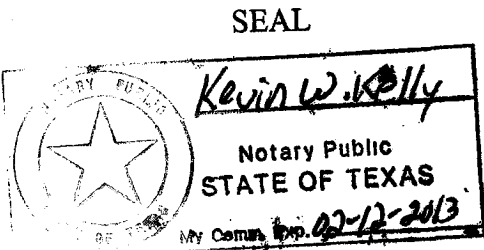
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order 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 23rd day of March, 2009.

Lara L Mouser  
LARA LYNN LANEHART-MOUSER, Respondent

Sworn to and subscribed before me this 23rd day of March, 2009.

Kevin W Kelly  
Notary Public in and for the State of Texas

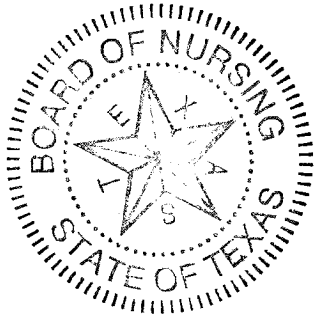


Approved as to form and substance.

[Signature]  
LOUIS LEICHTER, Attorney for Respondent

Signed this 26 day of March, 2009.

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Vocational Nurse License Number 139484, previously issued to LARA LYNN LANEHART-MOUSER.



Effective this 15<sup>th</sup> day of April, 2009.

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