

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. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse License Number 648609 § AGREED
issued to FRANCESCA LEGINGTON § ORDER

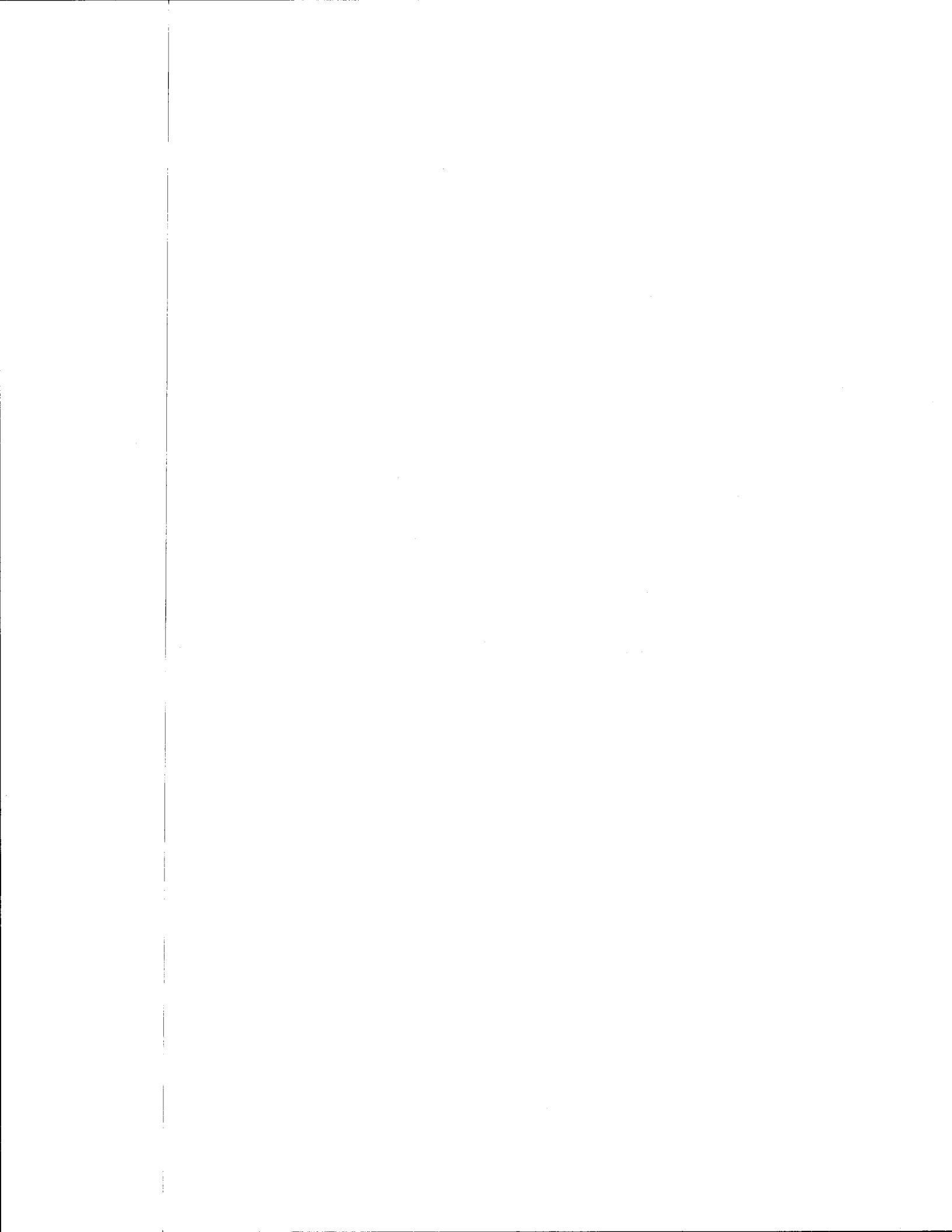
On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 648609, issued to FRANCESCA LEGINGTON, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
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 professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Central Texas College, Killeen, Texas, on December 1, 1997. Respondent was licensed to practice professional nursing in the State of Texas on February 17, 1998.
5. Respondent's complete professional nursing employment history is currently unknown.



6. On or about October 24, 2010, Respondent was arrested by the Benbrook Police Department, Benbrook, Texas, for DRIVING WHILE INTOXICATED WITH CHILD UNDER 15 YEARS OF AGE (a State Jail Felony offense committed on October 24, 2010).

On or about May 23, 2011, Respondent entered a plea of Guilty and was subsequently Convicted of DRIVING WHILE INTOXICATED WITH A CHILD UNDER 15 YEARS OF AGE (a State Jail Felony offense committed on October 24, 2010), filed in the Criminal District Court Number Two of Tarrant County, Fort Worth, Texas, under Cause No. 1220446D. As a result of the conviction, Respondent was sentenced to confinement in the State Jail Division of the Texas Department of Criminal Justice for a period of two (2) years, with the sentence to confinement suspended, and was placed on Community Supervision for a period of two (2) years. Additionally, Respondent was ordered to pay court costs.

7. In response to Finding of Fact Number Six (6), Respondent states that she experienced many life changing events and stressors over the past few years, including caring for her ill father, managing inherited property/estates, financial hardships, health issues, growing family tension, and a newborn child. Respondent states she felt overwhelmed and started self medicating with alcohol due to the stress and depression. Respondent states that on October 24th, 2010, that she needed to go to the local store to pick up some items for an event the following day. Respondent states that while driving home, she felt the effects of the alcohol and pulled over to call her friend to pick her up. Respondent states that since she pulled over in the parking lot of a closed business, the police gave her a field sobriety test and was subsequently arrested.

8. On or about December 24, 2010, Respondent was arrested by the Arlington Police Department, Arlington, Texas, for DRIVING WHILE INTOXICATED WITH CHILD UNDER 15 YEARS OF AGE (a State Jail Felony offense committed on December 24, 2010).

On or about May 23, 2011, Respondent entered a plea of Guilty and was subsequently Convicted of DRIVING WHILE INTOXICATED WITH A CHILD UNDER 15 YEARS OF AGE (a State Jail Felony offense committed on December 24, 2010), filed in the Criminal District Court Number Two of Tarrant County, Fort Worth, Texas, under Cause No. 1228603D. As a result of the conviction, Respondent was sentenced to confinement in the State Jail Division of the Texas Department of Criminal Justice for a period of two (2) years, with the sentence to confinement suspended, and was placed on Community Supervision for a period of two (2) years. Additionally, Respondent was ordered to pay court costs.

9. In response to Finding of Fact Number Eight (8), Respondent states that the holidays have historically been a time of loss for her family and she was feeling her usual holiday dread and depression. Respondent states that while driving to pick up her fiancée from work, she became very anxious and stopped to get some water and a four pack of wine from a convenience store. Respondent states that it began to rain, and since she was in a different town, she became lost which led to becoming even more anxious. Respondent states that when she exited the highway, she turned into the wrong lane. Respondent states she decided to pulled over to wait for her fiancée to come meet her up in his company truck. While waiting, Respondent states she had some wine to calm her nerves. Respondent states she experienced an anxiety attack and remembers being questioned by the police and subsequently being arrested

Respondent states that she checked herself into an in-patient treatment center in Florida, began group and individual counseling, and was treated for major depressive disorder and alcohol treatment. Respondent states that on May 4, 2010, she will have been clean and sober for four (4) months. Respondent states she has completed her 90 meetings in 90 days and continues to attend when time permits, has an aftercare counselor and a temporary sponsor, has completed a pre-sentencing evaluation, and is scheduled for a court ordered alcohol evaluation.

10. On or about May 1, 2011, Respondent submitted an Online Renewal Document: Registered Nurse to the Texas Board of Nursing in which Respondent provided false, deceptive, and/or misleading information in that she answered "No" to the question:

~~Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:~~

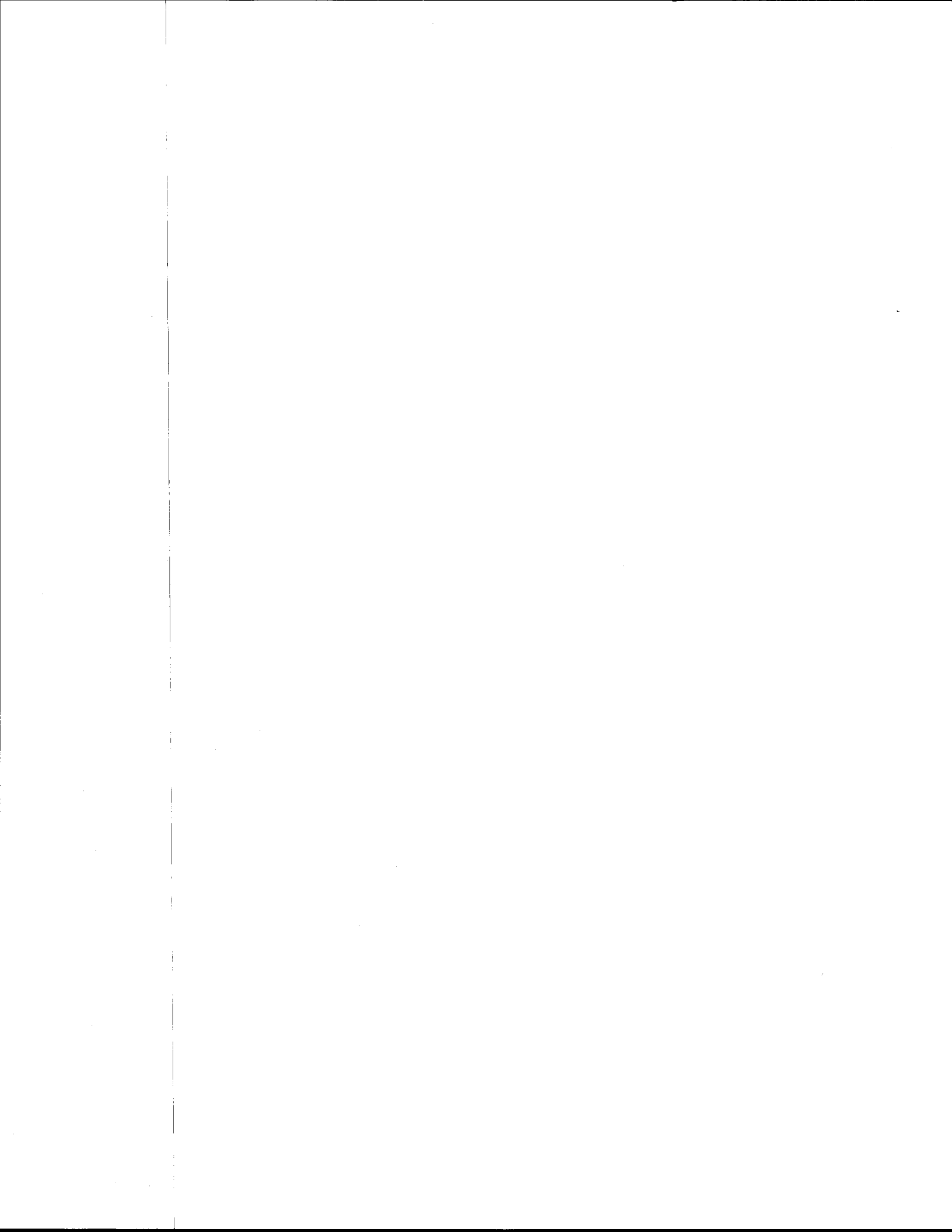
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?

On or about October 24, 2010, Respondent was arrested by the Benbrook Police Department, Benbrook, Texas, for DRIVING WHILE INTOXICATED WITH CHILD UNDER 15 YEARS OF AGE (a State Jail Felony offense committed on October 24, 2010).

On or about December 24, 2010, Respondent was arrested by the Arlington Police Department, Arlington, Texas, for DRIVING WHILE INTOXICATED WITH CHILD UNDER 15 YEARS OF AGE (a State Jail Felony offense committed on December 24, 2010).

Respondent's conduct was deceptive and may have affected the Board's decision to renew her license.

11. In response to Finding of Fact Number Ten (10), Respondent states that she submitted her license renewal online, against the advise of her criminal attorney. Respondent states that she was advised to wait until she had a complete disposition and judgment but felt compelled to send in an explanation.
12. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
13. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.



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 Section 301.452(b)(2),(3)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(H)&(I)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, ~~to take disciplinary action against Registered Nurse License Number 648609,~~ heretofore issued to FRANCESCA LEGINGTON, including revocation of Respondent's license to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 648609, heretofore issued to FRANCESCA LEGINGTON, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing.

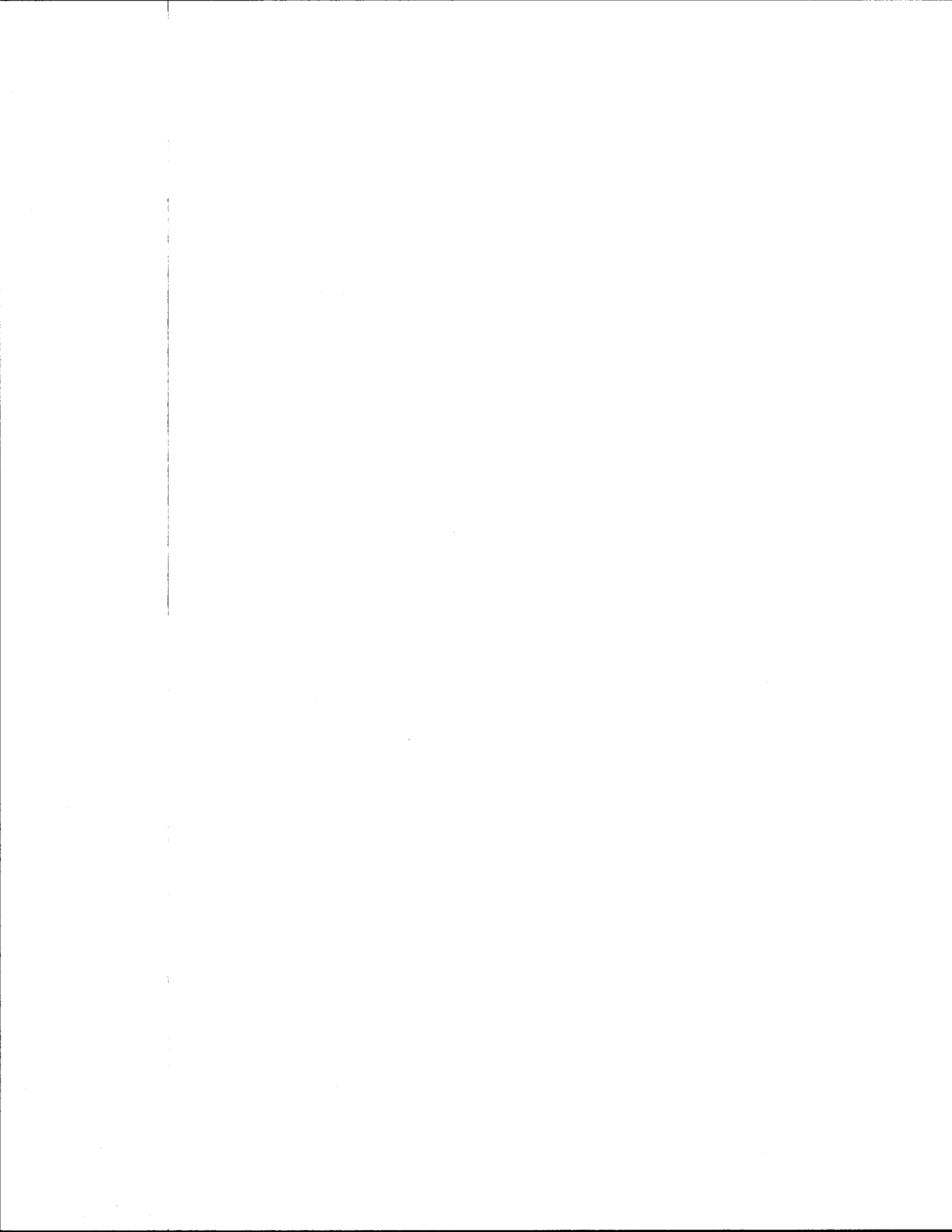
In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title ~~"Registered Nurse" or the abbreviation "RN" or wear any insignia identifying~~ herself as a Registered Nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a Registered Nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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.

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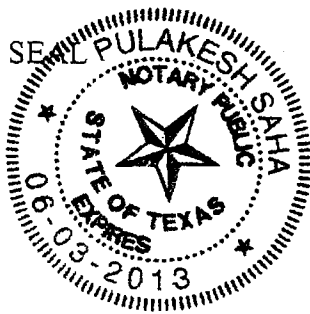
RESPONDENT'S CERTIFICATION

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. 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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 15 day of July, 2011.

Francesca DeGington
FRANCESCA DEGINGTON, Respondent

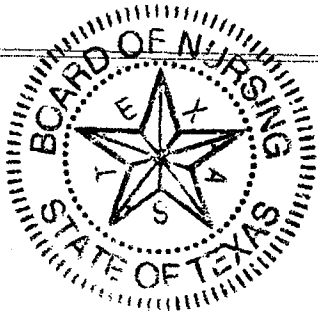
Sworn to and subscribed before me this 15th day of JULY, 2011.



Seemal Pulakesh Sahra
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 the voluntary surrender of Registered Nurse License Number 648609, previously issued to FRANCESCA LEGINGTON.

Effective this 19 day of July, 2011.



Katherine A. Thomas

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

