

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse §
License Number 573867 § AGREED
issued to VALERIE JEAN TERRELL § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that VALERIE JEAN TERRELL, hereinafter referred to as Respondent, Registered Nurse License Number 573867, may have violated Section 301.452(b)(1) and (10), Texas Occupations Code.

An informal conference was held on November 6, 2007, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Paul H. LaValle, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Victoria Cox, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Doug Boone, Investigator; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Alvin Community College, Alvin, Texas, in May 1991. Respondent was licensed to practice professional nursing in the State of Texas on August 26, 1991.

5. Respondent's professional nursing employment history includes:

11/91 - 5/96	Staff Nurse Surgical ICU	Methodist Hospital Houston, Texas
6/96 - 6/00	Staff Nurse Radiology	Methodist Hospital Houston, Texas
8/00 - 12/04	Staff Nurse Surgical ICU	University of Texas Medical Branch Galveston, Texas
1/05 - present	Agency Nurse Critical Care	Q-Staff Nursing Agency Houston, Texas

6. Formal Charges were filed on March 16, 2006. A copy of the Formal Charges is attached and incorporated, by reference, as part of this Order.
7. Formal Charges were mailed to Respondent on March 21, 2006.
8. On November 14, 2006, and December 28, 2006, Respondent underwent a forensic psychological evaluation conducted by Rion H. Hart, PhD, Houston, Texas, and a polygraph examination conducted by B. Morris Covin, Deer Park, Texas, on December 5, 2006. Dr. Hart states that although the results from the polygraph, prescription records, and doctors' statements appear to place Respondent's veracity in question, the psychological test results were well within normal range and free from personality characteristics that would, by themselves, prevent her from meeting the responsibilities and executing the duties of professional nursing. There was no reason, based upon the evaluation, that Respondent would be unable to consistently comply with all Board Rules. Dr. Hart states that determining substance use or dependence is notoriously difficult when it is dependent upon self-report, as was the case in this evaluation.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 301.452(b)(1) and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(10)(E), (11)(B), and (13).

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 573867, heretofore issued to VALERIE JEAN TERRELL, including revocation of Respondent's license to practice professional 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, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE § 211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional 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 deliver the wallet-sized license issued to VALERIE JEAN TERRELL, to the office of the Texas Board of Nursing within ten (10) days of the date of this Order for appropriate notation.

(2) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty (\$250.00) dollars. 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.

(3) 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) contact 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 Chemical Dependency, 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/about/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 A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR 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 A REGISTERED NURSE LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD.

(4) 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.

(5) 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.

(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 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 one (1) year of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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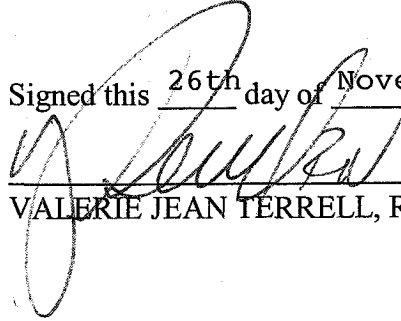
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RESPONDENT'S CERTIFICATION

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

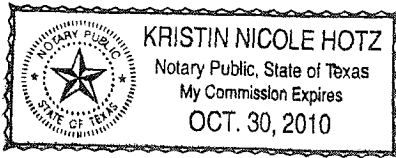
Signed this 26th day of November, 2007.

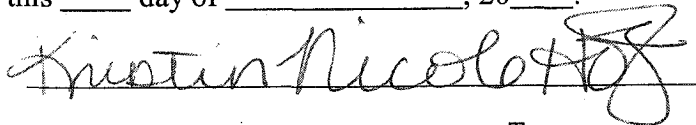


VALERIE JEAN TERRELL, Respondent

Sworn to and subscribed before me this 26th day of November, 2007.

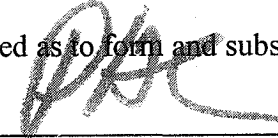
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Notary Public in and for the State of Texas

Approved as to form and substance.



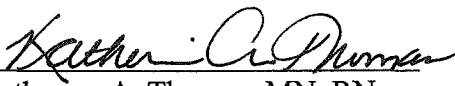
PAUL H. LAVALLE, Attorney for Respondent

Signed this 26th day of November, 2007.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 26th day of November, 2007, by VALERIE JEAN TERRELL, Registered Nurse License Number 573867, and said Order is final.

Effective this 17th day of January 2008.




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

In the Matter of Permanent License
Number 573867, Issued to
VALERIE JEAN TERRELL, Respondent

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BEFORE THE BOARD
OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, VALERIE JEAN TERRELL, is a Registered Nurse holding license number 573867, 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 November 2004, while employed with The University of Texas Medical Center, Galveston, Texas, Respondent attempted to pass a fraudulent, unauthorized prescription for Bextra, 60 tablets, at Wal-Mart Pharmacy, Kemah, Texas. Respondent's conduct was likely to deceive the pharmacy and constitutes a violation of Chapter 483 (Dangerous Drug Act) of the Texas Health and Safety Code.

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

CHARGE II.

On May 3, 2005, Respondent plead "Nolo Contendere" to the offense of "Forged/Altered Prescription," a Class B Misdemeanor, under Cause No. 242375 in the County Court at Law, Galveston County, Texas. Respondent's finding of Nolo Contendere was deferred and Respondent was placed on two (2) years probation and ordered to pay a fine in the amount of six hundred (\$600.00) dollars, complete thirty (30) hours of community supervision, and successfully complete a drug class.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(13).

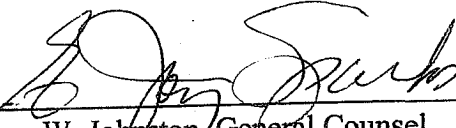
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. 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.bne.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Fraud, Theft & Deception which can be found at the Board's website, www.bne.state.tx.us.

Filed this 16th day of March, 2006.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS


James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
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