

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 606971  
ISSUED TO  
TERESA DEE RUSSELL

§  
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§  
§  
§  
§  
§  
§

BEFORE THE ELIGIBILITY  
AND DISCIPLINARY  
COMMITTEE  
OF 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. Plummer*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: Teresa Dee Russell  
1410 SW 11th St.  
Blue Springs, MO 64015

During open meeting held in Austin, Texas, on March 20, 2012, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing 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 regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

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 for rehearing [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 606971, previously issued to TERESA DEE RUSSELL, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

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

Entered this 20th day of March, 2012.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charges filed January 10, 2012.

CERTIFICATE OF SERVICE

I hereby certify that on the 22<sup>nd</sup> day of March, 2012, 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):

Teresa Dee Russell  
1410 SW 11th St.  
Blue Springs, MO 64015

BY:



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

In the Matter of Permanent License                   §       BEFORE THE TEXAS  
Number 606971, Issued to                               §  
TERESA DEE RUSSELL, Respondent                   §       BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TERESA DEE RUSSELL, is a Registered Nurse holding license number 606971, which is in delinquent 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 October 28, 2011, Respondent's license to practice nursing in the State of Florida was Suspended by the Florida Board of Nursing, and she was ordered to enter into the Intervention Project for Nurse (IPN). A copy of the Florida Board of Nursing Final Order dated October 28, 2011, 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)(8), Texas Occupations Code.

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. 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).

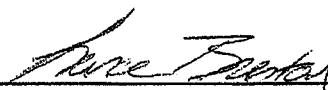
NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary

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: Florida Board of Nursing Final Order dated October 28, 2011.

Filed this 10<sup>th</sup> day of January, 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: Florida Board of Nursing Final Order dated October 28, 2011.

D/2011.09.23

STATE OF FLORIDA  
BOARD OF NURSING

*Angela Sanders*  
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

TERESA E. O'NEAL,

Respondent.

Case No.: 2010-21144

License No.: RN 9198281

FINAL ORDER

This matter appeared before the Board of Nursing at a duly-noticed public meeting on October 6, 2011 in Jacksonville, Florida, for a hearing not involving disputed issues of material fact pursuant to Respondent's Election of Rights requesting a hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes. Petitioner has filed an Administrative Complaint seeking disciplinary action against the license. A copy of the Administrative Complaint is attached to and made a part of this Final Order. Petitioner was represented by Casey Cowen, Assistant General Counsel, Florida Department of Health. Respondent was present.

FINDINGS OF FACT

Therefore, the Board adopts as its finding of facts the facts set forth in the Administrative Complaint.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Board concludes the

licensee has violated Section 464.018(1)(j), Florida Statutes.

The Board is empowered by Sections 464.018(2) and 456.072(2), Florida Statutes, to impose a penalty against the licensee. Therefore it is ORDERED that:

The licensee must pay investigative costs of \$2,560.90 within 36 months of the date of entry of this Order. Payment shall be made to the Board of Nursing and mailed to, DOH- Compliance Management Unit, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3276, Attention: Nursing Compliance Officer.

Payment must be made by cashier's check or money order ONLY.

Personal checks shall NOT be accepted.

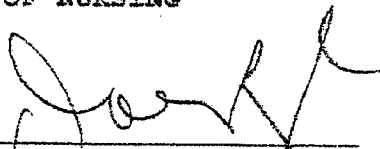
The license of TERESA E. O'NEAL is suspended and shall remain suspended until such time that she enters into the Intervention Project for Nurses (IPN) and complies with any and all terms and conditions imposed by IPN. At such time the suspension shall be stayed and remain stayed as long as the licensee participates in the IPN. It is the duty of the licensee to contact the IPN at P.O. Box 49130, Jacksonville Beach, Florida 32249-9130, (904) 270-1620 within 30 days from the date of entry of this order. The licensee shall comply with all conditions of the IPN Advocacy Contract or she will be in violation of the Board Order. Termination from IPN shall result in the immediate lifting of the stay of suspension. Reinstatement will require compliance with all terms and conditions set forth in this and

any previous Board Order, and the licensee's appearance before the Board to demonstrate her present ability to engage in the safe practice of nursing. The Board reserves the right to impose reasonable conditions of reinstatement at the time of appearance before the Board.

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 28<sup>th</sup> day of Oct, 2011.

BOARD OF NURSING



JOE R. BAKER, JR.  
Executive Director for  
Jessie Colin, RN, PhD, Chair

NOTICE OF APPEAL RIGHTS

Pursuant to Section 120.569, Florida Statutes, the parties are hereby notified that they may appeal this Final Order by filing one copy of a notice of appeal with the clerk of the department and by filing a filing fee and one copy of a notice of appeal with the District Court of Appeal within thirty days of the date this Final Order is filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to TERESA E. O'NEAL, 6131 Pam Avenue, Pensacola, FL 32526 and Intervention Project for



Nurses, P.O. Box 49130, Jacksonville Beach, Florida 32240-9130;  
by interoffice mail to Lee Ann Gustafson, Assistant Attorney  
General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; and  
Casey Cowen, Assistant General Counsel, Department of Health,  
4052 Bald Cypress Way, Bin # C-65, Tallahassee, Florida 32399-  
3265 on this 31<sup>st</sup> day of October, 2011.

Angela Sanders

**Deputy Agency Clerk**

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2010-21144

TERESA E. O'NEAL, R.N.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Nursing against Respondent, Teresa E. O'Neal R.N., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of nursing pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 464, Florida Statutes.
2. At all times material to this Administrative Complaint, Respondent was a licensed registered nurse (R.N.) within the state of Florida, having been issued license number RN 9198281.

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3. Respondent's address of record is 6131 Pam Avenue, Pensacola, Florida 32526.

4. On or about June 24, 2010, Respondent was arrested for driving under the influence and driving while license suspended or revoked.

5. On or about June 30, 2010, Respondent contacted the Intervention Project for Nurses (IPN) to report her arrest.

6. IPN is the impaired nurses program for the Board of Nursing, designated pursuant to Section 456.076, Florida Statutes. IPN is a program that monitors the evaluation, care, and treatment of impaired nurses. IPN also provides for the exchange of information between treatment providers and the Department for the protection of the public.

7. On or about August 26, 2010, Respondent was evaluated by Dr. Scott Teitelbaum, MD, ASAM, ABAM.

8. Dr. Teitelbaum opined that Respondent "meets criteria for benzodiazepine dependence, depression NOS, PTSD and is currently experiencing significant withdrawal coming off benzodiazepines." Further he stated that "[Respondent] cannot practice nursing with reasonable skill and safety at this time."

9. Section 464.018(1)(j), Florida Statutes (2010), subjects a licensee to discipline, including suspension, for being unable to practice nursing with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or chemicals, or any other type of material or as a result of any mental or physical condition.

10. As set forth above, Respondent cannot practice nursing with reasonable skill and safety due to her diagnosed benzodiazepine dependence, depression NOS, and PTSD. According to an evaluation by a board-certified psychiatrist, Respondent is not safe to practice her profession.

11. Based on the foregoing, Respondent has violated Section 464.018(1)(j), Florida Statutes (2010), by being unable to practice nursing with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or chemicals or any other type of material or as a result of any mental or physical condition.

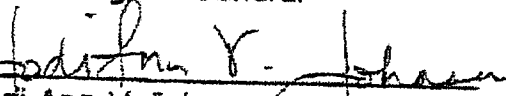
WHEREFORE, the Petitioner respectfully requests that the Board of Nursing enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand,

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placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 24 day of March, 2011.

State Surgeon General

  
Jodi-Ann V. Johnson  
Assistant General Counsel  
DOH Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, Florida 32399-3265  
Florida Bar Number 0073525  
(850) 245 - 4640 Telephone  
(850) 245 - 4683 Facsimile

**FILED**

DEPARTMENT OF HEALTH  
DEPUTY CLERK

CLERK *Talisha*

DATE: 3-25-2011

/JVJ

PCP:

PCP Members:

3/24/11

C. HORNE & L. HORTON

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### **NOTICE OF RIGHTS**

**Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.**

### **NOTICE REGARDING ASSESSMENT OF COSTS**

**Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.**

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