TEXAS BOARD OF NURSING
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 TEXAS BOARD OF NURSING

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|---|---|
| In the Matter of | § |
| Registered Nurse License Number 526992 | § |
| issued to BARBARA M COX | § |

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 526992, issued to BARBARA M COX, 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 proceedings, notice and hearing.

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

FINDINGS OF FACT

1. Respondent's license to practice professional nursing in the State of Texas is currently in delinquent status.

2. Respondent waived representation by counsel, informal proceedings, notice and hearing.

3. Respondent received an Associate Degree from McLennan Community College, Waco, Texas, on May 1, 1985. Respondent was licensed to practice professional nursing in the State of Texas on August 28, 1985.

4. Respondent's professional nursing employment history includes:

| | | |
|---|---|---|
| 1985 - 1988 | Staff Nurse | Penrose Hospital<br>Colorado Springs, Colorado |
| 1988 - 1990 | Staff Nurse | King Fisal Hospital and Research Center<br>Rijadh, Saudi Arabia |

Respondent's professional nursing employment history continued:

| | | |
|---|---|---|
| 1990 - 1991 | Staff Nurse | Option Care<br>Waco, Texas |
| 1992 - 1993 | Staff Nurse | VA Hospital<br>Waco, Texas |
| 1993 - 1994 | Not employed in nursing | |
| 1995 - 6/03 | Staff Nurse | Providence Health Center<br>Waco, Texas |
| 7/03 - 12/07 | Unknown | |
| 1/08 - 1/09 | Staff Nurse | Providence Health Center<br>Waco, Texas |
| 2/09 - present | Unknown | |

5. On June 8, 2004, the Board accepted the voluntary surrender of Respondent's license to practice professional nursing in the State of Texas. A copy of the June 8, 2004, Agreed Order, Finding of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

6. On July 20, 2006, Respondent's license to practice professional nursing was Reinstated by the Texas Board of Nursing. A copy of the July 20, 2006, Reinstatement Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

7. On June 8, 2010, Respondent's license to practice professional nursing was Suspended by the Texas Board of Nursing. On February 16, 2011, the suspension was stayed and Respondent was placed on probation. A copy of the June 8, 2010, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

8. On or about February 17, 2012, Respondent failed to comply with the Agreed Order issued to her on June 8, 2010, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Four (4) of the Agreed Order which states, in pertinent part:

> (4) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in Texas nursing jurisprudence and ethics.

9. On November 12, 2012, the Board received a statement from Respondent voluntarily surrendering the right to practice nursing in Texas in lieu of complying with the Agreed Order issued to her on June 8, 2010. A copy of Respondent's statement is attached and incorporated, by reference, as part of this Order.

## 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 violation(s) of 22 TEX. ADMIN. CODE §217.12(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1) and (10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 526992, heretofore issued to BARBARA M COX, including revocation of Respondent's license(s) 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, 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 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 Registered Nurse License Number 526992, heretofore issued to BARBARA M COX, to practice 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 professional nursing, use the title of 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.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.

3. 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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Effective this 4th day of December, 2012.

TEXAS BOARD OF NURSING

By: Katherine A. Thomas

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

To Whom It May Concern,

I have received notices from several different investigates ,one concerning addiction and one concerning bipolor and have decided to relinquish all furthur attempts at maintaining my nursing licence. As I was never cleared for the bipolar and unable to even begin the nursing addiction program I am requesting the refund of eight hundred dollars I paid. Thank you for your consideration on this matter.

Sincerly,

Barbara M. Cox

#826 Mclennan crossing Rd
Waco TX 76712

BEFORE THE TEXAS BOARD OF NURSING

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|---|---|---|
| In the Matter of Registered Nurse License Number 526992 | § | AGREED |
| issued to BARBARA M. COX | § | ORDER |

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BARBARA M. COX, Registered License Number 526992, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1),(9)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on March 23, 2010, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 proceedings, notice and hearing, and agreed to the entry of this Order.

3. Respondent's license to practice professional nursing in the State of Texas is currently in Delinquent status.

4. Respondent received an Associate Degree in Nursing from McLennan Community College, Waco, Texas, on May 1, 1985. Respondent was licensed to practice professional nursing in the State of Texas on August 28, 1985.

5. Respondent's professional nursing employment history includes:

| | | |
|---|---|---|
| 1985 - 1988 | RN | Penrose Hospital<br>Colorado Springs, CO |

Respondent's professional nursing employment history (continued):

| | | |
|---|---|---|
| 1988 - 1990 | RN | King Fisal Hospital and Research Center<br>Riyadh, Saudi Arabia |
| 1990 - 1991 | RN | Option Care<br>Waco, TX |
| 1992 - 1993 | RN | VA Hospital<br>Waco, TX |
| 1993 - 1994 | Not Employed in Nursing | |
| 1995 - 2002<br>09/02 - 06/03 | RN | Providence Health Center<br>Waco, TX |
| 07/03 - 12/07 | Unknown | |
| 01/08- 01/09 | RN | Providence Health Center<br>Waco, TX |
| 02/09 - Present | Unknown | |

6. On or about June 8, 2004, the Board accepted the voluntarily surrender of Respondent's license to practice professional nursing in the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated June 8, 2004, is attached and incorporated, by reference, as part of this Order.

7. On or about July 20, 2006, Respondent was issued a Reinstatement Agreed Order by the Board of Nurse Examiners for the State of Texas that required her to participate in and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated July 20, 2006, is attached and incorporated, by reference, as part of this Order.

8. At the time of the initial incident referred to in Finding of Fact Number Nine (9), Respondent was employed as a Registered Nurse with Providence Hospital, Waco, Texas, and had been in this position for approximately two (2) months.

9. On or about March 13, 2008, while employed as a Registered Nurse at Providence Hospital, Waco, Texas, Respondent engaged in the intemperate use of Alcohol in that she submitted a specimen for a random drug screen which resulted positive for Ethyl Glucuronide. Additionally, Respondent admitted to drinking Nyquil. The use of Alcohol by a nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in patients' conditions, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

10. On or about March 13, 2008, Respondent failed to comply with the Reinstatement Agreed Order issued to her on July 20, 2006, by the Texas Board of Nursing, Austin, Texas. Respondent's non-compliance is the result of her failure to comply with Stipulation Number Four (4) of the Order which reads, in pertinent part:

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

    On or about March 13, 2008, Respondent submitted a specimen for a random drug screen which resulted positive for Ethyl Glucuronide.

11. In response to Finding of Fact Number Nine (9) and Ten (10), Respondent states that she believes the positive drug screen must have been caused by the cold medicines that she had been taking. Respondent states that she took Nycol in the cap form, which does not contain alcohol. Additionally, Respondent states that she has over three and a half (3.5) years of strong, committed sobriety. Respondent states that she is actively involved with her home AA group and sponsor (several young women in their journey to recovery), that she attends conferences, goes on Twelve Step calls, and maintains a consistent and honest relationship with her sponsor.

12. Respondent's last known date of sobriety is March 13, 2008, as indicated in Finding of Fact Number Nine (9).

## 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)(1),(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(9),(10)(D)&(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 526992, heretofore issued to BARBARA M. COX, including revocation of Respondent's license to practice nursing in the State of Texas.

## ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 526992, previously issued to BARBARA M. COX, to practice nursing in Texas is hereby SUSPENDED and said suspension is ENFORCED until Respondent completes a treatment program approved by the Board, provides documentation of successful completion, and has obtained twelve (12) consecutive months of sobriety. Any relapse prior to the completion of the twelve (12) consecutive months of sobriety will result in an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.

IT IS FURTHER ORDERED that Permanent Certificate Number 526992 previously issued to BARBARA M. COX, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact 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 the Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED, upon verification of successful completion of the approved treatment and twelve (12) consecutive months of sobriety as set out in this Order, the Suspension will be STAYED, and RESPONDENT will be placed on PROBATION for three (3) years with the following agreed terms of probation:

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.*, and this Order.

(2) RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.

(3) RESPONDENT SHALL pay a monetary fine and monitoring fee in the amount of seven hundred fifty ($750.00) dollars. RESPONDENT SHALL pay this fine within ninety (90) days of the suspension being stayed. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(4) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is <u>not</u> being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception;

Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT 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 RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY 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 PROBATIONARY PERIOD:**

(5) RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT 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.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) For the first year of employment as a nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

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

(9) RESPONDENT SHALL NOT practice as a 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 Respondent is regularly assigned for one (1) year of employment as a nurse.

(10) RESPONDENT SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a 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.

(11) RESPONDENT 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 nurse.

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

(13) RESPONDENT 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, RESPONDENT 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 RESPONDENT 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.**

(14) RESPONDENT 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 next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the probation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

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 RESPONDENT's place of employment at any time during the probation period and require RESPONDENT 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. RESPONDENT SHALL be responsible for the costs of all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

(15) RESPONDENT SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. RESPONDENT 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 RESPONDENT. RESPONDENT 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 and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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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 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 nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 27th day of April, 2010.

Barbara M Cox

BARBARA M. COX, Respondent

Sworn to and subscribed before me this 27th day of April, 2010.

SEAL

MELROSE SMITH
MY COMMISSION EXPIRES
December 3, 2012

Melrose Smith

Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 27th day of April, 2010, by BARBARA M. COX, Registered Nurse License Number 526992, and said Order is final.

Effective this 8th day of June, 2010.

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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
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| | | |
|---|---|---|
| In the Matter of License Number 526992 | § | AGREED |
| issued to BARBARA SWEENEY COX | § | 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 Registered Nurse License Number 526992, issued to BARBARA SWEENEY COX, 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 holds a license to practice professional nursing in the State of Texas which is in delinquent status.

4. Respondent received an Associate Degree in Nursing from McClennan Community College, Waco, Texas, in May 1985. Respondent was licensed to practice professional nursing in the State of Texas on August 28, 1985.

5. Respondent's professional employment history includes:

| | | |
|---|---|---|
| 1985 - 1991 | Unknown | |
| 1992 - 1993 | Staff Nurse | VA Medical Center<br>Waco, Texas |

SCANNED
BY: AUG 2 3 2006

Respondent's professional employment history continued:

| | | |
|---|---|---|
| 1994 | Unknown | |
| 1995 - 2002 | Staff Nurse/ICU | Providence Hospital<br>Waco, Texas |
| 09/02 - 06/03 | Staff Nurse | Providence Health Center<br>Waco, Texas |

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Providence Hospital, Waco, Texas, and had been in this position for seven (7) years.

7. On or about January 8, 2002, while employed with Providence Hospital, Waco, Texas, Respondent engaged in the intemperate use of Morphine as evidenced by a positive drug screen. Possession of Morphine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Morphine by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

8. On or about January 31, 2002, while employed with Providence Hospital, Waco, Texas, Respondent engaged in the intemperate use of Nordiazepam, Oxazepam, and Benzodiazepines as evidenced by a positive drug screen. Possession of Nordiazepam, Oxazepam, and Benzodiazepines is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Nordiazepam, Oxazepam, and Benzodiazepines by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

9. At the time of the incident in Finding of Fact Number ten (10), Respondent was employed as a Staff Nurse with Providence Health Center, Waco, Texas, and had been in this position for one (1) month.

10. On or about October 9, 2002, while employed with Providence Health Center, Waco, Texas, Respondent engaged in the intemperate use of Benzodiazepines and Propoxyphene as evidenced by a positive drug screen. Possession of Benzodiazepines and Propoxyphene is prohibited by Chapter the Texas Health & Safety Code (Controlled Substances Act). The use of Benzodiazepines and Propoxyphene by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

SCANNED
AUG 2 3 2006
BY:

11. On or about January 9, 2003, while employed with Providence Health Center, Waco, Texas, Respondent engaged in the intemperate use of Opiates and Tramadol as evidenced by a positive drug screen. Possession of Opiates and Tramadol is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Opiates and Tramadol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

12. On or about June 16, 2003, while employed with Providence Health Center, Waco, Texas, Respondent engaged in the intemperate use of Propoxyphene as evidenced by a positive drug screen. Possession of Propoxyphene is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Propoxyphene by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

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

14. 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.

15. 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)(9) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 526992, heretofore issued to BARBARA SWEENEY COX, including revocation of Respondent's professional license to practice nursing in the State of Texas.

SCANNED
AUG 2 3 2006
BY:

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 526992, heretofore issued to BARBARA SWEENEY COX, 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 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.

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.

3. 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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SCANNED
BY: AUG 2 3 2006

## 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 18 day of May, 2004.

Barbara Sweeney Cox

BARBARA SWEENEY COX, Respondent

Sworn to and subscribed before me this 18th day of May, 2004.

SEAL

DENISE M. SPICAK
NOTARY PUBLIC
STATE OF TEXAS
My Comm. Exp. 08-28-04

Denise M. Spicak

Notary Public in and for the State of Texas

SCANNED
AUG 2 6 2006
BY:

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 526992, previously issued to BARBARA SWEENEY COX.

Effective this 8th day of **June**, **2004**.

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

SCANNED
AUG 2 6 2008
BY: _____

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
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|---|---|---|
| In the Matter of Registered Nurse | § | REINSTATEMENT |
| License Number 526992 | § | AGREED ORDER |
| issued to BARBARA SWEENEY COX | § | |

On this day came to be considered by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the Petition for Reinstatement of Registered Nurse license number 526992, held by BARBARA SWEENEY COX, hereinafter referred to as Petitioner.

An informal conference was held on April 25, 2006, 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 Mary Beth Thomas, MSN, RN, Director of Nursing, Executive Director's Designee; James Johnston, General Counsel; Victoria Cox, Assistant 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 in Nursing from McLennan Community College, Waco, Texas, on May 1, 1985. Petitioner was originally licensed to practice professional nursing in the State of Texas on August 28, 1985.

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4. Petitioner's professional nursing employment history includes:

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|---|---|---|
| 1985 - 1988 | Staff Nurse | Penrose Hospital<br>Colorado Springs, Colorado |
| 1988 - 1990 | Staff Nurse/ICU | King Fisal Hospital and Research Center<br>Riyadh, Saudia Arabia |
| 1990 - 1991 | Director of Nursing | Option Care<br>Waco, Texas |
| 1992 - 1993 | Staff Nurse | VA Medical Center<br>Waco, Texas |
| 1994 - 2002 | Staff Nurse/ICU | Providence Hospital<br>Waco, Texas |
| 9/02 - 6/03 | Staff Nurse | Providence Health Center<br>Waco, Texas |
| 7/03 - present | Not employed in nursing | |

5. On June 8, 2004, the Board accepted the voluntary surrender of Petitioner's license to practice professional nursing in the State of Texas. A copy of the June 8, 2004, 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 January 20, 2006, 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. Discharge Summary from DePaul Center, Waco, Texas, indicating Petitioner was admitted on January 14, 2002, for detox from opiate dependence. Petitioner was discharged on January 17, 2002.

   7.2. Certificate of completion, dated December 11, 2002, indicating that Petitioner successfully completed the Outpatient Treatment Program at The Freeman Center, Waco, Texas.

   7.3. Letter of support, dated January 10, 2006, from Olga Y. Rodgers, MS, Executive Director/Founder, Recovery Hope House, Waco, Texas, states she has known Petitioner since she entered the "rooms" of Alcoholics Anonymous in 2002 and has had the privilege of being her AA sponsor since December 2004. Ms. Rodgers has



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watched Petitioner grow in her recovery and she "lives" the program in all of her affairs. Petitioner has been volunteering for the Recovery Hope House for the past year and she has been extremely useful to the organization. The residents and staff have grown to love her. She is a diligent and reliable person whose voluntary services have been invaluable.

7.4. Letter of support from Sandie Matthews, Office Manager, Alcoholics Anonymous, Intergroup Office, District 91, Waco, Texas, states Petitioner has been volunteering for the intergroup office for the last four (4) months. She has been extremely helpful to the organization and very outgoing and reliable in doing many duties not expected of her. Petitioner has helped many people who have come in with alcohol related problems. Ms. Matthews sees Petitioner's sobriety at work with them.

7.5. Letter, dated November 29, 2005, from Stacy Lessman, MD, PA, Waco, Texas, states she has followed Petitioner as her patient for the past one and one half years. Petitioner has a history of chemical dependency. She is still active in AA and involved with her sponsor. She is open with Dr. Lessman about her history and substance use issues. Petitioner has been completely off Hydrocodone since January 2003. She had two (2) glasses of wine a year ago and has since not had any more alcohol. Petitioner does continue Prozac, Trazadone and Ambien. Dr. Lessman would feel comfortable with the reinstatement of Petitioner's nursing license and her involvement in TPAPN for accountability.

7.6. Documentation of monthly random drug screens dating from February 2005 through March 2006.

7.7. Documentation of support group attendance dating from January 2005 through December 2005.

7.8. Documentation of twenty-one (21) Type I Continuing Education contact hours.

8. Petitioner gives September 5, 2004, 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.

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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 BARBARA SWEENEY COX, Registered Nurse license number 526992, 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 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 is issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to BARBARA SWEENEY COX, shall be subject to the following agreed post-licensure stipulations:

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(2) 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 five hundred dollars ($500) payable to TPAPN.

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

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

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

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 professional nursing in the State of Texas.

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SCANNED
BY: AUG 2 8 2006

## 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, my license to practice professional nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 12th day of June, 2006.

Barbara M Cox

BARBARA SWEENEY COX, Petitioner

Sworn to and subscribed before me this 12th day of June, 2006.

SEAL

Melrose Smith

Notary Public in and for the State of TEXAS

MELROSE SMITH
MY COMMISSION EXPIRES
December 3, 2008

SCANNED BY: AUG 2 3 2006

SCANNED BY: AUG 2 3 2006

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 12th day of June, 2006, by BARBARA SWEENEY COX, Registered Nurse license number 526992, and said Order is final.

Effective this 20th day of July, 2006.

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



SCANNED
BY: AUG 2 3 2006