

In the Matter of
Vocational Nurse License Number 168868
issued to SCARLET JEAN TURNER

§ 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.
Katherine A. Thomas
Executive Director of the Board

NUNC PRO TUNC ORDER OF THE BOARD

TO: Scarlet Jean Turner
c/o Barrett K. Brown, Attorney at Law
124 S. Crockett Street
Sherman, TX 75090

On December 13, 2011, an Agreed Order for Scarlet Jean Turner was entered by the Texas Board of Nursing (Board). Page 2 of the Order contains an error, in that it omits reference to "Reprimand with Stipulations and a Fine" and instead refers to "Reprimand". The Order contains various stipulations and requirements for the payment of a fine. Upon notice and hearing, administrative agencies, like the Courts, have the power to enter nunc pro tunc orders where it can be seen by reference to a record that what was intended to be entered, but was omitted by inadvertence or mistake, can be corrected upon satisfactory proof of its rendition provided that no intervening rights will be prejudiced. *Railroad Comm'n v. McClain*, 356 S.W.2d 330, 334 (Tex. App.--Austin 1962, no writ) (citing *Frankfort Ky. Nat. Gas Co. v. City of Frankfort*, 276 Ky. 199, 123 S.W.2d 270, 272).

The Executive Director, as agent of the Board, after review and due consideration of the record and the facts therein, invalidates the Agreed Order for Scarlet Jean Turner that is dated December 13, 2011, and submits and enters the corrected Order of the Board, which corrects the error on page 2 of the Order and correctly refers to "Reprimand with Stipulations and a Fine". No other changes have been made to the Order. Ms. Turner has received due process regarding her license; therefore, her rights have not been prejudiced.

NOW, THEREFORE, IT IS ORDERED that the corrected Agreed Order is hereby approved and entered on the dates set forth below.

Order effective December 13, 2011.

Entered this 1st day of March, 2012.

TEXAS BOARD OF NURSING

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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 168868 §
issued to SCARLET JEAN TURNER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SCARLET JEAN TURNER, Vocational Nurse License Number 168868, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated TEX. REV. CIV. STAT. ART. 4528c, Sec. 10(a)(2)&(9)(eff. 9/1/1997), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on October 14, 2011, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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(s).
2. Respondent waived 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 Grayson County College, Denison, Texas, on August 21, 1998. Respondent was licensed to practice vocational nursing in the State of Texas on September 17, 1998.
5. Respondent's vocational nursing employment history is unknown.

6. On or about June 2, 1998, Respondent submitted an Application for Licensure by Examination to the Board of Vocational Nurse Examiners in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question: "Have you ever been convicted of a felony?"

Respondent failed to disclose that on or about November 6, 1992, Respondent pled Guilty and was convicted of POSSESSION OF CONTROLLED SUBSTANCE, a felony offense committed on September 24, 1991, in the 336 District Court, Grayson County, Texas, under Cause No. 040180. As a result of the conviction, Respondent was sentenced to confinement in the Texas Department of Criminal Justice-Institutional Division for a period of five (5) years; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of five (5) years, and ordered to pay a fine and court costs.

7. In response to Finding of Fact Number Six (6), Respondent states: At the time of licensure in 1998, she believed her record had been expunged of the charged but found out later that did not happen, however she has always divulged records to her employers.
8. 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. CIV. STAT., ART. 4528c, Sec. 10(a)(2)&(9)(eff. 9/1/1997, Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(8)(eff. 3/1/1998).
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 168868, heretofore issued to SCARLET JEAN TURNER, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a REPRIMAND WITH
S T I P U L A T I O N S A N D A F I N E , a n d

RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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

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

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder;

and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding Board-approved courses may be found at the following Board website address:*
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

(3) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State

of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

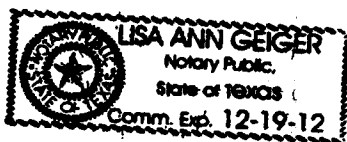
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary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

Signed this 9th day of November, 2011.

Scarlet Jean Turner
SCARLET JEAN TURNER, Respondent

Sworn to and subscribed before me this 9th day of November, 2011.

SEAL



Lisa Geiger
Notary Public in and for the State of Texas

Approved as to form and substance.

[Signature]
Barrett K. Brown, Attorney for Respondent

Signed this 9 day of November, 2011.

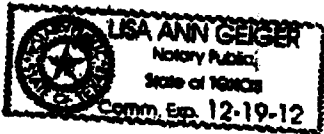
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Approved as to form and substance.
[Signature]
Barrett K. Brown, Attorney for Respondent

Signed this 9 day of November, 2011.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 9th day of November, 2011, by SCARLET JEAN TURNER, Vocational Nurse License Number 168868, and said Order is final.

Effective this 13th day of December, 2011.



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

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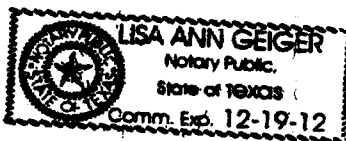
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Signed this 9th day of November, 2011.

Scarlet Jean Turner
SCARLET JEAN TURNER, Respondent

Sworn to and subscribed before me this 9th day of November, 2011.

SEAL



Lisa Geiger

Notary Public in and for the State of Texas

Approved as to form and substance.

Barrett K. Brown
Barrett K. Brown, Attorney for Respondent

Signed this 9 day of November, 2011.

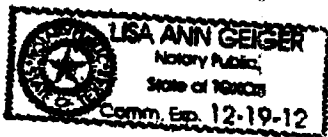
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Signed this 9th day of November, 2011.
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SEAL



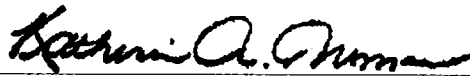
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Approved as to form and substance.
[Signature]
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Signed this 9 day of November, 2011.

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Effective this 13th day of December, 2011.



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Executive Director on behalf
of said Board