



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 Palmer
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 119271 §
issued to TERRA LYNN NEWTON § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 119271, issued to TERRA LYNN NEWTON, 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, and agreed to the entry of this Order.

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

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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 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 North Central Texas College, Gainesville, Texas, on August 14, 1987. Respondent was licensed to practice vocational nursing in the State of Texas on December 2, 1987.
5. Respondent's vocational nursing employment history is unknown.

6. On or about May 25, 1994, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (a Class A Misdemeanor offense committed on October 2, 1993), in the County Court of Cooke County, Texas, under Cause Number 93-38758. As a result of the conviction, Respondent was sentenced to confinement in the Cooke County Jail for a period of one hundred and eighty (180) days; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of two (2) years. Additionally, Respondent was ordered to pay a fine and court costs. On or about May 9, 1996, Respondent's probation granted under Cause Number 93-38758 was revoked and Respondent was sentenced to confinement in the Cooke County Jail for a period of one hundred eighty (180) days.
7. On or about May 25, 1994, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (a Class A Misdemeanor offense committed on November 28, 1993), in the County Court of Cooke County, Texas, under Cause Number 94-38949. As a result of the conviction, Respondent was sentenced to confinement in the Cooke County Jail for a period of three (3) days, with one (1) day credit given. Additionally, Respondent was ordered to pay a fine and court costs.
8. On or about November 29, 2006, Respondent submitted a Texas Online Renewal Document Licensed Vocational Nurse to the Board of 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 convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests whether or not on appeal (excluding minor Class C traffic violations)? This includes expunged offenses and deferred adjudication without a finding of guilt. Please note that DUIs, DWIs, and PI's must be reported and are not considered minor traffic violations. One time minor in possession [MIP] or minor in consumption [MIC] does not need to be disclosed; therefore, you may answer "No." If you have two or more MIPs or MICs, you must answer "Yes." You may answer "No" if you have previously disclosed a criminal matter otherwise responsive to this question in a renewal and/or licensure form.

Respondent failed to disclose that on or about October 31, 2006, she was arrested by the Gainesville Police Department, Gainesville, Texas, and subsequently charged under Cause Numbers CR07-212, with DRUG POSSESSION METH (State Jail Felony offense), Cause No. 52205 with POSSESSION OF MARIJUANA (a Class B Misdemeanor), and Cause No. 52326 with DRIVING WHILE LICENSE INVALID (a Class B Misdemeanor), respectively.

9. On or about March 27, 2007, Respondent entered a plea of Guilty and was convicted of POSSESSION OF MARIJUANA (a Class B misdemeanor offense committed on October 31, 2006), in the County Court at Law of Cooke County, Texas, under Cause Number Y07-

52205. As a result of the conviction, Respondent was sentenced to confinement in the Cooke County Jail for a period of one hundred and eighty (180) days; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of one hundred and eighty (180) days. Additionally, Respondent was ordered to pay a fine and court costs.

10. On or about March 13, 2008, Respondent entered a plea of Guilty and was convicted of POSSESSION OF A CONTROLLED SUBSTANCE (a State Jail Felony offense committed on October 31, 2006), in the 235th Judicial District Court of Cooke County, Texas, under Cause Number 07-212. As a result of the conviction, Respondent was sentenced to confinement in the State Jail Division of the Texas Department of Criminal Justice for a period of one (1) year; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of four (4) years. Additionally, Respondent was ordered to pay a restitution in the amount of one hundred and forty (\$140) dollars, a fine, and court costs.
11. On or about August 19, 2009, Respondent submitted a License Renewal Form (Delinquent for over 90 days) Licensed Vocational Nurse to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question: "Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:
 - 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 judgement/punishment/action?"

Respondent failed to disclose that on or about March 27, 2007, Respondent entered a plea of Guilty and was convicted of POSSESSION OF MARIJUANA (a Class B misdemeanor offense committed on October 31, 2006), in the County Court at Law of Cooke County, Texas, under Cause Number Y07-52205.

Respondent failed to disclose that on or about March 13, 2008, Respondent entered a plea of Guilty and was convicted of POSSESSION OF A CONTROLLED SUBSTANCE (a State Jail Felony offense committed on October 31, 2006), in the 235th Judicial District Court of Cooke County, Texas, under Cause Number 07-212.

12. Formal Charges were filed on April 5, 2011.
13. Formal Charges were mailed to Respondent on April 7, 2011.
14. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
15. 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.
16. 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 violation of TEX. REV. STAT. ART. 4528c, Sec. 10(9)(eff. date 9/1/1993), and 301.452(b)(2),(3)&(10), Texas Occupations Code, 22 TEX. ADMIN. CODE §239.11(a)(28)(M)(eff. 9/1/1993), and 22 TEX. ADMIN. CODE §217.12(6)(I)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 119271, heretofore issued to TERRA LYNN NEWTON, 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, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational License Number 119271, heretofore issued to TERRA LYNN NEWTON, to practice nursing in the State of Texas, is accepted by 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 "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.
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.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

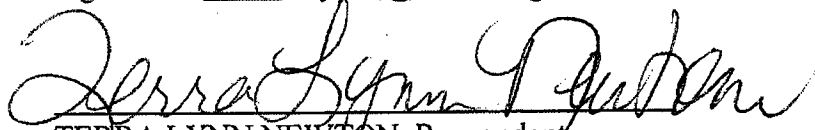
CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

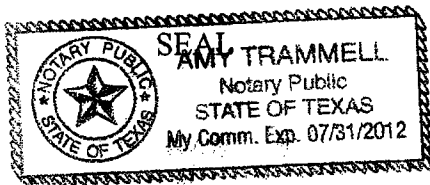
I understand that I have the right to legal counsel prior to signing this Agreed Order.

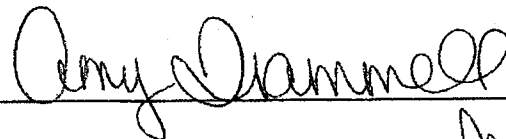
I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 27 day of December, 2011.


TERRA LYNN NEWTON, Respondent

Sworn to and subscribed before me this 27 day of December, 2011.





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 accept the voluntary surrender of Vocational Nurse License Number 119271, previously issued to TERRA LYNN NEWTON.



Effective this 3rd day of January, 2012.


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