



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

## BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 153935	§	
issued to CATHERINE ANN BUTLER	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CATHERINE ANN BUTLER, Vocational Nurse License Number 153935, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(3),(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 September 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 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 Midland College, Midland, Texas, on August 17, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on September 20, 1995.
5. Respondent's complete vocational nursing employment history is unknown.

6. On or about January 22, 2004, Respondent entered a plea of Nolo Contendere and was convicted of THEFT >20<500 BY CHECK (a Class B misdemeanor offense committed on December 28, 2003), under Cause No. CR101607, in the County Court at Law, Midland County, Texas. As a result of the conviction, Respondent was assessed a fine.
7. On or about January 22, 2004, Respondent entered a plea of Nolo Contendere and was convicted of FAILURE TO IDENTIFY FUGITIVE WITH INTENT TO GIVE FALSE INFORMATION (a Class A misdemeanor committed offense on December 28, 2003), under Cause No. CR102361, in the County Court at Law, Midland County, Texas. As a result of the conviction, Respondent was assessed a fine.
8. On or about May 10, 2005, Respondent entered a plea of Guilty and was convicted of THEFT BY REPETITION (a State Jail felony offense committed on September 16, 2004), under Cause No. CR30248, in the 142<sup>nd</sup> Judicial District Court, Midland County, Texas. As a result of the conviction, Respondent was sentenced to two (2) years confinement in the State Jail Division of the Texas Department of Criminal Justice, however, the imposition of the sentence of confinement was suspended and Respondent was placed on probation for a period of five (5) years.
9. On or about May 10, 2005, Respondent entered a plea of Guilty and was convicted of THEFT BY REPETITION (a State Jail felony committed on September 27, 2004), under Cause No. CR30222, in the 142<sup>nd</sup> Judicial District Court, Midland County, Texas. As a result of the conviction, Respondent was sentenced to two (2) years confinement in the State Jail Division of the Texas Department of Criminal Justice, however, the imposition of the sentence of confinement was suspended and Respondent was placed on probation for a period of five (5) years.
10. On or about May 10, 2005, Respondent entered a plea of Guilty and was convicted of THEFT BY REPETITION (a State Jail felony committed on May 31, 2004), under Cause No. CR29912, in the 142<sup>nd</sup> Judicial District Court, Midland County, Texas. As a result of the conviction, Respondent was sentenced to two (2) years confinement in the State Jail Division of the Texas Department of Criminal Justice, however, the imposition of the sentence of confinement was suspended and Respondent was placed on probation for a period of five (5) years.
11. On or about May 10, 2005, Respondent entered a plea of Guilty and was convicted of THEFT BY REPETITION (a State Jail felony committed on November 2, 2004), under Cause No. CR30254, in the 142<sup>nd</sup> Judicial District Court, Midland County, Texas. As a result of the conviction, Respondent was sentenced to two (2) years confinement in the State Jail Division of the Texas Department of Criminal Justice, however, the imposition of the sentence of confinement was suspended and Respondent was placed on probation for a

period of five (5) years.

12. On or about November 7, 2008, Respondent submitted a License Renewal Form (Delinquent for over 90 days) for Licensed Vocational Nurses to the Texas Board of Nursing. On the Renewal, Respondent answered "Yes" to the question: "In the past 5 years, have you been diagnosed with or treated or hospitalized for schizophrenia or other psychotic disorder, bipolar disorder, paranoid personality disorder, antisocial personality disorder, or borderline personality disorder?"

A letter to the Board, dated October 1, 2008, was received from James E. Huddleston Jr., M.D., Permian Basin Community Centers for Mental Health Mental Retardation, Midland, Texas, stating that Respondent is currently under his care for treatment of Bipolar II Disorder. At the present time Respondent seems to be stable and functioning well. She is compliant with treatment and with keeping appointments. Affectively she is stable. Respondent's prognosis appears to be good as long as she continues with treatment.

#### 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)(3),(10)&(12), Texas Occupations Code and 22 TEX ADMIN. CODE §217.12(5)&(13)(*eff. 10/1/04*).
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 153935, heretofore issued to CATHERINE ANN BUTLER, 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 STIPULATIONS, and 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>*.

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE**

**THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(3) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT 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.

(4) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(5) RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, 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 Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined

unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(6) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for two (2) year(s) of employment as a nurse.

(7) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT'S progress in therapy, rehabilitation and capability to safely practice nursing. The report must indicate whether or not the RESPONDENT'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 RESPONDENT is dismissed from therapy.

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.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order.

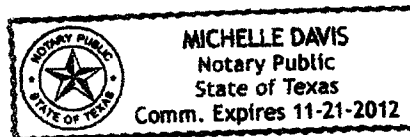
I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order 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 27 day of October, 20 11.  
Catherine Ann Butler  
CATHERINE ANN BUTLER, Respondent

Sworn to and subscribed before me this 27 day of October, 20 11.

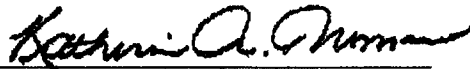
SEAL

Michelle Davis  
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 27th day of October, 2011, by CATHERINE ANN BUTLER, Vocational Nurse License Number 153935, and said Order is final.

Effective this 13th day of December, 2011.



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