BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 179418	§	
issued to RONNINE R. DAVIS	§	ORDER

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.
Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as th considered the matter of RONNINE R. DAVIS, Vocational Nurse License Number 179418, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2),(9)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on December 31, 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 Nursing from T.S.T.C. Breckenridge in Breckenridge, Texas on December 15, 2000. Respondent was licensed to practice Vocational nursing in the State of Texas on February 22, 2001.

5. Respondent's nursing employment history is unknown.

6. On or about February 22, 2001, Respondent submitted an Application By Examination to the Board of Vocational Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that respondent answered "No" to the following question:

"Have you ever been convicted of a misdemeanor other than a minor traffic violation?"

7. On or about January 25, 2008, Respondent was required to comply with a random criminal background audit check. The results revealed the following non-disclosed history.

On or about June 25, 1998, Respondent entered a plea of Guilty to Forgery of a Financial Instrument (a State Jail Felony committed on April 3, 1996) in the350 th District Court Abilene, Texas, under Cause Number 4018D. 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 four (4) years. Additionally, Respondent was ordered to pay a five hundred dollar ($500.00) fine and two hundred and forty-six dollars ($246.00) in court costs.

8. On or about March 11, 1998, Respondent entered a plea of Guilty to Driving While Intoxicated (a class A Misdemeanor committed on March 8, 1998) in the County Court Coleman, Texas, under Cause Number 24109. Respondent was ordered to serve twenty-four (24) months probation and pay a seven hundred and fifty dollar ($750.00) fine.

9. On or about March 9, 2004, Respondent submitted a renewal application to the Board of Nurse Examiners for the State of Texas in which you provided false, deceptive, and/or misleading information, in that you answered "No" to the question #3

"Were you convicted of a misdemeanor other than a minor traffic violation since you last renewal?"

10. On or about August 6, 2003, Respondent entered a plea of Guilty to Driving While Intoxicated 2nd (a class A Misdemeanor committed on October 22, 1999) in the County Court of Young County, Texas, under Cause Number 28697. Respondent was ordered to serve six (6) months probation and pay a two hundred and fifty dollar ($250.00) fine. Additionally, Respondent's driver's license was suspended for a period of one hundred and eighty (180) days.

11. On or about August 11, 2003, Respondent entered a plea of Guilty to Driving While Intoxicated 2nd (a class A Misdemeanor committed on May 9, 2009), in the County Court at Law No. 3, Collin County, Texas, under Cause Number 003-83215-03. Respondent was ordered to serve seventy-two (72) hours of confinement, eighteen(18) months probation, and pay a four hundred dollar ($400.00) fine. Additionally, Respondent was ordered not to operate any motor vehicle without a properly functioning, un-bypassed deep lung device.

12. On November 26, 2008, Respondent was seen by John Lehman Ph.D to undergo a forensic psychological evaluation to include a chemical dependency and polygraph examination.

Dr John Lehman States: " Ronnine Davis is a 32 year old female referred by TBN for an evaluation when it became clear on a criminal background check that she did not report several arrests. Specifically, she did not report 2 DWI arrests and a forgery arrest that occurred before her initial licensing and an additional DWI from 2003 after she was licensed. These were all several years ago, but she continues to drink and drove under the influence of alcohol as recently as 1/08 and about 15 times total from 1/07 until 1/08. Prior to 2007 she had a Breathalyzer in her vehicle for at least 18 months. There does not appear to be any use of illegal drugs in the past five years or any other criminal behavior. I do not believe there are any concerns about other types of criminal behavior such as the forgery earlier in her life. She drinks to the point of intoxication about once every two weeks, and it appears there is some binge drinking happening. Overall, I think there are sufficient indicators to diagnose a chemical dependency. I told her that she needed to quit drinking and talk with the Board about entering TPAPN. At the end of the second interview, it was unclear if she was going to follow that recommendation. She is in substantial denial about her issues.

1. Ms. Davis has an alcohol dependency issue that is unresolved. She is a binge drinker. She has repeatedly driving intoxicated even after three arrest. She has driven intoxicated about fifteen times between 1/07-1/08.
I believe she is only fit to practice as a nurse if she abstains from alcohol and enters treatment/supervision through TPAPN, or under similar conditions. I strongly encouraged her to talk with the Board about entering TPAPN. If she is in the TPAPN program and abstains from alcohol, I believe she will be able to practice safely. At present she is not in a direct care position.
2. She is in substantial denial about her alcohol issues and the impact of numerous issues in her life. She would benefit from counseling to address some of these, but is not particularly good candidate because of her denial. She would benefit by learning coping skills other than repression and denial.

Polygraph - Stacy Shortes examiner states that " Nationally standardized scoring procedures were utilized to evaluate the examination chart data. This evaluation process resulted in a finding of No Deception Indicated. Ms. Davis' answers to the above listed relevant questions are truthful."

14. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.

15. The Board finds that there exists serious risks to public health and safety as a result of intemperate use of controlled substances or chemical dependency.

16. Respondent's conduct described in Findings of Fact Numbers Six (6) through Twelve (12) resulted from Respondent's impairment by dependency on chemicals.

17. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

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)(2), (9)&(10) Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5),(6)(I),&(13).

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 179418, heretofore issued to RONNINE R. DAVIS, including revocation of Respondent's license to practice nursing in the State of Texas.

5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

RESPONDENT SHALL deliver the wallet-sized license issued to RONNINE R. DAVIS, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars ($500) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep his/her license to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

(5) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars ($500.00). RESPONDENT SHALL pay this fine within forty-five 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.

(6) 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 and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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 privileges, 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 Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including revocation of Respondent's license and 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. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Six (6) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 10 day of March, 2009.

Ronnine R Davis

RONNINE R. DAVIS, Respondent

Sworn to and subscribed before me this 10th day of March, 2009.

SEAL

Jerre Lee Vest

Notary Public in and for the State of Texas

JERRE LEE VEST
Notary Public
STATE OF TEXAS
My Comm. Exp. 09/27/2011

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the __10th__ day of __March__, 2009, by RONNINE R. DAVIS, Vocational Nurse License Number 179418, and said Order is final.

Entered and effective this __16th__ day of __March__, 20 09.

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