BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
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BOARD OF NURSING TEXAS
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

In the Matter of License Number 506014	§	AGREED
issued to CYNTHIA LEE SEBA	§	ORDER

An investigation by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, produced evidence indicating that CYNTHIA LEE SEBA, hereinafter referred to as Respondent, License Number 506014, may have violated Article 4525(b)(9), Revised Civil Statutes of Texas, as amended, and Section 301.452(b)(10) & (12), Texas Occupations Code.

An informal conference was held on July 30, 2002, at the office of the Board of Nurse Examiners, in accordance with Section 301.464 of the Texas Occupations Code. Respondent appeared in person. Respondent was represented by Rachel Sheeran, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; E. Joy Sparks, Assistant General Counsel; Carolyn Schooley, RN, Investigator; and Noemi Leal, Supervising Investigator.

A formal hearing was convened at the State Office of Administrative Hearings on December 9, 2002. Respondent appeared in person represented by William E. Hopkins, Attorney at Law, and Board appeared and was represented by E. Joy Sparks, Assistant General Counsel. Prior to the issuance of a proposal for decision in that hearing, the parties agreed to enter into this Agreed Order.

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 receipt of a proposal for decision from the Administrative Law Judge, and consented to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received a Baccalaureate Degree in Nursing from Texas Woman's University, Denton, Texas, in December 1982. Respondent was licensed to practice professional nursing in the State of Texas on March 18, 1983.

5. Respondent's complete professional employment history is unknown.

6. Respondent, on or about June 9, 1998, passed a forged prescription for Tylenol #3 at Kroger Pharmacy, Fort Worth, Texas. On February 24, 1999, Respondent plead guilty to a 3rd degree felony, Possession of a Controlled Substance by Fraud, Namely: Codeine, and was issued deferred adjudication on case number 0698589D. Respondent was placed on Community Supervision/Probation for two (2) years. Respondent's conduct was likely to deceive the pharmacy and constitutes a violation of Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act).

7. Respondent, on or about January 6, 2000, passed a forged prescription for Tylenol #3 and Alprazolam at Albertsons Pharmacy, Fort Worth, Texas. On March 22, 2000, Respondent plead guilty to a 3rd degree felony, Possession of a Controlled Substance by Fraud, Namely: Codeine, and was issued deferred adjudication for case number 0758601D. Respondent was placed on Community Supervision/Probation for five (5) years. Respondent's conduct was likely to deceive the pharmacy and constitutes a violation of Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act).

8. On April 9 & 16, 2002, Respondent completed an evaluation, performed by John M. Lehman, Ph.D., Clinical Psychologist, Richardson, Texas. Dr. Lehman states that "Her level of denial of her substance dependency is such that programs to monitor her while she continues to nurse are questionable in their ability to adequately monitor her drug use. She has shown recently that she does not voluntarily provide full disclosure of her drug use. It may be that she will not be able to function as a nurse until physically healthy enough to have sustained abstinence from narcotic pain medication and tranquilizers. This appears to be another indicator of her ongoing denial of the seriousness of her problems."

9. On November 25, 2002, Respondent completed a second evaluation performed by Edward G. Bleker, Ph.D., Fort Worth, Texas. Dr. Bleker concludes that his tests of Respondent do not support removing Respondent from professional nursing. However, Dr. Bleker recommends that Respondent continue medical supervision with Dr. John Marshall and whatever recommendations that he would propose. Dr. Bleker opines that it is likely that Respondent is going to need to continue psychotherapeutic efforts to manage chronic pain problems and better coping strategies for this. Additionally Dr. Bleker recommends support group attendance and monitoring of chemical dependency issues.

10. Charges were filed by the Board on May 22, 2002.

11. Charges were mailed to Respondent on May 24, 2002.

12. First Amended Formal Charges were filed by the Board on June 25, 2002.

13. First Amended Formal Charges were mailed to Respondent on June 25, 2002.

14. 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 301.451-301.455, 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 Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN. CODE §217.13(1) & (16).

4. The evidence received is sufficient to prove violations of Section 301.452(b)(10) & (12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1) & (21).

5. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 506014, heretofore issued to CYNTHIA LEE SEBA, including revocation of Respondent's professional license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that License Number 506014, previously issued to CYNTHIA LEE SEBA, to practice professional nursing in Texas is hereby SUSPENDED, with the said suspension stayed and Respondent is hereby placed on probation for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN), 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 professional 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.

(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 Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

(2) RESPONDENT SHALL deliver the wallet-size license issued to CYNTHIA LEE SEBA, 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 forty-five (45) days following the issuance of a license to practice professional nursing in the State of Texas, apply to and be accepted into the TPAPN.

(4) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(5) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(6) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED that, upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license 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 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 26 day of December, 2002.

Cynthia Lee Seba

CYNTHIA LEE SEBA, Respondent

Sworn to and subscribed before me this 26th day of December, 2002.

SEAL

ROBIN B. WILSON
Notary Public, State of Texas
My Commission Expires
SEPTEMBER 14, 2006

Robin B. Wilson

Notary Public in and for the State of Texas

Approved as to form and substance.

William E. Hopkins, Attorney for Respondent

Signed this 6th day of January, 2003.

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 26th day of December, 2002, by CYNTHIA LEE SEBA, License Number 506014, and said Order is final.

Effective this 7th day of January, 2003.

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