



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 607399 § REINSTATEMENT
issued to TONI COLLINS LEE § AGREED ORDER

On this day came to be considered by the Board of Nurse Examiners for the State Texas, hereinafter referred to as the Board, the Petition for Reinstatement of registered nurse license number 607399, held by TONI COLLINS LEE, hereinafter referred to as Petitioner.

An informal conference was held on November 25, 2003, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.
3. Petitioner received an Associate Degree from Central Texas College, Killeen, Texas, on May 1, 1994. Petitioner was originally licensed to practice professional nursing in the State of Texas on July 15, 1994.
4. Petitioner's professional employment history included:

1994 - 1997	Staff Nurse Telemetry Unit	Irving Healthcare System Irving, Texas
1997 - 1998	Staff Nurse Telemetry Unit	Medical City of Dallas Irving, Texas

Employment history continued:

9/98 - 10/00	Staff Nurse	Dr. Jack Schwade Dallas, Texas
10/00 - 5/01	Staff Telemetry Unit	Baylor University Medical Center Dallas, Texas
6/01 - 2/02	Staff Nurse	Dr. Jack Schwade Dallas, Texas
2/02 - 6/02	Staff Nurse Telemetry Unit	Medical Center of Mesquite Mesquite, Texas
7/02 - 9/02	Staff Nurse Telemetry Unit	Baylor Medical Center at Garland Garland, Texas
9/02 - present	Not employed in nursing	

5. The Board accepted the voluntary surrender of Petitioner's license to practice professional nursing on September 20, 2002. A copy of the September 20, 2002, Agreed Order, Findings of Fact, and Conclusions of Law, is attached and incorporated by reference as a part of this Order.
6. On or about October 2, 2003, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.
7. Petitioner presented the following in support of her petition:
 - 7.1. Letter, dated September 9, 2002, written by Teresa Cook, Counselor, The Freeman Center, Waco, Texas. Ms. Cook states Petitioner was a client at the Freeman Center from August 27, 2002, to September 9, 2002. She successfully completed Level I detoxification on September 2, 2002, and was admitted to Level II Female Specialized Residential on September 3, 2002. Petitioner was successfully discharged from Residential on September 9, 2002, completing seven (7) days of intensive group and individual therapy. Petitioner was referred to Intensive Outpatient Treatment in Dallas County where she can attend the appropriate NA outside meetings and receive psychiatric care and counseling for comorbid psychological issues. The prognosis for Petitioner is good to excellent, with the qualification that she continue intensive outpatient treatment for one (1) year to insure abstinence from all substance abuse.

- 7.2. Letter, dated September 23, 2003, written by Janice Warder, Criminal District Court, DIVERT, Presiding Judge, Dallas, Texas. Ms. Warder states Petitioner is a participant in the Dallas County DIVERT Court Program, a pre-indictment diversion court. Individuals eligible for this program are first-time offenders arrested for possession of a controlled substance or obtaining a controlled substance by fraud. DIVERT is a 12-18 month program that provides non-violent drug offenders immediate intervention through diversion into a judicially supervised program of drug treatment and other services. In exchange for completion of the program, the participant's case is dismissed. Petitioner is a participant in good standing, having completed intensive substance abuse treatment. She will be eligible for graduation from the program in November 2003.
- 7.3. Letter, dated September 29, 2003, written by Marcella Meraz, Case Manager, DIVERT Court Program, Dallas, Texas. Ms. Meraz verifies that Petitioner is a participant in Dallas County DIVERT Court Program, and is in the final phase of the program and in good standing. Since November 2002, Petitioner has been on a random call list where she has had to call daily. All her urinalysis test results have been negative. Ms. Meraz believes that Petitioner is now ready to perform the duties of her nursing career without any problems.
- 7.4. DIVERT Certificate of Achievement for successful completion of Phase I, dated January 7, 2003.
- 7.5. DIVERT Certificate of Achievement for successful completion of Phase II, dated July 15, 2003.
- 7.6. DIVERT Certificate of Completion of Supportive Outpatient.
- 7.7. Letter, dated September 26, 2003, written by Kristen Grable, MD, Dallas Metrocare Services, Dallas, Texas. Dr. Grable states she is the treating physician for Petitioner and has been treating her since September 2002, for Major Depressive Disorder, Generalized Anxiety Disorder, and Opioid Dependence in Sustained Full Remission. Currently, Petitioner is taking Zoloft and Seroquel. She has been psychiatrically stable for the last year, adherent to her medications, and has abstained from the illicit use of addictive substances as well as participating in chemical dependency recovery. Dr. Grable believes that Petitioner is competent to resume her nursing duties.
- 7.8. Documentation of Petitioner's sessions with Rod Ryder, LPC, from September 12, 2002, through November 13, 2002.

- 7.9. Letter of support, dated September 17, 2003, written by Janel L. Brown. Ms. Brown states Petitioner is always responsive, attentive, enthusiastic and caring with a trustworthy character and demeanor. Petitioner has always shown compassion and concern for those in need and a willingness to share her experience, strength and hope. Ms. Brown believes Petitioner will make an excellent nurse because her skills and expertise make her invaluable in the medical field.
 - 7.10. Letter of support, dated September 28, 2003, written by Cindy Harlin, Mesquite, Texas. Ms. Harlin states she has known Petitioner for almost three (3) years and she has seen Petitioner make great changes in her life during the past year. Petitioner is currently living with Ms. Harlin and she is always striving to get her life back in order. Petitioner's concern and care for people will make her a great asset to the nursing community.
 - 7.11. Letter of support, dated September 23, 2003, written by Lisa A. Poovey, Rowlett, Texas. Ms. Poovey states she is a DIVERT Court participant with Petitioner and has known her for eight (8) months in which she attended drug counseling classes with her. Ms. Poovey has been impressed by Petitioner's dedication to working the program of recovery and her determination to succeed. Petitioner is successfully using the tools that she has been given, through education and support classes, to maintain her sobriety and to continue her lifelong commitment to her recovery.
 - 7.12. Letter of support, dated August 4, 2003, written by Raymond Johnson, Dallas, Texas. Mr. Johnson states he has known Petitioner for eleven (11) months and he believes that she has accepted her responsibility for her narcotics addiction and has done her best to address the issues that led to her addiction.
 - 7.13. Documentation of Support Group attendance dating from September 14, 2002, to September 8, 2003.
 - 7.14. Verification of successful completion of twenty (20) Type I Continuing Education Contact Hours.
8. Petitioner gives August 27, 2002, as her date of sobriety.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. 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.

3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that the petition of TONI COLLINS LEE, license number 607399, to practice professional nursing in the state of Texas, be and the same is hereby GRANTED SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies in all respects with the Nursing Practice Act, Texas Occupations Code, 301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et. seq.* and the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's multistate licensure privilege, if any, to practice professional nursing in the State of Texas

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is encumbered by this Order, Petitioner 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 Petitioner wishes to work.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has paid all re-registration fees and been issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to TONI COLLINS LEE, shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing jurisprudence. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must 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. PETITIONER 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 PETITIONER'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 can be found on the Board's website www.bne.state.tx.us (under BNE events).*

(3) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing ethics. PETITIONER SHALL obtain Board approval of the course prior to enrollment. 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 Registered Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify PETITIONER'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 on the Board's website www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, SHOULD PETITIONER PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) PETITIONER SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER 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.

(5) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Petitioner by the Board, to the Board's office within five (5) days of employment as a professional nurse.

(6) For the first year of employment as a Registered Nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as PETITIONER and readily available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). The PETITIONER SHALL NOT be employed by a nurse

registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) For the remainder of the stipulation period, PETITIONER SHALL be supervised by a Registered Nurse who is on the premises. The supervising RN is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising RN shall have a minimum of two (2) years experience in the same or similar practice setting to which the Petitioner is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) PETITIONER SHALL NOT practice as a professional nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which PETITIONER is regularly assigned for one (1) year of employment as a professional nurse.

(9) PETITIONER SHALL NOT practice as a professional nurse in any critical care area for one (1) year of employment as a professional nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(10) PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a professional nurse.

(11) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the Petitioner by the Board, periodic reports as to PETITIONER's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising Registered Nurse to the office of the Board at the end of each three (3) months for three (3) years of employment as a professional nurse.

(12) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and PETITIONER SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(13) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the PETITIONER's place of employment at any time during the stipulation period and require PETITIONER to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board.

(14) PETITIONER SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. PETITIONER SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the PETITIONER's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the PETITIONER's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation period, or until PETITIONER is dismissed from therapy.

(15) PETITIONER SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least; the date of each meeting, the name of each group attended, and the signature and printed name of the chairperson of each group attended by PETITIONER. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. 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 agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

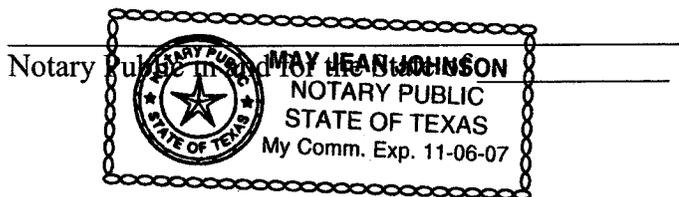
Signed this 22nd day of December, 2003

Toni Collins Lee

TONI COLLINS LEE, Petitioner

Sworn to and subscribed before me this 22 day of December, 2003

SEAL



WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 22nd day of December, 2003, by TONI COLLINS LEE, license number 607399, and said Order is final.

Effective this 22nd day of January, 2004.



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 607399 § AGREED
issued to TONI COLLINS LEE § ORDER

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of License Number 607399, issued to TONI COLLINS LEE, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal conference 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 representation by counsel, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associates Degree in Nursing from Central Texas College, Killeen, Texas, on May 1, 1994. Respondent was licensed to practice professional nursing in the State of Texas in July 1994.
5. Respondent's professional employment history includes:

1994 - 1997	Staff Nurse Telemetry Unit	Irving Healthcare System Irving, Texas
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Respondent's professional employment history continued:

1997 - 1998	Staff Nurse Telemetry Unit	Medical City of Dallas Irving, Texas
9/98 - 10/00	Staff Nurse	Dr. Jack Schwade Dallas, Texas
10/00 - 5/01	Staff Nurse Telemetry Unit	Baylor University Medical Center Dallas, Texas
6/01 - 2/02	Staff Nurse	Dr. Jack Schwade Dallas, Texas
2/02 - 6/02	Staff Nurse Telemetry Unit	Medical Center of Mesquite Mesquite, Texas
7/02 - Present	Staff Nurse Telemetry Unit	Baylor Medical Center at Garland Garland, Texas

6. At the time of the initial incident, Respondent was employed as a Staff Nurse in the Office of Dr. Jack Schwade, Dallas, Texas, and had been in this position for two (2) years and one (1) month.
7. On or about February 14, 2002, while employed by Jack L. Schwade, M.D., Dallas, Texas, Respondent attempted to pass a telephonic, fraudulent prescription for one-hundred (100) tablets of Lortab at the Minyard Pharmacy, Mesquite, Texas, using the name and Drug Enforcement Agency (DEA) Number of Jack L. Schwade, M.D. Respondent's conduct was likely to deceive the pharmacy and possession of Lortab through the use of a fraudulent telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act).
8. On or about February 14, 2002, while employed by Jack L. Schwade, M.D., Dallas, Texas, Respondent attempted to pass a telephonic, fraudulent prescriptions for two- hundred (200) tablets of Lortab at Sac and Save Pharmacy in Mesquite, Texas, using the name and DEA Number of Jack L. Schwade, M.D. Respondent's conduct was likely to deceive the pharmacy and possession of Lortab through the use of a fraudulent telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act).

9. On or about February 14, 2002, Respondent telephonically passed a fraudulent prescription for two hundred forty (240) tablets of Lortab at Eckerds Drug Store, Dallas, Texas, using the name and DEA number of Dr. S. Armalraj. Respondent's conduct was likely to deceive the pharmacy and possession of Lortab through the use of a fraudulent telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
10. On or about March 21, 2002, Respondent telephonically passed a fraudulent prescription for Lortab at Eckerds Drug Store Dallas, Texas, using the name and DEA number of Dr. S. Armalraj. Respondent's conduct was likely to deceive the pharmacy and possession of Lortab through the use of a fraudulent telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
11. On or about August 15, 2002, Respondent telephonically passed fraudulent prescriptions for Hydrocodone at Eckerd Pharmacy, Mesquite, Texas, using the name and DEA number of Dr. Robert Hudgins. Respondent's conduct was likely to deceive the pharmacy and possession of Hydrocodone through the use of a fraudulent telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
12. On or about June 2002, through August 2002, Respondent telephonically passed fraudulent prescriptions for Hydrocodone at Albertsons Pharmacies, Mesquite, Texas, using the names and DEA numbers of Dr. Robert Hudgins and Dr. S. Armalraj. Respondent's conduct was likely to deceive the pharmacy and possession of Hydrocodone through the use of a fraudulent telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
13. On or about December 2001, through June 2002, Respondent telephonically passed fraudulent prescriptions for Hydrocodone at Tom Thumb Pharmacy, Dallas, Texas, using the name and DEA number of Dr. S. Armalraj. Respondent's conduct was likely to deceive the pharmacy and possession of Hydrocodone through the use of a fraudulent telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
14. On or about June 2002, through August 2002, Respondent telephonically passed fraudulent prescriptions for Hydrocodone at Kroger Pharmacy, Mesquite, Texas. Respondent's conduct was likely to deceive the pharmacy and possession of Hydrocodone through the use of a fraudulent telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
15. Dallas Police Department and Mesquite Police Department, Dallas County, Texas, are in the process of filing charges with the Dallas County District Attorney's Office against Respondent for Obtaining a Controlled Substance by Fraud, a 3rd Degree Felony.

16. Respondent, by her signature on this Order, expresses her desire to voluntarily surrender her license to practice professional nursing in the State of Texas.
17. 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.
18. 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.

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 violations of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)&(21).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 607399, heretofore issued to TONI COLLINS LEE, including revocation of Respondent's professional 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 301.452(b), 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 License Number 607399, heretofore issued to TONI COLLINS LEE, to practice professional nursing in the State of Texas, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-size license, heretofore issued to TONI COLLINS LEE, to the office of the Board of Nurse Examiners.
2. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered 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 professional 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. 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.

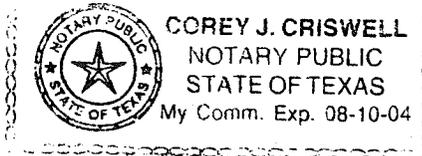
Signed this 16th day of September, 2002

Toni Collins Lee
TONI COLLINS LEE, Respondent

Sworn to and subscribed before me this 16th day of September, 2002

SEAL

Corey J. Criswell
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 the voluntary surrender of License Number 607399, previously issued to TONI COLLINS LEE.

Effective this 20th day of September, 2002.



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