

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse §  
License Number 186962 §  
issued to MORGAN MARIE SOUTH §



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.  
*Patricia R. Thomas*  
Executive Director of the Board

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 186962, issued to MORGAN MARIE SOUTH, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal conference, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice vocational nursing in the State of Texas.
2. Respondent waived representation by counsel, informal conference, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from North Central Texas College on August 8, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on November 14, 2002.
4. Respondent's nursing employment history is unknown.
5. On or about November 27, 2007, Respondent submitted a renewal application to the Texas Board of Nursing in which she answered "Yes" to the following question:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

- A. been convicted of a misdemeanor?

- B. been convicted of a felony?
  - C. pled nolo contendere, no contest, or guilty?
  - D. received deferred adjudication?
  - E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
  - F. been sentenced to serve jail or prison time? court-ordered confinement?
  - G. been granted pre-trial diversion?
  - H. been arrested or any pending criminal charges?
  - I. been cited or charged with any violation of the law?
  - J. been subject of a court-martial; Article 15 violation; or received any form of military judgement/punishment/action?"
6. On or about August 21, 2007, Respondent was arrested for the 2nd Degree Felony offense of Indecency With a Child Sexual Contact, by the Bridgeport Police Department, Wise County, Texas.
  7. On or about November 10, 2007, Respondent was convicted of the offense of Public Intoxication, a Class C misdemeanor, in the Municipal Court of Fort Worth, Fort Worth, Texas, Cause #G-524979. Respondent was assessed a fine on or about November 10, 2007, Respondent was convicted of the offense of Public Intoxication, a Class C misdemeanor, in the Municipal Court of Fort Worth, Fort Worth, Texas, Cause #G-524979. Additionally, Respondent was assessed a fine.
  8. Respondent underwent a psychological evaluation at the request of the Texas Board of Nursing. Dr. John Lehman submitted a Psychological Evaluation dated February 26, 2008, to the Texas Board of Nursing. Dr. Lehman states that no sexual predator issues were noted. The arrest stemmed from Respondent using poor judgment while intoxicated. The polygraph confirmed there was no criminal behavior beyond the drug and alcohol use, and the allegations of one incident of sexual contact. The main issue with Respondent is chemical dependency. Respondent had a positive random drug screen for marijuana at her last employer, about 3 years ago. She refused treatment and resigned. Her current employer, a nursing home, does not do drug testing. Respondent has used methamphetamines since 10th grade, most recent use being two months prior to this assessment. Respondent's main issue is alcohol, but she still uses marijuana and methamphetamines. Dr. Lehman feels that if Respondent does not follow through with treatment and abstinence, he could not recommend that she continue as a nurse.
  9. 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.
  10. 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 a violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5),(11)(B)&(13).
4. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
5. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER


NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 186962, heretofore issued to MORGAN MARIE SOUTH, to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title of "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. 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 licensure privilege, if any, to practice vocational nursing in compact states.

Effective this 25th day of April, 2008.

TEXAS BOARD OF NURSING

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

I, Morgan Sobel, am  
voluntarily surrendering my  
nursing license.

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Morgan Sobel