BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
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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

In the Matter of Vocational Nurse	§	AGREED
License Number 129093	§	
issued to JOHNNIE LEE WARREN, JR.	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter refe to as the Board, considered the matter of JOHNNIE LEE WARREN, JR., Vocational Nurse License Number 129093, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4528(c),sec.10 (a)(10), Revised Civil Statutes of Texas, as amended, and Sections 302.402(a)(10) and 301.452(b)(10), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on April 20, 2007, 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 conference, 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 the United States Army-William Beaumont Army Medical Center, El Paso, Texas, on August 24, 1982. Respondent was licensed to practice vocational nursing in the State of Texas on October 22, 1990.

5. Respondent's complete vocational nursing employment history is unknown.

6. On or about October 16, 1985, Respondent plead, "GUILTY" and was convicted of the offense "Driving While Intoxicated," (a Class B Misdemeanor committed on December 16, 1984), in the Bexar County, Texas, Criminal Court at Law No. Four, Cause Number 334,917. Respondent was assessed a punishment of a fine in the amount of three hundred fifty dollars ($350.00) and thirty (30) days confinement in the Bexar County Jail. Respondent's confinement sentence was suspended and Respondent was placed on adult probation for a period of two (2) years. Respondent successfully completed his court ordered probation on October 16, 1987.

7. On or about July 17, 1989, Respondent submitted an Application for Licensure by Endorsement to the Board of Vocational Nurse Examiners for the State of Texas in which he provided false, deceptive, and/or misleading information, in that he answered "no" to the question:

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

On or about October 16, 1985, Respondent plead, "GUILTY" and was convicted of the offense "Driving While Intoxicated," (a Class B Misdemeanor committed on December 16, 1984), in the Bexar County, Texas, Criminal Court at Law No. Four, Cause Number 334917.

8. On or about August 17, 1993, Respondent plead, "GUILTY" and was convicted of the offense "Driving While Intoxicated," (a Class B Misdemeanor committed on April 29, 1993), in the Bexar County, Texas, Criminal Court at Law No. Six, Cause Number 548,902. Respondent was assessed a punishment of a fine in the amount of four hundred dollars ($400.00) and one (1) year confinement in the Bexar County Jail. Respondent's confinement sentence was suspended and Respondent was placed on adult probation for a period of two (2) years. As a condition of his probation, Respondent was placed in the Electronic Monitoring Program (House Arrest) for a period of forty-five (45) days. Respondent successfully completed his court ordered probation on August 17, 1995.

9. On or about May 20, 1997, Respondent plead, "NOLO CONTENDERE" and was convicted of the offense "Driving While Intoxicated-3rd," (a 3rd Degree Felony committed on June 8, 1996), in the Bexar County, Texas, 226th District Court, Cause Number 96CR4079. Respondent was assessed a punishment of a fine in the amount of seven hundred fifty dollars ($750.00) and three (3) years confinement in the Texas Department of Criminal Justice-Institutional Division. Respondent's confinement sentence was suspended and Respondent was placed on adult probation for a period of three (3) years which commenced on August 5, 1997. Respondent was also required to perform three hundred twenty (320) hours of community service, and was placed in the Electronic Monitoring Program (House Arrest) for a period of sixty (60) days. Respondent successfully completed his court ordered probation on August 5, 2000.

10. On or about September 7, 2005, Respondent plead "GUILTY" and was adjudged guilty of the offense "Driving While Intoxicated," (an offense committed on February 23, 2005, at Fort Sam Houston, Texas), in the United States District Court, Western District of Texas, Case Number SA-05-359-MJ-JWP. Respondent was assessed a punishment of four (4) months confinement in the United States Bureau of Prisons. Respondent completed his sentence on January 5, 2006.

11. The Respondent's conduct described in the preceding Finding of Fact was reportable under the provisions of Article 4528c,sec 10, TEX. REV. CIV. STAT. ANN.

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

13. 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.

14. Respondent's conduct described in Findings of Fact Numbers Six (6), Eight (8), Nine (9), and Ten (10) was significantly influenced by Respondent's impairment by dependency on chemicals.

15. 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 Article 4528(c), sec.10(a)(9), TEX. REV. CIV. STAT. ANN., Section 302.402(a)(2),(3)&(10)(effective September 1, 1999), and Section 301.452(b)(10)(effective February 1, 2004), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§239.11(8)& (29)(a)(iv), and 217.12(11)(B)&(13)(effective September 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 129093, heretofore issued to JOHNNIE LEE WARREN, JR., including revocation of Respondent's license to practice vocational 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):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars ($350) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *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 vocational 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, 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 vocational 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. 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 Four (4) 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 Board of Nurse Examiners, 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 16th day of May, 2007.

Johnnie L Warren Jr.

JOHNNIE LEE WARREN, JR., Respondent

Sworn to and subscribed before me this 16th day of May, 2007.

SEAL

DIANA C. FLORES
MY COMMISSION EXPIRES
March 24, 2009

Diana C. Flores

Notary Public in and for the State of Texas

Approved as to form and substance.

Robert A. Valdez

ROBERT A. VALDEZ, Attorney for Respondent

Signed this 16th day of May, 2007.

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 16th day of May, 20 07, by JOHNNIE LEE WARREN, JR., Vocational Nurse License Number 129093, and said Order is final.

Entered and effective this 6th day of June, 20 07.

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