



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. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

| | | |
|-----------------------------------|---|--------|
| In the Matter of Registered Nurse | § | AGREED |
| License Number 502357 | § | |
| issued to ROBERTA L. BURK | § | ORDER |

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 502357, issued to ROBERTA L. BURK, 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's license to practice professional nursing in the State of Texas is currently in delinquent status.
4. Respondent received a Baccalaureate Degree in Nursing from Texas Woman's University, Denton, Texas, on May 1, 1982. Respondent was licensed to practice professional nursing in the State of Texas on September 15, 1982.
5. Respondent's professional nursing employment history includes:

| | | |
|-------------|--------------------|---|
| 1982 - 1984 | Staff/Charge Nurse | Parkland Memorial Hospital Dallas, Texas |
|-------------|--------------------|---|

Respondent's professional nursing employment history continued:

| | | |
|-------------|--------------------|--|
| 1984 - 1985 | Staff Nurse | St. Luke's Episcopal Hospital Houston, Texas |
| 1986 - 1989 | Staff/Charge Nurse | Cigna Home Care Dallas, Texas |
| 1990 - 2004 | ICU Charge Nurse | Baylor Medical Center of Garland Garland, Texas |
| 2005 | Charge Nurse | Community Care Center of Garland Garland, Texas |
| 2006 | Charge Nurse | Senior Care Beltline Garland, Texas |

6/06 - present Unknown

6. On June 13, 2006, Respondent's license to practice professional nursing was Revoked by the Texas Board of Nursing. A copy of the June 13, 2006, Order of the Board, Findings of Fact and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
7. On March 12, 2010, Respondent's license to practice professional nursing was Reinstated with Stipulations by the Texas Board of Nursing. A copy of the March 12, 2010, Reinstatement Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
8. On or about August 19, 2010, Respondent failed to comply with the Reinstatement Agreed Order issued to her on March 12, 2010, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Two (2) of the Reinstatement Agreed Order which states, in pertinent part:

(2) PETITIONER SHALL...apply to TPAPN...sign and execute the TPAPN participation agreement....

9. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
10. 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.

11. 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)(1) and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(9) and 11(B).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 502357, heretofore issued to ROBERTA L. BURK, 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 Registered Nurse License Number 502357, heretofore issued to ROBERTA L. BURK, 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 professional nursing, use the title "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; 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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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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 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 16th day of September, 2011.

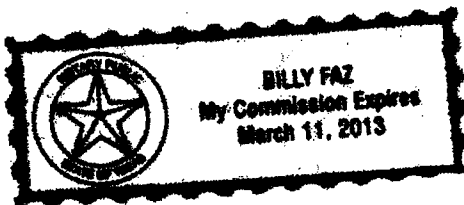
Robert L. Burk
ROBERTA L. BURK, Respondent

Sworn to and subscribed before me this 16 day of September, 2011.

SEAL

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Notary Public in and for the State of TX



WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Registered Nurse License Number 502357, previously issued to ROBERTA L. BURK.

Effective this 20th day of September, 2011.



Katherine A. Thomas

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

BEFORE THE TEXAS BOARD OF NURSING

RECEIVED

MAR 24 2010

In the Matter of Registered Nurse
License Number 502357
issued to ROBERTA L. BURK

§
§
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REINSTATEMENT

AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the Petition for Reinstatement of ROBERTA L. BURK, Registered Nurse License Number 502357, hereinafter referred to as Petitioner.

An informal conference was held on December 15, 2009, 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 notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Melinda Hester, MSN, RN, Lead Nurse Consultant, Executive Director's Designee; John F. Legris, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Kathy Duncan, RN, Investigator, Toni Frizell; 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 Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Petitioner waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Petitioner received a Baccalaureate Degree in Nursing from Texas Woman's University, Denton, Texas, on May 1, 1982. Petitioner was licensed to practice professional nursing in the State of Texas on September 15, 1982.

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MAR 24 2010

4. Petitioner's professional nursing employment history includes:

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|----------------|---|--|
| 1982 - 1984 | Staff/Charge Nurse | Parkland Memorial Hospital Dallas, Texas |
| 1984 - 1985 | Staff Nurse | St. Luke's Episcopal Hospital Houston, Texas |
| 1986 - 1989 | Unknown ^{staff then charge nurse @} | Cigna Home Care Dallas TX |
| 1990 - 2004 | Charge Nurse | Baylor Medical Center at Garland ^{ICU} Garland, Texas |
| 2005 | Charge Nurse | Community Care Center of Garland Garland, Texas |
| 2006 | Charge Nurse | Senior Care Beltline Garland, Texas |
| 6/06 - present | Not employed in nursing. | |

5. On June 13, 2006, Petitioner's license to practice professional nursing was Revoked by the Texas Board of Nursing. A copy of the June 13, 2006, Order of the Board is attached and incorporated, by reference, as part of this Order.

6. On or about August 10, 2009, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.

7. Petitioner presented the following in support of her petition:

7.1. Letter, dated October 5, 2009, from Karen Price, QMHP, LifeNet Community Behavioral Healthcare, Dallas, Texas, states Petitioner graduated from LifeNet and her story is one of success. Petitioner began treatment and services with LifeNet in July 2006. She moved into the housing program in October 2006. Over the past three (3) years, Petitioner has remained compliant with medications, meetings, support groups, doctor appointments and counseling sessions. Her sobriety date is August 22, 2006. She no longer requires medication for her Bipolar Disorder. Her condition is stable and safe. As of October 5, 2009, Petitioner has her own home outside the LifeNet therapeutic community.

- 7.2. Letter, dated July 28, 2009, from Ramakrishna P. Rao, MD, Psychiatrist, LifeNet, Dallas, Texas, states Petitioner was a client at LifeNet since July 2006. She was admitted with diagnoses of substance abuse and Bipolar Disorder. Over the past three (3) years, Petitioner demonstrated great progress in the program. She participated in all aspects of treatment willingly and with enthusiasm. Petitioner attends AA meetings at her local home group on a regular basis and is often chair person for the group. She frequently volunteers to help others who are struggling with their addiction. It is Dr. Rao's opinion that Petitioner is ready to return to work as a registered nurse.
- 7.3. Letter, dated May 1, 2009, from Kelleigh Head, MA, Housing Case Manager, LifeNet, Dallas, Texas, states Petitioner not only met her requirements, she has exceeded them. She has been in the housing program since October 1, 2006, almost three (3) years. Not only does she keep each and every appointment, Petitioner goes out of her way to make sure she is in compliance with all aspects of treatment. This includes random drug screens, all of which have been negative. Petitioner has been a pleasure to work with and has been a model client. Petitioner states she has a passion for caring for others and Ms. Head can see this in her very much. Petitioner's road to recovery has not been an easy one, yet she continues to strive for a better quality of life. She has demonstrated great responsibility over the past three (3) years, and for this Ms. Head recommends her for reinstatement.
- 7.4. Letter, dated July 28, 2009, from Linda S. Comito, M.Ed, LPC-S, LifeNet, Dallas, Texas, states she has been treating Petitioner since February 2009, as her counselor. Over the last five (5) months, they have covered a range of topics both personal and professional in nature. Petitioner has been actively working on the twelve steps through Alcoholics Anonymous, and August 22, 2009, will mark her third year of sobriety. As she has gone through this process of recovery, she has made great progress in her personal growth and development. Petitioner is ready to go back to work in the field of nursing and is looking forward to resuming her professional career.
- 7.5. Letter from C.B. Benway, Metrocare Services at Pathways, Dallas, Texas, states Petitioner was his client at LifeNet from September 2006, to September 2008. During this time, she maintained compliance with appointments and medications. Throughout the two (2) years, each of the random, 9-panel drug screens returned "negative." She credits her Higher Power and involvement in 12 step programs for rapid and sustained progress of recovery. Mr. Benway observed a positive change in attitude and development of confidence during the twenty-four (24) months. It is Mr. Benway's belief that her return to the practice of nursing is both prudent and wise.

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MAR 24 2010

Dr. _____

- 7.6. Letter from Danielle Johnson, LCDC, Outpatient Counselor, Nexus Recovery Center, Dallas, Texas, states Petitioner was admitted to LifeNet in July 2006. Ms. Johnson was the licensed chemical dependency counselor in charge of her case until May 2007. Petitioner attended all groups and personal counseling sessions as ordered. Obtaining a sponsor in a timely fashion, she completed 90 meetings in 90 days. At 31 months clean and sober, she continues to attend AA. Written homework assignments were submitted upon request; answers reflected thoughtful insight...conveying the impression that recovery was important to her. It is Ms. Johnson's opinion that Petitioner is ready to return to work in her chosen profession.
- 7.7. Letter from Carolyn P. Howard, Gateway Foundation, Dallas, Texas, states in July 2006, Petitioner became her chemical dependency client at LifeNet. Under Ms. Howard's care and guidance, Petitioner completed intensive outpatient treatment on October 27, 2006. Supportive outpatient treatment continued until November 11, 2006. She was prompt to these sessions, personable and participatory with other clients. Petitioner worked the 12 steps at Lake Highlands AA with the aide of a sponsor. She was active in Cocaine Anonymous and Dual Recovery Anonymous. With 33 months clean and sober, Petitioner remains involved with Alcoholics Anonymous at the local level, as well as district level. A relationship with her Higher Power is important to her; this contributes to a "fit spiritual condition" which she utilizes for relapse prevention. It is Ms. Howard's opinion that Petitioner is ready to return to nursing. She is remorseful about past behaviors and approaches recovery with all the tenacity it demands.
- 7.8. Letter, dated December 3, 2009, from Leonard R. Keesee, RN, LCDC, Green Oaks, Dallas, Texas, states Petitioner has been attending his Nurse Support group weekly for about six (6) months. In getting to know Petitioner, Mr. Keesee is impressed by her commitment to her recovery. In addition to attending the Nurse Support group, she attends about 9 AA meetings weekly, she is sponsoring women in AA, chairing meetings, and speaks at Nexus Recovery Center. Her sobriety date is August 22, 2006.
- 7.9. Letter, dated July 8, 2009, from Kristi Lewis, MA, LPC, Timberlawn Mental Health System, Dallas, Texas, states prior to her employment at Timberlawn, she was a counselor at LifeNet Community Behavioral Healthcare. Ms. Lewis met Petitioner in August 2007, and began seeing her for individual counseling approximately two (2) times a month until March 2008, when she left LifeNet for a new job. They visited a total of eleven (11) times. During this time, Petitioner worked on a variety of issues she was dealing with, including depression, self esteem, attachment issues, as well as addiction issues. Through a more cognitive behavioral therapy, she faced her past struggles and has learned new and healthy coping mechanisms. She made great strides in her self discovery during this time as well as reflect on the poor choices she had made in the past. Petitioner has a strong desire to reenter the healthcare profession as a nurse. Ms. Lewis is confident that she is ready to take the next step forward in her life and strongly supports this decision. She is strong, committed and extremely focused.

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- 7.10. Letter, dated February 27, 2009, from James H. Hill, DDS, Dallas, Texas, states he has known Petitioner for the past several years through AA, as they attend the same meetings twice a week. Petitioner is doing very well in her recovery program. Petitioner will not only be a credit to the nursing profession, but she will always be willing to help others in their recovery.
- 7.11. Letter of support from Ken W. Chambers states over the past several years, he has had the honor of being one of Petitioner's friends. He has seen her during sickness, hospitalization, and other situations. Petitioner is a warm, caring person who has interest in how a person is doing. She is attentive and aware of her surroundings at all times and demonstrates caring and understanding. Her daily attitude is a boost to many.
- 7.12. Letter of support, dated July 10, 2009, from Grace E. Oxlade, Dallas, Texas, states she has known Petitioner since August 2006, seeing her frequently at meetings of AA. Petitioner's comments when she shares during meetings show, without a doubt, her continued growth in all areas of her life. Petitioner is clearly committed to a life of sobriety and purpose and she demonstrates this at all times by her willingness and desire to help others in need.
- 7.13. Letter of support, dated April 9, 2008, from Paul Barnett, The Colony, Texas, states he has known Petitioner for eight (8) months through the fellowship of Alcoholics Anonymous. During that time, they have engaged in several private conversations during which Mr. Barnett has come to know something of her personal history including her past nursing career and the events leading to the revocation of her license. Mr. Barnett believes Petitioner to be a thoughtful, caring person of excellent character. It is no doubt that the circumstances related to the licensing revocation were self-induced, but Mr. Barnett believes that Petitioner has honestly and genuinely atoned for her transgressions both spiritually and psychologically. Mr. Barnett would entrust his care as a patient to Petitioner and sincerely hopes the panel will reinstate her license.
- 7.14. Letter of support, dated July 12, 2009, from Jan and Joe Whitley, Dallas, Texas, states in August 2006, Petitioner began a program of recovery at the Lake Highlands Family Group of Alcoholics Anonymous. That is where they met Petitioner and have observed healthy changes by her working with a sponsor to completing the 12 steps. Petitioner regularly attends meetings and shares in discussions. It has been touching to see her growth from recognition of having this disease, to using the offered solutions to keep this disease in remission. There are many other women who have benefitted from Petitioner's willingness to share her story of recovery at other groups, as well as her efforts to sponsor and model this New Design of Living. Mr. and Mrs. Whitley know Petitioner has a love for nursing and deeply wants to return to her profession. Their recommendation is that she is ready to go back to work at this career.

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MAR 24 2010

- 7.15. Letter of support, dated June 20, 2009, from Beverly Becker, states she has known Petitioner well over two (2) years and is her AA sponsor. She has seen Petitioner work the steps with courage and conviction, and blossom on the other side a loving, caring member of society. Her dedication to her sobriety is evident in how she lives her life. She attends many AA meetings, often transporting other alcoholics to meetings. She sponsors other women who are trying to find a lifetime of recovery too. She serves in a district representative capacity and attends all district meetings, as well as trusted servant for the home group. She also speaks at least once a month at an area rehabilitation facility to share her story with the folks trying to get their lives in order too. She is such a helpful, giving person when it comes to recovery. Petitioner has studied and absorbed the 12 steps of Alcoholics Anonymous and it shows in her way of living. She faces any situation that confronts her by applying the 12 steps to it and the solution always comes clear. Ms. Becker feels that Petitioner would be an asset to the people in the State of Texas if her license is reinstated.
- 7.16. Documentation of thirty-six (36) negative drug screens dating from August 24, 2006, through September 21, 2009.
- 7.17. Documentation of support group attendance dating from September 29, 2006, through December 4, 2009.
- 7.18. Documentation of twenty (20) Type 1 contact hours.
8. Petitioner gives August 22, 2006, as her date of sobriety.
9. Petitioner underwent a mental health evaluation which was conducted by Martin H. Schaffer, MD, Dallas, Texas, in January 2010. Dr. Schaffer indicates that Petitioner's medical conditions include hypertension, hypercholesterolemia, urge frequency, hypothyroidism, and fibroid disorder. Dr. Schaffer proposed and initiated medication treatment for Petitioner's mood disorder, and recommended that she initiate a psychotherapy to address obsessive symptoms and to promote mood stability. Dr. Schaffer has also recommended that Petitioner continue active participation in Alcoholics Anonymous to promote continued sobriety. Dr. Schaffer states that if Petitioner adheres to the recommended treatment, she will clearly be fit to return to work in a matter of months.
10. Petitioner's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must ~~pass~~ ^{be before} reapplication.

3. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of ROBERTA L. BURK, Registered Nurse License Number 502357, to practice nursing in the state of Texas, be and the same is hereby GRANTED SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies 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 §211.01 *et. seq.* and the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's multistate licensure privilege, if any, to practice nursing in the State of Texas.

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

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has paid all re-registration fees and is issued a license to practice professional nursing in the State of Texas. Said license issued to ROBERTA L. BURK, shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL, within forty-five (45) days of relicensure, apply to TPAPN which SHALL, within ninety (90) days following relicensure, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00) payable to TPAPN.

(3) Upon acceptance into the TPAPN, PETITIONER SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Texas Board of Nursing.

(4) PETITIONER SHALL comply with all the requirements of the TPAPN participation agreement during its term and SHALL keep her license to practice nursing in the State of Texas current.

(5) PETITIONER SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN contract.

IT IS FURTHER AGREED, SHOULD PETITIONER fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of PETITIONER's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, 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 convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. 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 agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license(s) to practice nursing in the state of Texas. 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 23 day of February 2010

Roberta L. Burk
ROBERTA L. BURK, Petitioner

Sworn to and subscribed before me this 23 day of February, 2010

SEAL

State of Texas, County of Dallas

Subscribed and sworn to before me this 23

day of February, 2010

Notary Public

Christine L. Burk

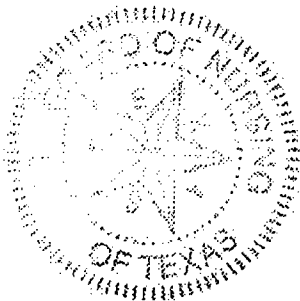
Notary Public in and for the State of TEXAS

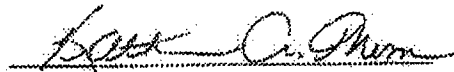
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MAR 24 2010

WHEREFORE PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 23rd day of February, 2010, by ROBERTA L. BURK, Registered Nurse License Number 502357, and said Order is final.

Entered and effective this 12th day of March, 2010.




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

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MAR 24 2010

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 502357
ISSUED TO
ROBERTA L. BURK

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE OF THE BOARD
OF NURSE EXAMINERS OF THE
STATE OF TEXAS

ORDER OF THE BOARD

TO: Roberta L. Burk
2122 Diamond Oaks
Garland, TX 75044

During open meeting held in Austin, Texas, on June 13, 2006, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to file a written response to the Formal Charges as required by 22 TEX. ADMIN. CODE § 213.16.

The Committee of the Board of Nurse Examiners finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely notice of the violations alleged in the Formal Charges were given to Respondent in this matter, Respondent has failed to file an answer in accordance with 22 TEX. ADMIN. CODE § 213.16.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056 and 22 TEX. ADMIN. CODE § 213.16.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion to set aside the default order (22 TEX. ADMIN. CODE § 213.16(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 502357, previously issued to ROBERTA L. BURK, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 502357, previously issued to ROBERTA L. BURK, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 13th day of June, 2006.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

RECEIVED
MAR 24 2006

By: _____

BY:

Katherine A. Thomas
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 502357
Issued to ROBERTA L. BURK
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of June, 2006, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Roberta L. Burk
2122 Diamond Oaks
Garland, TX 75044

BY: Katherine A. Thomas
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

RECEIVED

MAR 24 2006

By: _____

In the Matter of Permanent License
Number 502357, issued to
ROBERTA L. BURK, 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, ROBERTA L. BURK, is a Registered Nurse holding license number 502357, 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 May 6, 2004, while employed with Baylor Medical Center at Garland, Garland, Texas, Respondent engaged in the intemperate use of Cocaine in that she produced a specimen for a drug screen which resulted positive for Cocaine. Possession of Cocaine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Cocaine by a Registered Nurse, while subject to call or duty, 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation 22 TEX. ADMIN. CODE §217.12(1).

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.

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MAR 24 2005

By: _____

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

Filed this 6th day of April, 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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0999/D

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MAR 24 2006

By: _____

ROBERTA L. BURK
~~214 West III 30, #808~~
~~Garland, Texas 75043~~
Texas RN License #502357

New address :
8023 Moss Meadows Dr
Dallas TX 75231

Voluntary Surrender Statement

July 21, 2011

Dear Texas Board of Nursing:

I no longer desire to be licensed as a professional nurse. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. I, Roberta L. Burk, waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature Robert Burk

Date 8/5/11

Texas Nursing License Number/s 064 502357

The State of Texas

Before me, the undersigned authority, on this date personally appeared ROBERTA L. BURK who, being duly sworn by me, stated that she executed the above for the purpose therein contained and that she understood same.

Sworn to before me the 5 day of August, 2011.

SEAL

[Signature]
Notary Public in and for the State of Texas

