



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.  
*Patricia A. Plummer*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of §  
Registered Nurse License Number 786221 §  
issued to ANN MARIE MCINTOSH §

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 786221, issued to ANN MARIE MCINTOSH, 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 is currently licensed to practice professional nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received an Associate Degree in Nursing from Rhode Island College, Providence, Rhode Island, on May 19, 1983. Respondent was licensed to practice professional nursing in the State of Texas on June 21, 2010.
4. Respondent's complete nursing employment history is unknown.
5. On June 3, 2010, Respondent was issued an Eligibility Corrective Action by the Texas Board of Nursing. A copy of the June 3, 2010, Eligibility Corrective Action, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

6. On June 30, 2012, Respondent submitted a signed statement to the Board expressing her desire to voluntarily surrender the right to practice professional nursing in the State of Texas in lieu of complying with the Eligibility Corrective Action issued to her on June 3, 2010. A copy of the June 30, 2012, 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 786221, heretofore issued to ANN MARIE MCINTOSH, 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 786221, heretofore issued to ANNMARIE MCINTOSH, 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.

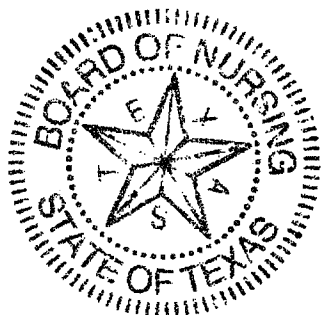
Effective this 12th day of July, 2012.

TEXAS BOARD OF NURSING

By:



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



So I, Ann Marie McIntosh R.N.  
do so now voluntarily  
surrender my Texas  
Nursing License as of  
June 30, 2012 1600<sup>o</sup>

Sincerely  
Ann Marie  
McIntosh ~~for~~

my phone # if any ques is

1-508-246-8777

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	ELIGIBILITY
ANN MARIE MCINTOSH,	§	
PETITIONER for Eligibility for Licensure	§	CORRECTIVE ACTION

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the Temporary License/Endorsement Application, which has been processed as a Petition for Declaratory Order pursuant to 22 Tex. Admin. Code §217.5(e) and §213.30, and the supporting documents filed by ANN MARIE MCINTOSH, hereinafter referred to as Petitioner, together with any documents and information gathered by staff and Petitioner's Certificate contained herein.

Information received by the Board produced evidence that PETITIONER may be ineligible for licensure pursuant to Section 301.452(b)(2)&(10), Texas Occupations Code.

PETITIONER waived representation by counsel and agreed to the entry of this Corrective Action offered on May 20, 2010, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. On or about February 25, 2010, PETITIONER submitted an Application for Licensure by Endorsement requesting a determination of eligibility for licensure in compliance with Section 301.252, 301.257, and 301.260 of the Texas Occupations Code and the Board's Rule at 22 Texas Administrative Code Sections 213.30 and 217.5(e).
2. PETITIONER waived representation by counsel and agreed to the entry of this Corrective Action.
3. PETITIONER received an Associate Degree in Nursing from Rhode Island College, Providence, Rhode Island, on May 19, 1983.
4. PETITIONER completed the Application for Licensure by Endorsement and answered "No" to the question which reads: *"For any criminal offense, including those pending appeal,*

have you:

- A. *been convicted of a misdemeanor?*
- B. *been convicted of a felony?*
- C. *pled nolo contendere, no contest, or guilty?*
- D. *received deferred adjudication?*
- E. *been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?*
- F. *been sentenced to serve jail or prison time? court-ordered confinement?*
- G. *been granted pre-trial diversion?*
- H. *been arrested or have any pending criminal charges?*
- I. *been cited or charged with any violation of the law?*
- J. *been subject of a court-martial; Article 15 violation, or received any form of military judgment/punishment/action?"*

5. PETITIONER failed to truthfully disclose the following criminal history, to wit:

- A. On or about December 16, 2007, Respondent was arrested by the Police Department, Bel Air, Maryland, for ASSAULT SEC Degree (3 counts); (DRIVING, ATTEMPTING TO DRIVE) VEHICLE WHILE UNDER THE INFLUENCE; (DRIVING, ATTEMPTING TO DRIVE) VEHICLE WHILE IMPAIRED BY ALCOHOL; PERSON DRIVING MOTOR VEHICLE ON (HIGHWAY, PUBLIC USE PROPERTY) ON SUSPENDED OUT OF STATE LICENSE; FAILURE TO DRIVE RIGHT OF CENTER; UNSAFE LANE CHANGING; and DRIVER FAILING TO MAKE LEFT TURN FROM LEFT TURN LANE.
- B. On or about April 14, 2008, Respondent entered a plea of Guilty to DRIVING, ATTEMPTING TO DRIVE) VEHICLE WHILE UNDER THE INFLUENCE, an offense committed on December 16, 2007), in the District Court, Harford County, Maryland, under Case No. 3R00061183. As a result of the plea, Respondent was placed on probation for a period of twelve (12) months. Additionally, Respondent was ordered to pay a fine and costs.

The remainder of the arrest offenses were placed on the STET Docket (Inactive Docket) with the understanding that they would not be addressed for criminal prosecution unless Respondent was to violate any of the conditions of probation that she had been granted on April 14, 2008.

- 6. There is no evidence of any subsequent criminal conduct.
- 7. The above action constitutes grounds for corrective action pursuant to Section 301.652, Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.32(2)(D).
- 8. The Board has jurisdiction over this matter pursuant to Sections 301.453 and 301.651 *et seq.*, Texas Occupations Code.

9. PETITIONER has sworn that her past behavior conforms to the Board's professional character requirements. PETITIONER presented no evidence of behavior which is inconsistent with good professional character.
10. Licensure of PETITIONER poses no direct threat to the health and safety of patients or the public provided PETITIONER complies with the conditions outlined in this Corrective Action.
11. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of PETITIONER'S disclosures.
12. PETITIONER has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.
13. PETITIONER shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

#### CONCLUSIONS OF LAW

1. The evidence in Findings of Fact Numbers Four (4) and Five (5) is sufficient cause to take disciplinary action under Sections 301.452(b) and 301.453, Texas Occupations Code, and, therefore, sufficient cause to deny licensure.
2. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
3. The Board may resolve violations of the Nursing Practice Act and the Board's Rules and Regulations Relating to Nurse Education, Licensure and Practice with Corrective Action pursuant to Section 301.651 *et seq.*, Texas Occupations Code.
4. This Corrective Action is conditioned upon the accuracy and completeness of PETITIONER'S disclosures. Any subsequently discovered discrepancies will result in investigation and disciplinary action.
5. The Board may license an individual who has been previously convicted, adjudged guilty by a court, pled guilty or pled nolo contendere to any crime whether or not a sentence was imposed upon consideration of the factors set out in 22 Texas Administrative Code §213.28 and evaluating the direct relationship to nursing according to Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
6. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Texas Administrative Code

§213.27, the Board is satisfied that the individual is able to consistently conform to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

CORRECTIVE ACTION

IT IS THEREFORE AGREED that the application of ANN MARIE MCINTOSH, PETITIONER, is hereby GRANTED, subject to the following CORRECTIVE ACTION:

(1) PETITIONER SHALL obtain and read the Texas Nursing Practice Act, and the Rules and Regulations Relating to Nurse Education, Licensure and Practice.

(2) PETITIONER 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.*

(3) Upon payment of the fine and necessary fees, PETITIONER SHALL be issued an appropriate license to practice nursing in the State of Texas.

(4) PETITIONER SHALL, within one (1) year of the date of this Corrective Action, 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 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.

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 Corrective Action, 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>.*

(5) PETITIONER SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). PETITIONER SHALL pay this fine within forty-five (45) days of this Corrective Action. 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, that upon full compliance with the terms of this Corrective Action, this matter shall be closed and this Corrective Action shall remain confidential. However, should PETITIONER fail to successfully complete the terms of this Corrective Action, this matter shall be terminated immediately and shall be treated as a disciplinary proceeding under Subchapter J, TEX. OCC. CODE. Further, should PETITIONER commit a subsequent violation of the Nursing Practice Act or Board Rules, this Corrective Action shall be treated as prior disciplinary action.

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PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past criminal conduct and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my Temporary License/Endorsement Application 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 conviction such as conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

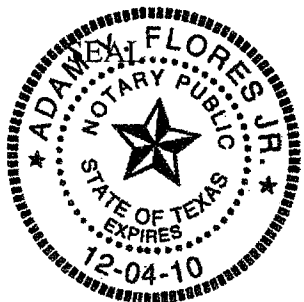
In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.260, 301.452(b) and 301.453, as well as Chapter 53, Section 53.001 *et seq.*, of the Texas Occupations Code, and Board Rules at 213.27, 213.28, and 213.29 at 22 Texas Administrative Code, which are incorporated by reference as a part of this Corrective Action. I agree with all terms of this Corrective Action. I agree to inform the Board of any other grounds for denial of licensure prior to accepting any permit or license from the Texas Board of Nursing.

I understand that if I fail to successfully complete all terms and conditions of this Corrective Action, I will be subject to investigation and disciplinary sanction, including possible revocation of my license to practice nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive representation and request that the Executive Director of the Texas Board of Nursing enter this Corrective Action.

Signed this 26 day of May, 2010  
Ann Marie McIntosh  
ANN MARIE MCINTOSH, PETITIONER


Sworn to and subscribed before me this 26<sup>th</sup> day of May, 2010.



Adam Flores  
Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby ratify and adopt the Corrective Action that was signed on the 26th day of May, 2010, by ANN MARIE MCINTOSH, Petitioner for Temporary License/Endorsement Application.

Effective this 3rd day of June, 2010.

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

