

In the Matter of Permanent License  
Number 165456, Issued to  
CYNTHIA ANN DOSS, Respondent

§ BEFORE THE TEXAS  
§  
§ BOARD OF NURSING



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. Roman*  
Executive Director of the Board

**ORDER OF TEMPORARY SUSPENSION**

TO: Cynthia Ann Doss  
415 CR 4891  
Etoile, Texas 75944

Cynthia Ann Doss  
225 Live Oak  
Huntington, Texas 75949

A public meeting of the Texas Board of Nursing was held on March 13, 2012, at 333 Guadalupe, Room 2-225, Austin, Texas, in which the Temporary Suspension of Permanent Vocational Nurse License Number 165456, issued to CYNTHIA ANN DOSS was considered pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented evidence and information concerning the conduct of CYNTHIA ANN DOSS and whether her continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charges are substantiated:

**CHARGE I.**

On or about January 31, 2012, Respondent failed to comply with the Agreed Order issued to her by the Texas Board of Nursing on March 30, 2010. Non-compliance is the result of Respondent's failure to execute the TPAPN participation agreement and pay the participation fee, as required by Stipulation Number One (1) of the Agreed Order dated March 30, 2010, which reads as follows:

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350.00) payable to TPAPN.

On January 31, 2012, Respondent was dismissed from TPAPN and referred to the Board. A copy of the Agreed Order dated March 30, 2010, is attached and incorporated by reference as part of this pleading.

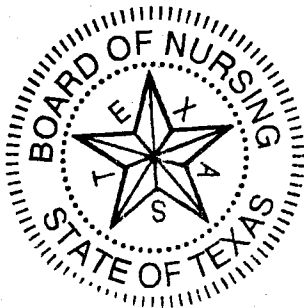
The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).

The Texas Board of Nursing further finds that, given the nature of the charges concerning her fitness to practice, the continued practice of nursing by CYNTHIA ANN DOSS constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Vocational Nurse License No. 165456 is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 165456, issued to CYNTHIA ANN DOSS, to practice nursing in the State of Texas be, and the same is hereby, SUSPENDED IMMEDIATELY in accordance with Section 301.4551, TEXAS OCCUPATIONS CODE.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than seventeen (17) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61<sup>st</sup> day following the date of the entry of this order.

Entered this 13<sup>th</sup> day of March, 2012.



TEXAS BOARD OF NURSING

*Katherine A. Thomas*

BY:

\_\_\_\_\_  
KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR

**In the Matter of Permanent License** § **BEFORE THE TEXAS**  
**Number 165456, Issued to** §  
**CYNTHIA ANN DOSS, Respondent** § **BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CYNTHIA ANN DOSS, is a Vocational Nurse holding license number 165456, 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 January 31, 2012, Respondent failed to comply with the Agreed Order issued to her by the Texas Board of Nursing on March 30, 2010. Non-compliance is the result of Respondent's failure to execute the TPAPN participation agreement and pay the participation fee, as required by Stipulation Number One (1) of the Agreed Order dated March 30, 2010, which reads as follows:

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350.00) payable to TPAPN.

On January 31, 2012, Respondent was dismissed from TPAPN and referred to the Board. A copy of the Agreed Order dated March 30, 2010, is attached and incorporated by reference as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. and TEX. OCC. CODE Ch. 53. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. 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.bon.texas.gov](http://www.bon.texas.gov).

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 Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.texas.gov/disciplinaryaction/discp-matrix.html](http://www.bon.texas.gov/disciplinaryaction/discp-matrix.html).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated March 30, 2010.

Filed this 13<sup>th</sup> day of March, 2012.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Jena Abel, Assistant General Counsel  
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel  
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel  
State Bar No. 24052269

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

TEXAS BOARD OF NURSING  
333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-6824  
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated March 30, 2010.

D/2012.02.21

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 165456	§	
issued to CYNTHIA ANN DOSS	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CYNTHIA ANN DOSS, Vocational Nurse License Number 165456, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(9),(10)&(12), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on March 3, 2010, by Katherine A. Thomas, MN, RN, Executive Director.

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 Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
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 Tyler Junior College, Jacksonville, Texas, on August 8, 1997. Respondent was licensed to practice vocational nursing in the State of Texas on October 24, 1997.
5. Respondent's vocational nursing employment history includes:  

10/1997 - 2004	Employment history unknown.
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Respondent's vocational nursing employment history continued:

2004 - 2006	LVN	Southland Healthcare Lufkin, Texas
2006 - 2009	LVN	Nursefinders Houston, Texas
11/2008 - 6/2009	LVN	Castle Pines Nursing Home Lufkin, Texas
06/2009 - 07/2009	LVN	Supplemental Healthcare Park City, Utah

07/2009 - Present      Employment history unknown.

6. At the time of the incidents, Respondent was employed as a vocational nurse with Supplemental Healthcare, and was on assignment at Lufkin State Supported Living Center, Lufkin, Texas, and had been in this position for one (1) month.
7. On or about June 12, 2009, while employed with Supplemental Healthcare, Park City, Utah, and on assignment with Lufkin State Supported Living Center, Lufkin, Texas, Respondent misappropriated Phenobarbitol, Zoloft, Lamictal, and Tegretol belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Possession of Phenobarbitol, Zoloft, Lamictal, and Tegretol, without a valid prescription, is prohibited by Chapter 481 and Chapter 843 of the Texas Health and Safety Code (Controlled Substances Act and Dangerous Drug Act). Respondent's conduct was likely to defraud the facility and patients of the cost of medications.
8. In response to Finding of Fact Number Seven (7), Respondent states: "I did not take any medications belonging to any Resident. There were four other nurses that got in the med cart assigned to me, with me protesting this action. The facility supervising nurse overrode my protest and in the end, I was the only nurse to be drug tested."
9. On or about June 12, 2009, while employed with Supplemental Healthcare, Park City, Utah, and on assignment with Lufkin State Supported Living Center, Lufkin, Texas, Respondent lacked fitness to practice vocational nursing, in that while on duty she was fidgety, had fast jerking movements, exhibited fast speech, frequently scratched her face and head, had a dry mouth, clenched lips, could not sit still, and was frantically pacing around the room. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patients in potential danger.

10. On or about June 13, 2009, while with Supplemental Healthcare, Park City, Utah, and on assignment with Lufkin State Supported Living Center, Lufkin, Texas, Respondent engaged in the intemperate use of Marijuana and Amphetamines, in that she produced a specimen for a drug screen that resulted positive for Amphetamines and she admitted to using marijuana. Possession of Amphetamines and Marijuana is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Amphetamines and Marijuana by a Vocational Nurse, while subject to call or duty, could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.
11. In response to Findings of Fact Numbers Nine (9) and Ten (10), Respondent states: "I worked the 2-10 shift on July 12, 2009, at the Lufkin State Supported Living Center and was drug tested on July 13, 2009, producing a positive test for Amphetamine. There was no use of Marijuana. Amphetamines are something I wish I had never had the misfortune of judgment to use. All I can ask is to be able to keep my license and to be able to participate in any program that will allow this.
12. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
13. 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.
14. Formal Charges were filed on February 1, 2010.
15. Formal Charges were mailed to Respondent on February 3, 2010.
16. Respondent's conduct described in Findings of Fact Numbers Seven (7) through Eleven (11) was significantly influenced by Respondent's impairment by dependency on chemicals.
17. Respondent'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 301.451-301.455, 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 Section 301.452(b)(9),(10)&(12), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(E),(4),(5),(10)(A),(D)&(11)(B).

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 165456, heretofore issued to CYNTHIA ANN DOSS, including revocation of Respondent's license to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

RESPONDENT SHALL deliver the wallet-sized license issued to CYNTHIA ANN DOSS, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

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



(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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 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 is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure 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, SHOULD RESPONDENT 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 Respondent's license and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

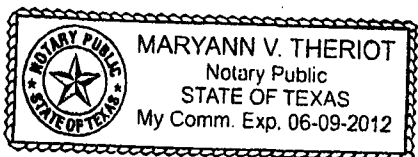
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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 to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 23<sup>rd</sup> day of March, 2010.

Cynthia Ann Doss  
CYNTHIA ANN DOSS, Respondent

Sworn to and subscribed before me this 23<sup>rd</sup> day of March, 2010.

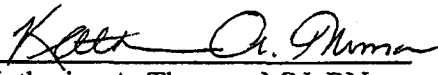
SEAL



Maryann V Theriot  
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 and enter the Agreed Order that was signed on the 23rd day of March, 2010, by CYNTHIA ANN DOSS, Vocational Nurse License Number 165456, and said Order is final.

Entered and effective this 30th day of March, 2010.

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

