

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

\*\*\*\*\*

In the Matter of Vocational Nurse License Number 183758 § AGREED  
issued to TRACY DAWN CROCKETT § 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.  
*Patricia R. Thomas*  
Executive Director of the Board

An investigation by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, produced evidence indicating that TRACY DAWN CROCKETT hereinafter referred to as Respondent, Vocational Nurse License Number 183758, may have violated Section 302.402(a)(10)&(12) and Section 301.452(b)(10)&(12), Texas Occupations Code.

An informal conference was held on April 4, 2006, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Mary Beth Thomas, MSN, RN, Director, Nursing Division, Executive Director's Designee; Brenda Jackson, Board Member; James W. Johnston, General Counsel; Victoria Cox, Assistant General Counsel; Melinda Hester, MS, RN, Nurse Consultant; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Candace V. Heisserman, Investigator.

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, 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 completed a vocational nursing program at Southern Oklahoma Technology Center, Ardmore, Oklahoma, on June 30, 2000. Respondent was licensed to practice vocational nursing in the State of Texas on February 27, 2002.

5. Respondent's vocational nursing employment history includes:

2/02-8/03	Staff Nurse	Comanche Trail Nursing Center Big Spring, Texas
9/03-4/04	Staff Nurse	VA Medical Center Big Spring, Texas
5/04-Present	Office Nurse	Dr. Joseph Chavez Big Spring, Texas

6. On or about March 10, 2003, Respondent plead nolo contendere and was convicted of the offense of "Public Intoxication," a Misdemeanor, in the Howard County, Texas, Justice of the Peace Court, Precinct 1, Docket No. 03-0624J11. Respondent was assessed a fine in the amount of forty-eight dollars (\$48.00) and court costs in the amount of fifty-two dollars (\$52.00).

7. On or about May 4, 2005, Respondent plead guilty and was convicted of the offense of "Driving While Intoxicated," a Class B Misdemeanor, in the Wise County, Texas, Court at Law, Cause No. 57413, and Respondent was sentenced to confinement in the Wise County Jail for a period of one hundred eighty (180) days. Respondent's confinement sentence was suspended and she was placed on probation for a period of twelve (12) months, assessed a fine in the amount of seven hundred fifty dollars (\$750.00), court costs in the amount of two hundred eighty-six dollars (\$286.00), restitution in the amount of one hundred forty-two dollars and twenty-five cents (\$142.25), and twenty-four (24) hours of Community Service Restitution.

8. On or about February 27, 2002, through November 2004, Respondent may have lacked fitness to practice vocational nursing in that Respondent admitted to suffering from active alcoholism while licensed to practice vocational nursing in the State of Texas. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

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

10. Formal Charges were filed on May 8, 2006.
11. Formal Charges were mailed to Respondent on May 11, 2006.
12. The Board finds that there exists serious risks to public health and safety due to chemical dependency.
13. Respondent's conduct described in the preceding Findings of Fact 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-.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 Sections 302.402(a)(10)&(12) and 301.452(b)(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(27)(B)&(29)(A)(iv), and §§217.12(1) and 217.12(5)&(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 183758, heretofore issued to TRACY DAWN CROCKETT, 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, §§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, that the terms of this Agreed 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.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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 24<sup>th</sup> day of July, 2006.

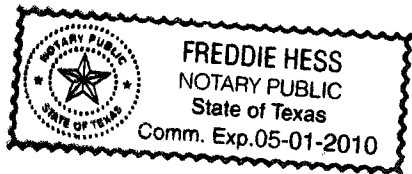
Tracy Crockett  
TRACY DAWN CROCKETT, Respondent

Sworn to and subscribed before me this 24<sup>th</sup> day of July, 2006.

SEAL

Freddie Hess

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 24th day of July, 2006, by TRACY DAWN CROCKETT, Vocational Nurse License Number 183758, and said Order is final.

Entered and effective this 2nd day of August, 2006.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

---

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