

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse §
License Number 50961 §
issued to BARBARA C. REX §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 50961, issued to BARBARA C. REX, 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 conference, notice and hearing.

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

FINDINGS OF FACT

1. Respondent is currently licensed to practice vocational nursing in the State of Texas.
2. Respondent waived representation by counsel, informal conference, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from Lubbock School of Vocational Nursing, Lubbock, Texas, on September 22, 1971. Respondent was licensed to practice vocational nursing in the State of Texas on October 27, 1971.
4. Respondent's complete vocational nursing employment history includes:

10/71-05/84	Unknown	
06/84-02/85	LVN	Med Staff Lubbock, Texas

Respondent's vocational nursing employment history (continued):

03/85-04/86	Unknown	
05/86-06/88	LVN	Alpha Good Samaritan Healthcare Lubbock, Texas
07/88-09/90	LVN	West Texas Hospital Lubbock, Texas
03/90-12/92	LVN/Charge Nurse	St. Mary of the Plains Lubbock, Texas
09/90-03/91	LVN	Norrell Healthcare Company Lubbock, Texas
12/92-01/94	LVN/Charge Nurse	Tomball Regional Hospital Tomball, Texas
02/94-04/94	Unknown	
05/94-02/00	LVN/Charge Nurse	Highland Medical Center Lubbock, Texas
03/00-09/03	LVN	Covenant Medical Center Lubbock, Texas
09/03-05/06	LVN	Joe Arrington Cancer Research and Treatment Center Lubbock, Texas
06/06-Present	Unknown	

5. On or about November 6, 2006, while applying for employment with Choice Home Care, Inc., Lubbock, Texas, Respondent produced a specimen for a pre-employment drug screen which resulted positive for Marijuana. Possession of Marijuana is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Marijuana by a Licensed Vocational Nurse 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.

6. In response to Finding of Fact Number Five (5), Respondent states that she was living with a terminally ill friend who smoked "pot." She admits that she would smoke it too on the weekends. After losing her job at JACC she no longer had access to medical care nor did she have the money for her medications. Respondent admits to self-medicating with "pot." She states that it calmed her down and allowed her to sleep without dreams. She states that she had several problems emotionally and just didn't know what else to do. She admits that she did the wrong thing smoking "pot."
7. Barbara Johnson, M.Ed., a Licensed Professional Counselor with the Adult Outpatient Program of Managed Care Center for Addictive and Other Disorders, submitted a letter dated June 6, 2007, on the behalf of the Respondent. In it, she states that the Respondent was being treated at that time for Cannabis Abuse with group and individual counseling sessions. In her opinion, the Respondent's prognosis is good for maintaining her abstinence.
8. On July 31, 2008, Respondent returned Vocational Nurse License Number 50961 and submitted a statement to the Board voluntarily surrendering the right to practice vocational nursing in Texas. A copy of the statement is attached and incorporated, by reference, as part of the Order.
9. 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.
10. 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)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(10)(D)&(11)(B).
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. 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 Vocational Nurse License Number 50961, heretofore issued to BARBARA C. REX, to practice vocational 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 vocational nursing, use the title of "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational 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 licensure privilege, if any, to practice vocational nursing in compact states.

Effective this 28th day of August, 2008.

TEXAS BOARD OF NURSING

By:



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

Barbara Rex LVN 50961
6302 East CR 6500
Lubbock, Texas 79403
Phone 806-763-0997

Texas Board of Nursing
Katharine A. Thomas, MN, RN,

Received registered letter and have read it. Thought about this for some time and have come to the conclusion that after making 300+ applications for nursing jobs and being turned down that it is time I stopped being a nurse. Here are my license enclosed. You can either retire them or revoke them. I very much enjoyed being a nurse for the 36 years I was one. I am sorry for making a bad decision though.

Thank you,
Barbara Rex

LICENSED VOCATIONAL NURSE

BOARD OF NURSE EXAMINERS FOR THE STATE OF TEXAS
333 Guadalupe #3-460, Austin, Texas 78701

A CERTIFICATE OF RE-REGISTRATION TO PRACTICE VOCATIONAL NURSING
ISSUED BY THE BOARD OF NURSE EXAMINERS FOR THE STATE OF TEXAS TO

LVN LIC. NO.
50961

EXPIRES
LAST DAY OF:

SEP 2008

BARBARA C REX

Katharine A. Thomas Barbara C. Rex