



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.
Arlene Thomas
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse §
License Number 672592 § REINSTATEMENT
issued to RAYELYN JEANETTE YOUNG § AGREED ORDER

On this day came to be considered by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the Petition for Reinstatement of registered nurse license number 672592, held by RAYELYN JEANETTE YOUNG, hereinafter referred to as Petitioner.

An informal conference was held on June 21, 2005, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Mary Beth Thomas, MSN, RN, Director of Nursing, Executive Director's Designee; Elizabeth Higginbotham, RN, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Prior to 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, notice and hearing, and consented to the entry of this Order.
3. Petitioner received an Associate Degree in Nursing from Montana State University, Bozeman, Montana, on May 1, 1995. Petitioner was originally licensed to practice professional nursing in the State of Texas on September 11, 2000.

4. Petitioner's professional nursing employment history includes:

1995 - 1998	Staff Nurse	Park Place Health Care Center Great Falls, Montana
2/98 - 7/98	Staff Nurse	Benefits Healthcare Great Falls, Montana
1998 - 2001	Traveling Nurse	Clinical One National Healthcare Professionals Woburn, Massachusetts
7/01 - 1/04	Staff Nurse	Austin State School Austin, Texas
1/04 - present	Not employed in nursing	

5. On March 14, 2003, Petitioner was issued an Agreed Order requiring her to participate in the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the March 14, 2003, Agreed Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as part of this Order.
6. On January 6, 2004, the Board accepted the voluntary surrender of Petitioner's license to practice professional nursing in the State of Texas. A copy of the January 6, 2004, Agreed Order, Findings of Fact, and Conclusions of Law, accepting the surrender of Petitioner's license is attached and incorporated, by reference, as a part of this Order.
7. On or about January 31, 2005, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.
8. Petitioner presented the following in support of her petition:
- 8.1. Letter, dated October 17, 2003, from Nan King, LCDC, ADC II, Counselor, Seton Shoal Creek, Austin, Texas, states Petitioner successfully completed the Renaissance Intensive Outpatient Treatment Program for Chemical Dependency on October 13, 2003. Ms. King states Petitioner had been through a treatment program previously, without establishing lasting sobriety. During her early days in the Seton Shoal Creek program, Petitioner described why she relapsed and what had gone wrong. As she progressed in treatment, she appeared to gain a new understanding of recovery and of the depth of commitment necessary to keep it alive. During Petitioner's last two (2) weeks, Ms. King noticed a significantly different analysis of why Petitioner relapsed that she told to new people in the group. By the 20th session, Ms. King felt that she was seeing a notably different person than the one who entered in early

September. Petitioner appeared calm and centered, and spoke of her problems with a mature acceptance of her role in creating them. Ms. King believes that Petitioner continues on the structured recovery path she has established and will enjoy lifelong sobriety.

- 8.2. Letter, dated January 18, 2005, from Nan King, LCDC, ADC II, Counselor, Seton Shoal Creek, Austin, Texas, states she received a request from Petitioner to write a new letter on her behalf to support her efforts to once again become a Registered Nurse. Ms. King states it is an unusual circumstance to feel comfortable writing such a letter fifteen (15) months after someone has been discharged from their treatment program, but is pleased to be able to do so. Ms. King has received invitations to a couple of Petitioner's milestone events in Alcoholics Anonymous, including a small party for her when she got her one (1) year chip. In addition, Ms. King has gone to Alcoholics Anonymous meetings to see someone else commemorate a special event, and has seen Petitioner in attendance also. It is clear from watching Petitioner interact with others, that she is comfortable within the Alcoholics Anonymous community. Ms. King understands that Petitioner has worked closely with her sponsor in establishing a lasting sobriety. Ms. King is very pleased to see the progress that Petitioner has made in correcting her past mistakes and establishing a good life for herself.
- 8.3. Letter of support, dated January 15, 2005, from Laurie Lentz, Austin, Texas, states she has known Petitioner for over four (4) years serving as her Alcoholics Anonymous sponsor. Ms. Lentz has seen the personal growth she has experienced during the past year. Petitioner's acceptance and appreciation to live a sober life has increased tremendously. Rather than viewing sobriety as a condition forced on her, she is now willingly making the effort and decisions that help her live at ease without alcohol. Petitioner is a kind, caring, and conscientious person who seeks to live with integrity.
- 8.4. Letter of support, dated January 14, 2005, from Karen Carlson, Austin, Texas, states she met Petitioner in treatment about a year and a half ago. The difficult circumstances they were in turned into an incredible learning experience for both of them. They have kept in touch since then, attending meetings and getting together for lunch. Petitioner is serious about recovery and committed to making positive changes in her life. In the short time Ms. Carlson has known Petitioner, she has seen a real transformation and is proud to have her as a friend.
- 8.5. Letter of support, dated January 18, 2005, from James G. Willcox, MD, Austin State School, Austin, Texas, states he worked with Petitioner from July 2001, to January 2004, during which she was an infirmary nurse at Austin State School. Petitioner had many responsibilities as infirmary nurse. One was to provide nursing care for individuals who were admitted to the infirmary with acute and chronic health

problems. Dr. Willcox was impressed with Petitioner's nursing assessment skills and trusted her nursing judgment implicitly. She had a good balance of prudence and self-confidence. Dr. Willcox was confident in the care Petitioner provided his patients and was impressed with her manner at the bedside with the patient, with the patient's family, and with the facility staff. She was very pleasant, even-tempered, and professional. Petitioner's responsibilities in the infirmary also included supervision of LVNs and direct care staff. She did this well and had good relationships with her co-workers. Dr. Willcox was aware of Petitioner's past problems related to her nursing practice, but felt that she practiced in a safe and responsible manner during the time she was at Austin State School.

- 8.6. Letter of support, dated January 20, 2005, from Brenda Jacks, RN, Austin, Texas, states she has known Petitioner since she began work in the summer of 2001 at Austin State School in Austin, Texas. During the many months they worked together, she proved herself to be a competent and conscientious nurse who practiced safe and prudent nursing. Petitioner was well liked by her peers and co-workers. Since Petitioner has been working outside the field of nursing, she has expressed, on more than one occasion, how she misses being a nurse. She has voiced remorse for her actions which removed her from the field of nursing. By all indications, Petitioner has made great strides in changing her behavior to comply with the nursing rules and regulations. Ms. Jacks hopes the Board will feel justified in reinstating her license.
- 8.7. Letter of support, dated January 15, 2005, from Carolyn Harris, RN, Austin, Texas, states she has known Petitioner for four (4) years and worked with her at Austin State School in Austin, Texas, for over a year. Petitioner was always professional and performed her duties very well. She practiced safe nursing at a very high level and did not let her personal life interfere with her job. Petitioner has had a difficult year, but has dedicated herself to her recovery and working a good sound program. She has taken the steps needed to ensure her recovery remains on a very positive path.
- 8.8. Letter of support, dated January 24, 2005, from Sugevli Garcia, Optical Manager, Sam's Club, Austin, Texas, states Petitioner has worked under his supervision as an optician since February 12, 2004. In addition to fulfilling all of the responsibilities necessary for the position, she has exhibited many impressive qualities that go a long way towards pleasing customers. During the course of Petitioner's employment, she has proved herself to be an able employee, a hard worker, and a caring individual.
- 8.9. Documentation of support group attendance dating from January 5, 2004, through January 25, 2005.
- 8.10. Documentation of thirty (30) Type 1 contact hours.

9. Petitioner gives September 18, 2003, as her date of sobriety.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. 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.
3. 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 lapse before reapplication. 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 Board of Nurse Examiners, that the petition of RAYELYN JEANETTE YOUNG, Registered Nurse license number 672592, to practice professional 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 professional 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, which shall bear the appropriate notation. Said license issued to RAYELYN JEANETTE YOUNG, shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL pay a monetary fine in the amount of five hundred (\$500.00) dollars. PETITIONER SHALL pay this fine within forty-five (45) days of relicensure. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(3) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing jurisprudence. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. 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 is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses can be found on the Board's website www.bne.state.tx.us (under BNE events).*

(4) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing 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. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify PETITIONER's successful completion of the course. 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, SHOULD PETITIONER PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) PETITIONER SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER 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.

(6) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the PETITIONER by the Board, to the Board's office within five (5) days of employment as a professional nurse.

(7) For the first year of employment as a Registered Nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as PETITIONER and immediately available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). The PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) For the remainder of the stipulation period, PETITIONER SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, 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 PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) PETITIONER SHALL NOT practice as a professional nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which PETITIONER is regularly assigned for one (1) year of employment as a professional nurse.

(10) PETITIONER SHALL NOT practice as a professional nurse in any critical care area for one (1) year of employment as a professional nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(11) PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a professional nurse.

(12) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for three (3) years of employment as a professional nurse.

(13) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or

longer, the Board may require and PETITIONER SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(14) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the PETITIONER's place of employment at any time during the stipulation period and require PETITIONER to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board.

(15) PETITIONER SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. PETITIONER SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the PETITIONER's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the PETITIONER's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation period, or until PETITIONER is dismissed from therapy.

(16) PETITIONER SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by PETITIONER. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

PETITIONER'S CERTIFICATION

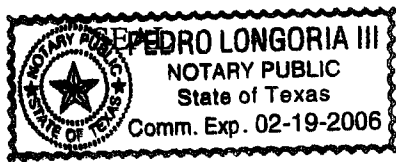
I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. 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 to practice professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license to practice professional nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 7 day of July, 2005.

Rayelynn J. Young
RAYELYNJEANETTE YOUNG, Petitioner

Sworn to and subscribed before me this 7th day of July, 2005.



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

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 7th day of July, 2005, by RAYELYN JEANETTE YOUNG, Registered Nurse license number 672592, and said Order is final.

Effective this 9th day of August, 2005.



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