

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Vocational Nurse §
License Number 170106 § AGREED
issued to VONSHA RENEE WILEY § ORDER



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.
Katherine A. Thomas
Executive Director of the Board

On this day the Board of Nurse Examiners for the State of Texas, hereinafter refer to as the Board, considered the matter of VONSHA RENEE WILEY, Vocational Nurse License Number 170106, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(8)(9)(10) & (13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on March 9, 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 representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is licensed to practice vocational nursing in the State of Texas which is in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from North Texas Career Institute, Dallas, Texas, on September 18, 1998. Respondent was licensed to practice vocational nursing in the State of Texas on October 27, 1998.
5. Respondent's complete vocational nursing employment history is unknown.

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a vocational nurse utilizing her multistate compact privilege through her license to practice vocational nursing in the State of Texas, and on assignment at Waverly Park Health Care Center, Tucson, Arizona. Respondent had been in this position for one (1) month.
7. On or about June 26, 2005, while employed as a vocational nurse utilizing her multistate compact privilege through her license to practice vocational nursing in the State of Texas, and on assignment at Waverly Park Health Care Center, Tucson, Arizona, Respondent withdrew narcotics but failed to document the administration in the patients' Medication Administration Records or Nurses notes. Respondent's conduct was likely to injure patients because subsequent caregivers would have relied on the undocumented information to further medicate the patient, which could result in overdose.
8. On or about October 4, 2005, Respondent pled guilty to Solicitation to Unlawfully Possess a Dangerous Drug (a Class Six Undesignated Offense committed on June 4, 2005) and Unlawful Possession of Drug Paraphanelia (a Class Six Undesignated Offense committed on June 4, 2005) before the Superior Court of the State of Arizona in and for the County of Pima. As a result of the guilty plea, Respondent was allowed to enter a treatment program in lieu of prosecution.
9. On of about January 25, 2006, Respondent's multi state compact privilege to practice nursing in the State of Arizona was revoked by the State of Arizona, Arizona State Board of Nursing. A copy of the January 25, 2006 Order to Revoke Multistate Licensure Privilege, Findings of Fact and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
10. Respondent denies that she misappropriated any medications while employed with Waverly Park Health Care Center, Tucson, Arizona, because she "...never takes narcotics because her thing is street drugs." Respondent admits she has an addiction to methamphetamines and is currently in drug counseling.
11. 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.
12. 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.
13. Respondent's conduct described in Findings of Fact Numbers Seven (7) through Ten (10) resulted from Respondent's dependency on chemicals..

14. 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)(8), (9), (10) & (13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(D), and 22 TEX. ADMIN. CODE §217.12(11)(B) & (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 170106, heretofore issued to VONSHA RENEE WILEY, 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 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 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 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.

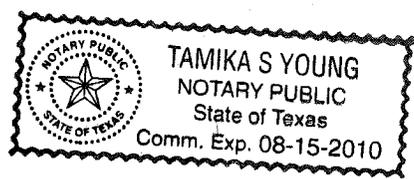
Signed this 18 day of April, 2007

Vonsha Renee Wiley
VONSHA RENEE WILEY, Respondent

Sworn to and subscribed before me this 18 day of April, 2007.

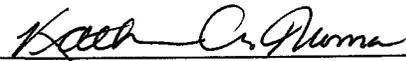
SEAL

Tamika S. Young
Notary Public in and for the State of Texas



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 18th day of April, 2007, by VONSHA RENEE WILEY, Vocational Nurse License Number 170106, and said Order is final.

Entered and effective this 20th day of April, 2007.



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