

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 129243 §
issued to RITA FAYE SIMS § ORDER



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

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of RITA FAYE SIMS, Vocational Nurse License Number 129243, herein referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Tex. Rev. Civ. Stat. 4528c, sec 10(a)(3)&(9) (eff 9/93). Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on February 8, 2011, 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(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 Schreiner College, Kerrville, Texas, on August 20, 1990. Respondent was licensed to practice vocational nursing in the State of Texas on November 28, 1990.
5. Respondent's vocational nursing employment history is unknown.

6. On or about August 3, 1994, Respondent entered a plea of Guilty and was convicted of THEFT BY CHECK (a Class B misdemeanor offense committed on December 16, 1992), in the County Court of Law No. 1 of Montgomery County, Texas, under Cause No. 104,160-01. As a result of the conviction, Respondent was sentenced to confinement in the Montgomery County Jail for a period of one hundred and eighty (180) days; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of two (2) years. Additionally, Respondent was ordered to pay six thousand, thirteen dollars and six cents (\$6,013.06) in restitution, along with a fine and court costs.
7. On or about August 3, 1994, Respondent entered a plea of Guilty and was convicted of FAILURE TO IDENTIFY (a Class B misdemeanor offense committed on May 6, 1993), in the County Court of Law No. 1 of Montgomery County, Texas, under Cause No. 105,628. As a result of the conviction, Respondent was sentenced to confinement in the Montgomery County Jail for a period of one hundred and eighty (180) days; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of two (2) years. Additionally, Respondent was ordered to pay a fine and court costs.
8. On or about October 6, 1994, Respondent entered a plea of Guilty and was convicted of THEFT (a Class B misdemeanor offense committed on May 27, 1994), in the County Court at Law In and For Liberty County, Texas, under Cause No. 50596. As a result of the conviction, Respondent was sentenced to confinement in the Liberty County Jail for a period of one hundred and eighty (180) days; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of one hundred and eighty (180) days. Additionally, Respondent was ordered to pay a fine and court costs.
9. On or about October 6, 1994, Respondent entered a plea of Guilty and was convicted of FAILURE TO APPEAR (a misdemeanor offense committed on May 27, 1994), in the County Court at Law In and For Liberty County, Texas, under Cause No. 52278. As a result of the conviction, Respondent was sentenced to confinement in the Liberty County Jail for a period of one hundred and eighty (180) days; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of one hundred and eighty (180) days. Additionally, Respondent was ordered to pay a fine and court costs.
10. On or about January 26, 1995, Respondent was arrested by the Madison Parish Sheriff's Office, Tallulah, Louisiana, for POSSESSION OF MARIJUANA W/ INTENT and CONSPIRACY TO POSSESS MARIJUANA WITH INTENT.

On or about February 23, 1995, Respondent was convicted of SCHEDULE I: HALLUCINOGENIC SUB POSS WITD MARIJUANA (a felony offense), in the 6th Judicial District Court of Madison Parish, Louisiana, under Docket No. 73884. As a result of the conviction, Respondent was placed on probation for a period of five (5) years. Additionally, Respondent was ordered to pay a fine and court costs.

On or about February 23, 2000, Respondent completed her sentence and was fully pardoned for the offense.

11. In response to Finding of Fact Number Ten (10), Respondent states: In May 2009, she temporarily quit work to raise her granddaughter and during that time she started drinking and was having flashbacks of being shot and of being molested by family members when she was nine (9) years old. She states in July 2010, she went into rehab for alcohol and was released August 19, 2010. At the time of the statement, she was attending three (3) hours a day of aftercare and going to AA meetings two (2) to three (3) times a week.
12. 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.
13. Respondent's conduct described in Finding of Fact Number Ten (10) was significantly influenced by Respondent's impairment by dependency on chemicals.
14. 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 violations of Tex. Rev. Civ. Stat. 4528c, sec 10(a)(3)&(9) (effective 9/1/93), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(28)&(29)(A) (effective 9/1/93).
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 129243, heretofore issued to RITA FAYE SIMS, including revocation of Respondent's license(s) 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):

(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(s) 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(s) is/are 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(s) 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.

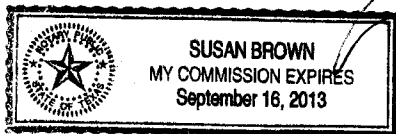
I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 26 day of April, 2011.

Rita Faye Sims
RITA FAYE SIMS, Respondent

Sworn to and subscribed before me this 26th day of April, 2011.

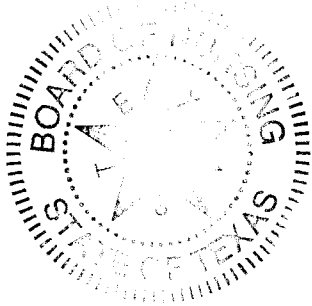
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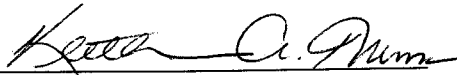


Susan Brown
Notary Public in and for the State of Texas

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 26th day of April, 2011, by RITA FAYE SIMS, Vocational Nurse License Number 129243, and said Order is final.

Entered and effective this 29th day of April, 2011.




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