

6. On April 14, 1999, Respondent plead "Nolo Contendere" and was "Convicted" of THEFT >=\$50<\$500 (a misdemeanor offense committed on November 22, 1997) and FAILURE TO IDENTIFY (a misdemeanor offense committed on July 6, 1998), under Cause Numbers CR-98-00434-A and CR-99-00191-C, in the County Criminal Court No. 1 of Denton County, Texas. As a result of the plea, Respondent was ordered to confinement in the Denton County Jail for a period of thirty (30) days.
7. On May 25, 2000, Respondent plead "Nolo Contendere" to THEFT >=\$50<\$500 (a misdemeanor offense committed on March 13, 2000 in which Respondent unlawfully appropriated two (2) cartons of cigarettes), under Cause Number CR-2000-02576-C, in the County Criminal Court No. 3 of Denton County, Texas. As a result of the plea, Respondent was placed under an ORDER GRANTING DEFERRED ADJUDICATION and placed on probation for a period of six (6) months, and ordered to pay a fine in the amount of one hundred dollars (\$100).
8. On April 6, 2001, Respondent plead "Guilty" and was "Convicted" of THEFT (a State Jail Felony Offense committed December 23, 2000), under Cause Numbers F-2001-0218-B and F-2001-0293-B, in the 158th Judicial District Court of Denton County, Texas. As a result of the plea, Respondent was placed under Community Supervision for a period of two (2) years and ordered to confinement in the Denton County Jail for sixty (60) days as a condition of Community Supervision.
9. On April 26, 2001, Respondent plead "True" and was "Convicted" of THEFT (a misdemeanor offense committed on May 29, 2000), under Cause Number CR-2000-04524-C, in the County Criminal Court No. 3 of Denton County, Texas. As a result of the plea, Respondent was placed under an ORDER REVOKING COMMUNITY SUPERVISION AND IMPOSITION OF SENTENCE and ordered to confinement in the Denton County Jail for a period of one hundred twenty (120) days and to run concurrent with Cause Numbers F-2001-0218-B and F-2001-0293-B.
10. On April 26, 2001, Respondent plead "Nolo Contendere" and was "Convicted" of FAILURE TO IDENTIFY (a misdemeanor offense committed on December 23, 2000), under Cause Number CR-2001-01097-C, in the County Criminal Court No. 3 of Denton County, Texas. As a result of the plea, Respondent was ordered to confinement in the Denton County Jail for a period of forty (40) days and to run concurrent with Cause Numbers F-2001-0218-B and F-2001-0293-B.
11. On or about January 29, 2002, Respondent submitted a License Renewal Document to the Board of Vocational Nurse Examiners, in which she answered "No" to the following question: "Were you convicted of a felony since your last renewal?" On April 6, 2001, Respondent plead "Guilty" to THEFT (a State Jail Felony Offense committed December 23, 2000), under Cause Numbers F-2001-0218-B and F-2001-0293-B, in the 158th District Court of Denton County, Texas.

12. On or about January 29, 2002, Respondent submitted a License Renewal Document to the Board of Vocational Nurse Examiners, in which she answered "No" to the following question: "Were you convicted of a misdemeanor other than a minor traffic violation since your last renewal?"

On April 6, 2001, Respondent plead "Guilty" to THEFT (a misdemeanor offense committed on May 29, 2000), under Cause Number CR-2000-04524-C, in the County Criminal Court No. 3 of Denton County, Texas. As a result of the plea, Respondent was placed under an ORDER REVOKING COMMUNITY SUPERVISION AND IMPOSITION OF SENTENCE and ordered to confinement in the Denton County Jail for a period of one hundred twenty (120) days and to run concurrent with Cause Numbers F-2001-0218-B and F-2001-0293-B.

On April 26, 2001, Respondent plead "Nolo Contendere" and was "Convicted" of FAILURE TO IDENTIFY (a misdemeanor offense committed on December 23, 2000), under Cause Number CR-2001-01097-C, in the County Criminal Court No. 3 of Denton County, Texas. As a result of the plea, Respondent was ordered to confinement in the Denton County Jail for a period of forty (40) days and to run concurrent with Cause Numbers F-2001-0218-B and F-2001-0293-B. Respondent's conduct was deceiving and may have affected the Board's decision to renew Respondent's license to practice vocational nursing.

13. Charges were filed on July 3, 2006 and amended on September 18, 2006.
14. Charges were mailed to Respondent on July 5, 2006.

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 Article 4528c, Section 10(a)(3)&(9), Revised Civil Statutes of Texas, as amended, and Section 302.402(a)(3)(A)&(B) & (10) and 22 TEX. ADMIN. CODE §239.11(1), (8) & (29)(A)(iii).
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 152649, heretofore issued to CATHY MAXINE CASTONGUAY, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that Vocational Nurse License Number 152649, previously issued to CATHY MAXINE CASTONGUAY, to practice vocational nursing in Texas is hereby SUSPENDED for a period of one (1) year with the suspension STAYED and Respondent is hereby placed on PROBATION for one (1) year with the following agreed terms of probation:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, 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 the 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.

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§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.

(2) RESPONDENT SHALL deliver the wallet-sized license issued to CATHY MAXINE CASTONGUAY, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order for appropriate notation.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence. 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, and documentation of care. 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.bne.state.tx.us/about/stipscourses.html>.

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing 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. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bne.state.tx.us/about/stipscourses.html>.

(5) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

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

(6) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the probation conditions 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 probation conditions 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.

(7) 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.

(8) For the duration of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse or Licensed Vocational 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.

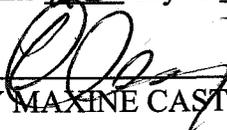
(9) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice nursing. These reports shall be completed by the Registered Nurse or Licensed Vocational Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for one (1) year of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice vocational 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 waive representation by counsel. 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

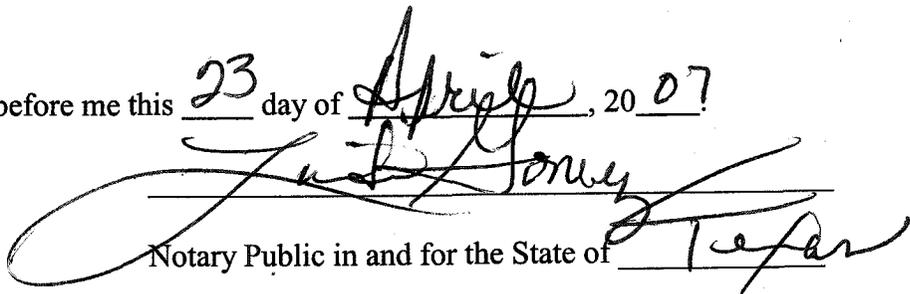
Signed this 23 day of April, 2007



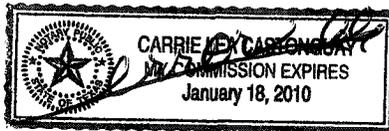
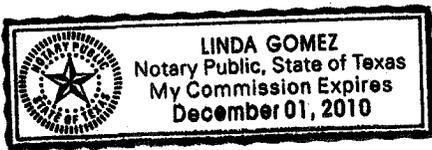
CATHY MAXINE CASTONGUAY, Respondent

Sworn to and subscribed before me this 23 day of April, 2007

SEAL



Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 12th day of June, 2007, by CATHY MAXINE CASTONGUAY, Vocational Nurse License Number 152649, and said Order is final.

Effective this 12th day of June, 2007.



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