



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 BOARD OF NURSING
FOR THE STATE OF TEXAS

In the Matter of
ADELIA ANNE BARKER
APPLICANT for Eligibility for Licensure
and Vocational License Number 195734

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ORDER OF
CONDITIONAL ELIGIBILITY

On the date entered below, the Texas Board of Nursing, hereinafter referred to as t Board, considered the Application for Licensure by Examination and supporting documents filed by ADELIA ANNE BARKER, hereinafter referred to as APPLICANT, together with any documents and information gathered by staff and APPLICANT's Certificate contained herein. Information received by the Board produced evidence that APPLICANT may have violated Section 301.452(b)(3)&(10), Texas Occupations Code.

APPLICANT waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered on July 19, 2009, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. On or about January 14, 2009, Applicant submitted an Application for Licensure by Examination requesting a determination of eligibility for licensure in compliance with Section 301.257 of the Texas Occupations Code and the Board's Rule at 22 Texas Administrative Code Section 213.30.
2. Applicant waived representation, notice, administrative proceedings, and judicial review.
3. Applicant received a Certificate in Vocational Nursing from Western Texas College, Snyder, Texas, on August 19, 2004. Applicant was licensed to practice Vocational Nursing in the State of Texas on October 14, 2004. Applicant graduated with an Associate Degree in Nursing at Texas State Technical College, Sweetwater, Texas, in December 2008.
4. Applicant completed the Application for Licensure by Examination and answered "yes" to the question which reads: *"For any criminal offense, including those pending appeal, have you:*

- A. *been convicted of a misdemeanor?*
- B. *been convicted of a felony?*
- C. *pled nolo contendere, no contest, or guilty?*
- D. *received deferred adjudication?*
- E. *been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?*
- F. *been sentenced to serve jail or prison time? court-ordered confinement?*
- G. *been granted pre-trial diversion?*
- H. *been arrested or any pending criminal charges?*
- I. *been cited or charged with any violation of the law?*
- J. *been subject of a court-martial; Article 15 violation, or received any form of military judgment/punishment/action?"*

5. Applicant disclosed the following criminal history, to wit:

On January 9, 2008, Applicant was charged with the State Jail felony offense of Secure Execution of Document by Deception >= \$1,500 < \$20K, in the 132nd District Court of Scurry County, Texas. Applicant was granted participation in the Pre-Trial Diversion Program. On February 7, 2008, Applicant completed Pre-Trial Diversion and the charge was dismissed.

- 6. There is no evidence of any subsequent criminal conduct.
- 7. In a written statement to the Board, Applicant stated that in December 2008, she was charged with securing execution of document by deception. She filled out paper work for her children's medicaid and to receive food stamps around the same time she began working PRN. Applicant states she told her case worker that she had been hired on a PRN basis and was told she would need to report her employment if she went full time. Applicant states she did end up going full time and failed to report the change. Applicant states not reporting was an oversight.
- 8. Licensure of Applicant poses no direct threat to the health and safety of patients or the public, provided Applicant complies with the stipulations outlined in this Order.
- 9. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of the information provided by Petitioner.
- 10. Applicant has sworn that her past behavior conforms to the Board's professional character requirements. Applicant presented no evidence of behavior which is inconsistent with good professional character.
- 11. Applicant has been advised that any information found to be incomplete, incorrect, or misleading will be considered and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through misrepresentation.

12. On July 19, 2009, the Executive Director considered evidence of Applicant's past behavior in light of the character factors set out in 22 Texas Administrative Code §213.27 and determined that Applicant currently demonstrates the criteria required for good professional character.

CONCLUSIONS OF LAW

1. The Texas Board of Nursing has jurisdiction over this matter pursuant to Section 301.453, Texas Occupations Code.
2. Applicant has submitted an Application for Licensure by Examination requesting a determination of eligibility for licensure in compliance with Section 301.257 of the Texas Occupations Code and the Board's Rule at 22 Texas Administrative Code Section 213.30.
3. Applicant's criminal history reflects criminal conduct which constitutes grounds for denial of a license under Section 301.452(b)(3)&(10), Texas Occupations Code.
4. Applicant shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.
5. The Board may license an individual who has been previously convicted, adjudged guilty by a court, pled guilty or pled nolo contendere to any crime whether or not a sentence was imposed upon consideration of the factors set out in 22 Texas Administrative Code §213.28 and evaluating the direct relationship to nursing according to Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
6. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Texas Administrative Code §213.27, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

ORDER

NOW, THEREFORE, IT IS ORDERED that upon meeting the requirements for graduation and payment of any required fees, ADELIA ANNE BARKER, APPLICANT, is CONDITIONALLY ELIGIBLE to sit for the National Council Licensure Examination for Registered Nurses (NCLEX-RN® Examination). APPLICANT SHALL NOT be eligible for temporary authorization to practice as a Graduate Nurse in the State of Texas.

IT IS FURTHER ORDERED that APPLICANT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Professional 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 APPLICANT's multistate licensure privilege, if any, to practice professional nursing in the State of Texas.

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

IT IS FURTHER ORDERED that APPLICANT, upon attaining a passing grade on the NCLEX-RN®, shall be issued a license to practice nursing in the State of Texas which shall bear the appropriate notation and APPLICANT SHALL be subject to the following stipulations.

(1) APPLICANT SHALL, within one (1) year of initial licensure in the State of Texas, successfully complete a course in Texas nursing jurisprudence and ethics. APPLICANT 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) contact 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. APPLICANT 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 APPLICANT'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>.*

IT IS FURTHER AGREED, SHOULD APPLICANT PRACTICE AS A PROFESSIONAL OR VOCATIONAL NURSE IN THE STATE OF TEXAS, APPLICANT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND APPLICANT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A PROFESSIONAL NURSE (RN) OR VOCATIONAL NURSE (VN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(2) APPLICANT SHALL notify each employer in nursing of this Order of the Board and the probation conditions on APPLICANT's license. APPLICANT SHALL present a complete copy of this Order to each employer prior to accepting an offer of employment.

(3) APPLICANT SHALL CAUSE each employer to submit the Notification of Employment form, which is provided to the Applicant by the Board, to the Board's office within five (5) days of employment as a nurse.

(4) APPLICANT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as APPLICANT, 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 Applicant is currently working. APPLICANT SHALL work only regularly assigned, identified and predetermined unit(s). APPLICANT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. APPLICANT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(5) APPLICANT SHALL CAUSE each employer to submit, on forms provided to the Applicant by the Board, periodic reports as to APPLICANT's capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the APPLICANT. 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 one (1) year of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, APPLICANT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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APPLICANT'S CERTIFICATION

I am the Applicant in this matter. I have fully and truthfully disclosed all of my past criminal conduct, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my Application for Licensure by Examination, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Section 301.257, Texas Occupations Code, Section 301.452(a), (b) and (c), Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and Board Rules 213.27, 213.28, and 213.29 at 22 Texas Administrative Code. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Graduate Nurse Permit to practice. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to registering for the NCLEX-RN® Examination or accepting any permit or license from the Texas Board of Nursing.

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 nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative proceedings, and judicial review of this Order and request that the Executive Director of the Texas Board of Nursing enter this Order.

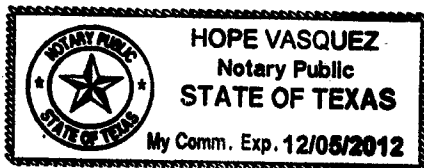
Signed this 15 day of September, 2009.

Adelia Anne Barker
ADELIA ANNE BARKER, APPLICANT

Sworn to and subscribed before me this 15 day of September, 2009.

SEAL

Hope Vasquez
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 ratify and adopt the Order of Conditional Eligibility that was signed on the 15th day of September, 2009, by ADELIA ANNE BARKER, APPLICANT, for Licensure by Examination, and License Vocational Nurse Number 195734, and said Order is final.

Entered this 22nd day of October, 2009.

BOARD OF NURSING
FOR THE STATE OF TEXAS



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