

6. On or about February 28, 1985, Respondent submitted an Application for Initial Licensure by Examination to the Board of Vocational Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that, she answered "No" to the question:

"Have you ever been charged with or convicted of a felony?"

Respondent failed to disclose that on or about August 7, 1979, Respondent pled Guilty and was convicted of AGGRAVATED PERJURY, a Felony offense committed on January 29, 1979, in the 54th District Court, McLennan County, Texas, under Cause No. 79284C. As a result of the conviction, Respondent was sentenced to confinement in the Texas Department of Corrections for a period of eight (8) years. On or about October 19, 1979, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of eight (8) years, and ordered to pay court costs.

7. On or about July 14, 1994, Respondent pled Guilty to THEFT BY CHECK, a misdemeanor offense, in the County Court at Law, McLennan County, Texas, under Cause No. 931389CR1. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of twelve (12) months, and ordered to pay restitution in the amount of nine hundred twenty-four dollars and sixty-four cents (\$924.64), along with court costs.

On or about June 14, 1996, Respondent's deferred probation was continued because Respondent violated the conditions of probation, and Respondent was required to serve ten (10) days in jail on SPURS.

On or about April 25, 1997, Respondent's deferred probation was revoked because Respondent failed to pay restitution, court costs, and the required monthly probation fee. It was further ordered that the proceedings in Cause No. 931389CR1 be resumed.

On or about April 25, 1997, Respondent was convicted of THEFT BY CHECK OVER \$20.00 UNDER \$200.00, a misdemeanor offense committed on April 20, 1992, in the County Court at Law, McLennan County, Texas, under Cause No. 931389CR1. As a result of the conviction, Respondent was sentenced to confinement in the McLennan County Jail for a period of forty (40) days.

8. On or about October 1, 1998, Respondent pled Guilty to THEFT \$20-\$500, a Class B misdemeanor offense in the County Court at Law, McLennan County, Texas, under Cause No. 980619CR1. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of twelve (12) months, and ordered to pay restitution in the amount of nine hundred fifty-seven dollars and fifty-two cents (\$957.52).

On or about March 2, 2001, Respondent's deferred probation was revoked because Respondent violated the terms of the Order Deferring Adjudication, in that, she gave false information to the court on her application for probation; failed to report to the Adult Probation Officer as directed; failed to obey the laws of the State of Texas; failed to participate in court ordered program, Skill Level Testing; failed to pay her monthly probation fee; failed to pay restitution through the Adult Probation Department; and failed to pay the fine and court costs assessed by the Court. It was further ordered that the proceedings in Cause No. 980619CR1 be resumed.

On or about March 2, 2001, Respondent was convicted of THEFT BY CHECK O/20 U/500, a Class B misdemeanor committed on January 8, 1998, in the County Court at Law, McLennan County, Texas, under Cause No. 980619CR1. As a result of the conviction, Respondent was sentenced to confinement in the McLennan County Jail for a period of one hundred eighty (180) days, and ordered to pay a fine and court costs.

9. On or about March 2, 2001, Respondent pled Guilty and was convicted of THEFT BY CHECK, a Class B misdemeanor committed on February 19, 1999, in the County Court at Law, McLennan County, Texas, under Cause No. 20000488CR2. As a result of the conviction, Respondent was sentenced to confinement in the McLennan County Jail for a period of one hundred eighty (180) days, and ordered to pay court costs.
10. In response to Findings of Fact Numbers Six (6) through Nine (9), Respondent states, she admits the information is correct. The perjury charge occurred when she was 17. She was informed by her attorney and probation officer that if she successfully completed her probation, the charge would be dismissed from her record. When she entered nursing school in 1983, she consulted with an attorney who again informed her the charge would be dismissed from her record. She also spoke with the director of her nursing program, told her that what her lawyer had informed her was correct.

The theft by check charges occurred during a very difficult time in her life when she had sole responsibility for her sick daughter and father. Her financial situation was terrible, and she made very poor choices. She was unable to pay her restitution and fees, so her probation was revoked. During the one hundred eighty (180) days she spent in jail, she was released during the day to work and allowed to return at night. She has not had any other legal problems since 2001.

She realizes no excuse can justify her actions or why she did not reveal this information to the Board, but her fear is exactly what is happening now, she could lose her license. She is trying to pursue her RN license and continues to give her patients the best care she can. She realizes that disciplinary action is necessary, but begs to keep her license.

11. Formal Charges were filed on February 28, 2012.
12. Formal Charges were mailed to Respondent on February 29, 2012.

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 TEX. REV. CIV. STAT. ART. 4528c, Sec. 10(a)(2)&(9)(eff. 9/1/81), TEX. REV. CIV. STAT. ART. 4528c, Sec. 10(a)(3)&(9)(eff. 9/1/95), Section 302.402(a)(3)&(10)(eff. 9/1/99), Texas Occupations Code, 22 TEX. ADMIN. CODE §231.81(2)(B)&(3)(eff. 1/1/85), 22 TEX. ADMIN. CODE §239.11(29)(A)(eff. 11/1/96), and 22 TEX. ADMIN. CODE §239.11(29)(A)(eff. 9/1/99).
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 109832, heretofore issued to RHONDA DARNELL CASHAW, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS AND A FINE, 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, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL pay a monetary fine in the amount of one thousand dollars (\$1000). RESPONDENT SHALL pay this fine within ninety (90) 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.

(2) 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.texas.gov/disciplinaryaction/stipscourses.html>.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, 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, RESPONDENT 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 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 TWO (2) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) 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:

(4) RESPONDENT SHALL notify each present employer in nursing of this Order

of the Board and the stipulations on RESPONDENT'S license(s). 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(s). 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 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 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.

(7) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for two (2) year(s) of employment as a nurse.

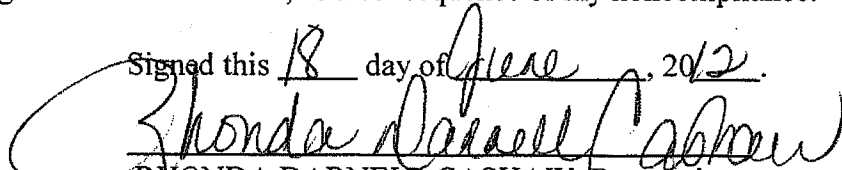
IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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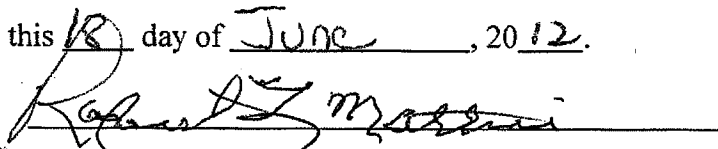
RESPONDENT'S CERTIFICATION

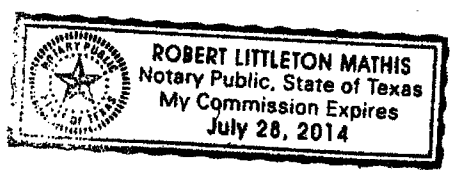
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 18 day of June, 2012.

RHONDA DARNELL CASHAW, Respondent

Sworn to and subscribed before me this 18 day of June, 2012.

SEAL


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 18th day of June, 2012, by RHONDA DARNELL CASHAW, Vocational Nurse License Number 109832, and said Order is final.

Effective this 19th day of July, 2012.



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