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

BEFORE THE TEXAS BOARD OF NURSING

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| | | |
|---|---|---|
| In the Matter of | § | AGREED |
| Vocational Nurse License Number 147592 | § | |
| issued to CELINA MELISSA COULTER | § | ORDER |

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CELINA MELISSA COULTER, Vocational Nurse License Number 147592, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on February 11, 2016.

## 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(s).

2. Respondent waived notice and hearing, and agreed to the entry of this Order.

3. Respondent's license to practice as a vocational nurse in the State of Texas is in current status.

4. Respondent received a Certificate in Vocational Nursing from Temple Junior College, Temple, Texas on May 11, 1994. Respondent was licensed to practice vocational nursing in the State of Texas on July 20, 1994.

5. Petitioner's vocational nursing employment history includes:

| | | |
|---|---|---|
| 07/1994 - 07/1996 | LVN | Regency Manor Nursing Home<br>Temple, Texas |

Petitioner's vocational nursing employment history continued:

| | | |
|---|---|---|
| 07/1996 - 03/1998 | LVN | Supplemental Staffing<br>Temple, Texas |
| 03/1998 - 11/2000 | LVN | Manor Care East Nursing Home<br>Temple, Texas |
| 11/2000 - 08/2001 | LVN | Austin Rehabilitation and<br>Nursing Home<br>Austin, Texas |
| 08/2001 - 09/2006 | LVN | VA Hospital<br>Temple, Texas |
| 09/2006 - 10/2008 | LVN | Medical Staffing Network<br>Temple, Texas |
| 02/2008 - 02/2009 | LVN | Scott and White Hospital<br>Temple, Texas |
| 02/2009 - 04/2010 | LVN | Regency Manor Nursing Home<br>Temple, Texas |
| 04/2010 - 11/2010 | LVN | Trisen Nursing Home<br>Hewittt, Texas |
| 11/2010 - 07/2011 | LVN | Quality Care Nursing<br>Waco, Texas |
| 07/2011 - 08/2011 | LVN | McGregor Nursing Home<br>McGregor, Texas |
| 09/2011 - present | Unknown | |

6. On January 21, 2010, Respondent's license to practice vocational nursing in the State of Texas was issued the sanction of a Warning with Stipulations by the Texas Board of Nursing. A copy of the January 21, 2010, Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.

7. On August 9, 2011, Respondent's license to practice vocational nursing in the State of Texas was revoked by the Texas Board of Nursing. A copy of the August 9, 2011, Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.

8. On May 13, 2014, Respondent's license to practice vocational nursing in the State of Texas was issued an Order of Reinstatement by the Texas Board of Nursing. A copy of the May 13, 2014, Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.

9. On or about May 29, 2015, while employed as a Licensed Vocational Nurse with William R. Courtney Texas State Veterans Home, Temple, Texas, Respondent failed to comply with the Agreed Order issued to Respondent on May 13, 2014, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Eleven (11) of the Agreed Order which states, in pertinent part:

> (11) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol...

10. On or about July 20, 2015, while employed as a Licensed Vocational Nurse with William R. Courtney Texas State Veterans Home, Temple, Texas, Respondent failed to comply with the Agreed Order issued to Respondent on May 13, 2014, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Eleven (11) of the Agreed Order which states, in pertinent part:

> (11) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol...

11. On or about July 28, 2015, while employed as a Licensed Vocational Nurse with William R. Courtney Texas State Veterans Home, Temple, Texas, Respondent failed to comply with the Agreed Order issued to Respondent on May 13, 2014, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Eleven (11) of the Agreed Order which states, in pertinent part:

> (11) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol...

12. On or about August 1, 2015, Respondent failed to comply with the Agreed Order issued to Respondent on May 13, 2014, 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) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in Texas nursing jurisprudence and ethics...

13. On or about August 1, 2015, Respondent failed to comply with the Agreed Order issued to Respondent on May 13, 2014, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Five (5) of the Agreed Order which states, in pertinent part:

> (5) PETITIONER SHALL, within one (1) year of relicensure, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Board of Nursing (NCSBN) Learning Extension...

14. On or about August 28, 2015, while employed as a Licensed Vocational Nurse with William R. Courtney Texas State Veterans Home, Temple, Texas, Respondent failed to comply with the Agreed Order issued to Respondent on May 13, 2014, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Eleven (11) of the Agreed Order which states, in pertinent part:

> (11) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol...

15. On or about September 22, 2015, while employed as a Licensed Vocational Nurse with William R. Courtney Texas State Veterans Home, Temple, Texas, Respondent failed to comply with the Agreed Order issued to Respondent on May 13, 2014, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Eleven (11) of the Agreed Order which states, in pertinent part:

> (11) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol...

16. On or about October 27, 2015, while employed as a Licensed Vocational Nurse with William R. Courtney Texas State Veterans Home, Temple, Texas, Respondent failed to comply with the Agreed Order issued to Respondent on May 13, 2014, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Eleven (11) of the Agreed Order which states, in pertinent part:

> (11) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol...

17. On or about December 14, 2015, while employed as a Licensed Vocational Nurse with William R. Courtney Texas State Veterans Home, Temple, Texas, Respondent failed to comply with the Agreed Order issued to Respondent on May 13, 2014, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Eleven (11) of the Agreed Order which states, in pertinent part:

(11) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol...

18. On or about January 27, 2016, while employed as a Licensed Vocational Nurse with William R. Courtney Texas State Veterans Home, Temple, Texas, Respondent failed to comply with the Agreed Order issued to Respondent on May 13, 2014, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Eleven (11) of the Agreed Order which states, in pertinent part:

> (11) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol...

19. On or about February 16, 2016, while employed as a Licensed Vocational Nurse with William R. Courtney Texas State Veterans Home, Temple, Texas, Respondent failed to comply with the Agreed Order issued to Respondent on May 13, 2014, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Eleven (11) of the Agreed Order which states, in pertinent part:

> (11) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol...

20. In response to Findings of Fact Numbers Nine (9) through Seventeen (17), Respondent states the missed drug tests were due to finances. She would like the Board to take into consideration that of all the tests she has taken, none of the tests were positive. On the last drug test missed, she was in the hospital for blood pressure issues. Respondent is currently doing the Sharpening Critical Thinking Skills class and would like a three month extension for the missing classes. Respondent provided a receipt for her enrollment in the Ethics and Jurisprudence course to take place on February 6, 2016.

## 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)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 147592, heretofore issued to CELINA MELISSA COULTER, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

## TERMS OF ORDER

### I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Vocational Nurse License Number 147592, previously issued to CELINA MELISSA COULTER, to practice nursing in Texas is hereby **SUSPENDED** with the suspension **STAYED** and Respondent is hereby placed on **PROBATION**, in accordance with the terms of this Order, **AND** until Respondent fulfills the requirements of this Order.

A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

### II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to 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.

### III. MONETARY FINE

RESPONDENT SHALL **pay a monetary fine in the amount of seven hundred fifty dollars ($750.00) within forty-five (45) days of entry of this Order.** 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.

## IV. COMPLIANCE WITH PRIOR ORDER

The Order of the Board issued to RESPONDENT on May 13, 2014, is still in effect in its entirety and RESPONDENT SHALL be responsible for completing the terms of that Order and any outstanding Remedial Education Courses required in the Order must be completed within six (6) months from the effective date of this Order.

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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 violation(s) alleged herein. By my signature on this Order, I agree to the entry of this 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 when this Order becomes final and the terms of this Order become effective, 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 24 day of March, 2016.

Celina Melissa Coulter

CELINA MELISSA COULTER, Respondent

Sworn to and subscribed before me this 24 day of March, 2016.

SEAL

MELISSA FETTERHOFF
Notary Public, State of Texas
My Commission Expires
August 24, 2019

Melissa Fetterhoff

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 24th day of March, 2016, by CELINA MELISSA COULTER, Vocational Nurse License Number 147592, and said Order is final.

Effective this 10th day of May, 2016.

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

BEFORE THE TEXAS BOARD OF NURSING

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|---|---|---|
| In the Matter of Vocational Nurse | § | REINSTATEMENT |
| License Number 147592 | § | |
| issued to CELINA MELISSA COULTER | § | AGREED ORDER |

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

On this day came to be considered by the Texas Board of Nursing, hereinafter referre as the Board, the Petition for Reinstatement of Vocational Nurse License Number 147592, held by CELI MELISSA COULTER, hereinafter referred to as Petitioner.

An informal conference was held on March 25, 2014, at the office of the Texas Board of Nursing, 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 Kristin Benton, MSN, RN, Director of Nursing; Executive Director's Designee; Kyle Hensley, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Adriana Ekery, RN, Investigator; Kimberly Garcia, Investigator; and Carolyn Hudson, 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(s).

2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.

3. Petitioner received a Certificate in Vocational Nursing from Temple Junior College, Temple, Texas, on May 11, 1994. Petitioner was originally licensed to practice vocational nursing in the State of Texas on July 20, 1994.

4. Petitioner's vocational nursing employment history includes:

| | | |
|---|---|---|
| 07/1994 - 07/1996 | LVN | Regency Manor Nursing Home<br>Temple, Texas |

Petitioner's vocational nursing employment history continued:

| | | |
|---|---|---|
| 07/1996 - 03/1998 | LVN | Supplemental Staffing<br>Temple, Texas |
| 03/1998 - 11/2000 | LVN | Manor Care East Nursing Home<br>Temple, Texas |
| 11/2000 - 08/2001 | LVN | Austin Rehabilitation and<br>Nursing Home<br>Austin, Texas |
| 08/2001 - 09/2006 | LVN | VA Hospital<br>Temple, Texas |
| 09/2006 - 10/2008 | LVN | Medical Staffing Network<br>Temple, Texas |
| 02/2008 - 02/2009 | LVN | Scott and White Hospital<br>Temple, Texas |
| 02/2009 - 04/2010 | LVN | Regency Manor Nursing Home<br>Temple, Texas |
| 04/2010 - 11/2010 | LVN | Trisen Nursing Home<br>Hewittt, Texas |
| 11/2010 - 07/2011 | LVN | Quality Care Nursing<br>Waco, Texas |
| 07/2011 - 08/2011 | LVN | McGregor Nursing Home<br>McGregor, Texas |
| 09/2011 - 02/2012 | Not employed in nursing | |

5. On January 21, 2010, Petitioner's license to practice vocational nursing in the State of Texas was issued the sanction of a Warning with Stipulations by the Texas Board of Nursing. A copy of the January 21, 2010, Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.

6. On August 9, 2011, Petitioner's license to practice vocational nursing in the State of Texas was revoked by the Texas Board of Nursing. A copy of the August 9, 2011, Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.

7. On or about September 4, 2013, Petitioner submitted a Petition for Reinstatement of License to practice vocational nursing in the State of Texas.

8. Petitioner presented the following in support of her petition:

8.1. Letter of support, from Shelton C. Rhodes, Pastor, Greater Zion Temple Church of God in Christ, Temple, Texas, states that Petitioner has been a member of Greater Zion Temple Church of God in Christ, Temple, Texas, for over twenty years, and he has known Petitioner for over thirteen years. Mr. Rhodes states that Petitioner is an intelligent and capable person. Petitioner has good communication skills, both written and verbal and she has the ability to work independently. Petitioner has held various positions at Greater Temple District, and she is a hard worker. Mr. Rhodes states that Petitioner's tenacity and perseverance is evident in the obstacles she has overcome. Mr. Rhodes states that he wholeheartedly recommends reinstatement of Petitioner's nursing license.

8.2. Verification of successful completion of twenty (20) Type I Continuing Education Contact Hours.

## 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 Texas Board of Nursing, that the petition of CELINA MELISSA COULTER, Vocational Nurse License Number 147592, to practice nursing in the state of Texas, be and the same is hereby GRANTED, AND SUBJECT TO THE FOLLOWING STIPULATIONS 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 §211.1 et. seq. and the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Petitioner to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Petitioner's license(s) is/are encumbered by this Order, Petitioner may not work outside the State of Texas pursuant to a nurse licensure compact 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 completed the following pre-licensure conditions and obtained a license to practice vocational nursing from the Board.

(2) PETITIONER SHALL pay all re-registration fees and be issued a license to practice vocational nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to CELINA MELISSA COULTER, shall be subject to the following agreed post-licensure probation conditions:

(3) PETITIONER SHALL pay a monetary fine in the amount of five hundred ($500.00) dollars. PETITIONER SHALL pay this fine within forty-five (45) days of relicensure. 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) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER 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. 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 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.texas.gov/disciplinaryaction/stipscourses.html.*

(5) PETITIONER SHALL, within one (1) year of relicensure, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, PETITIONER SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. 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 at the following Board website address: http://www.bon.texas.gov/disciplinaryaction/stipscourses.html.*

**IT IS FURTHER AGREED, SHOULD PETITIONER CHOOSE TO WORK AS A NURSE IN 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 PROBATION CONDITIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE PROBATION PERIOD WILL BE**

EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(6) PETITIONER SHALL notify all future employers in vocational 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.

(7) 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 vocational nurse.

(8) PETITIONER SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse 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 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 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.

(9) 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 nursing. These reports shall be completed by the nurse who supervises the PETITIONER. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

(10) 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.**

(11) 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 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 stipulation 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 is the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

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|---|---|
| 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 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 Petitioner's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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

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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 vocational nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license(s) to practice nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 7 day of April, 2014

Celina Melissa Coulter

CELINA MELISSA COULTER, Petitioner

Sworn to and subscribed before me this 7 day of April, 2014.

SEAL
SHELLY KAY FOWLER
Notary Public - State of Texas
Commission Expires: 06/10/2015

Shelly K Fowler

Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 7th day of April, 2014, by CELINA MELISSA COULTER, Vocational Nurse License Number 147592, and said Order is final.

Effective this 13th day of May, 2014.

Katherine A. Thomas

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

| | | |
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| IN THE MATTER OF | § | BEFORE THE ELIGIBILITY |
| | § | |
| PERMANENT CERTIFICATE | § | AND DISCIPLINARY |
| | § | |
| NUMBER 147592 | § | COMMITTEE |
| | § | |
| ISSUED TO | § | OF THE TEXAS |
| | § | |
| CELINA MELISSA COULTER | § | 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

**ORDER OF THE BOARD**

TO: CELINA MELISSA COULTER
829 FORT GATES
WACO, TX 76708

During open meeting held in Austin, Texas, on August 9, 2011, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 147592, previously issued to CELINA MELISSA COULTER, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice vocational nursing in the State of Texas.

Entered this 9th day of August, 2011.

TEXAS BOARD OF NURSING

BY: Katherine A. Thomas

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed March 7, 2011.

Re: Permanent Certificate Number 147592
Issued to CELINA MELISSA COULTER
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of August, 2011, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

CELINA MELISSA COULTER
829 FORT GATES
WACO, TX 76708

BY: Katherine A. Thomas

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

| | | |
|---|---|---|
| In the Matter of Permanent License Number 147592, Issued to CELINA MELISSA COULTER, Respondent | § § § | BEFORE THE TEXAS BOARD OF NURSING |

## FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CELINA MELISSA COULTER, is a Vocational Nurse holding license number 147592, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

## CHARGE I.

On or about March 8, 2010, Respondent failed to comply with the Agreed Order issued to her on January 21, 2010, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Two (2) of the Order which states, in pertinent part:

> (2) Respondent shall pay a monetary fine in the amount of five hundred dollars ($500.00) within forty-five (45) days of entry of this Order....

A copy of the January 21, 2010, Agreed Order, Findings of Fact and Conclusions of Law, is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice vocational nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars ($1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated January 21, 2010.

Filed this 7th day of March, 2011.

TEXAS BOARD OF NURSING

James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103
Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924
Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847
Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269
John F. Legris, Assistant General Counsel
State Bar No. 00785533
TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Agreed Order dated January 21, 2010.

BEFORE THE TEXAS BOARD OF NURSING

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|---|---|---|
| In the Matter of Vocational Nurse | § | AGREED |
| License Number 147592 | § | |
| issued to CELINA MELISSA COULTER | § | ORDER |

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CELINA MELISSA COULTER, Vocational Nurse License Number 147592, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10)&(12), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on August 10, 2009, 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 is currently licensed to practice vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from Temple Junior College on May 11, 1994. Respondent was licensed to practice vocational nursing in the State of Texas on July 20, 1994.

5. Respondent's vocational nursing employment history includes:

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|---|---|---|
| 07/1994 - 07/1996 | LVN | Regency Manor Nursing Home<br>Temple, Texas |

Respondent's vocational nursing employment history continued:

| | | |
|---|---|---|
| 07/1996 - 03/1998 | LVN | Supplemental Staffing<br>Location Unknown |
| 03/1998 - 11/2000 | LVN | Manor Care East Nursing Home<br>Location Unknown |
| 11/2000 - 08/2001 | LVN | Austin Rehabilitation and Nursing Home<br>Location Unknown |
| 08/2001 - 09/2006 | LVN | VA Hospital<br>Temple, Texas |
| 09/2006 - 10/2008 | LVN | Medical Staffing Network<br>Temple, Texas |
| 02/2008 - Present | LVN | Scott and White Hospital<br>Temple, Texas |
| 02/2009 - Present | LVN | Regency Manor Nursing Home<br>Temple, Texas |

6. On or about October 3, 2008, while licensed as a Licensed Vocational Nurse in the State of Texas and seeking employment with Medical Staffing Network, Temple, Texas, Respondent engaged in the intemperate use of Propoxyphene and Norpropoxyphene, in that she produced a specimen for a pre-employment drug screen that resulted positive for Propoxyphene and Norpropoxyphene. The use of Propoxyphene and Norpropoxyphene by a Licensed Vocational 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. Possession of Propoxyphene and Norpropoxyphene, without a valid prescription, is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

7. In response to Finding of Fact Number Six (6), Respondent states: "I did have severe dental work that was needing to be done and I had an appointment to be seen. I was in severe pain when visiting my mother, who in turn gave me two of her pain pills (Darvocet) until I could get to the dentist. I did get to the dentist, and had two rotten back teeth and an abscess. I have never taken any medication that was not prescribed to me in all of fifteen years of being a nurse. I regret the decision that I made at that time. Pain overrode my judgement. I did have dental surgery to correct the problem and they removed the two teeth that were rotten.

The only reason that I did not participate in the peer program was because I was having surgery and did not have the money at the time. I have no problem in taking random drug tests to resolve this issue."

8. 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.

## 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 of Section 301.452(b)(9),(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5),(10)(A)(D),&(11)(B).

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 147592, heretofore issued to CELINA MELISSA COULTER, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

## ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and 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.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in compact states.

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 Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, 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 not 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.*

(2) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars ($500). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. 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.

**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 STIPULATIONS FOR ONE (1) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(3) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations 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 present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations 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.

(4) 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.

(5) RESPONDENT SHALL be supervised by a Registered Nurse or a Licensed Vocational 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.

(6) 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 Registered Nurse or Licensed Vocational 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) month period for one (1) year of employment as a nurse.

(7) 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.**

(8) 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. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis is the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

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|---|---|
| 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 stipulation 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 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. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

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

Signed this 8th day of December, 2009.

Celina M Coulter

CELINA MELISSA COULTER, Respondent

Sworn to and subscribed before me this 8th day of December, 2009.

SEAL

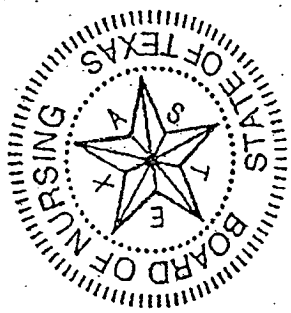
Noemi Reyes

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 8th day of December, 2009, by CELINA MELISSA COULTER, Vocational Nurse License Number 147592, and said Order is final.

Effective this 21st day of January, 2010.

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

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