



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 R. Plummer*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of Vocational Nurse License Number 145463 § AGREED  
issued to TINA DARLENE PIERCE § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of TINA DARLENE PIERCE, Vocational Nurse License Number 145463, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived 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 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 North Central Texas College, Gainesville, Texas, on August 12, 1993. Respondent was licensed to practice vocational nursing in the State of Texas on December 1, 1993.
5. Respondent's vocational nursing employment history is currently unknown.
6. On or about October 6, 1999, Respondent entered a plea of Guilty to the lesser included offense of ISSUANCE OF A BAD CHECK (a Class C Misdemeanor offense committed on February 14, 1999), filed in the County Court of Montague County, Montague, Texas, under Cause No. 360-99. As a result of the conviction, Respondent was ordered to pay a fine, court costs, and restitution.

7. On or about January 1, 2006, Respondent submitted a Board of Nurse Examiners - Texas Online Renewal Document for Licensed Vocational Nurses to the Board of Nurse Examiners, in which she provided false, deceptive, and/or misleading information in that she answered "No" to the question:

Have you been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrest (excluding minor traffic violations) since the last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUI's, DWI's, PI's must be reported and are not considered minor traffic violations. (One time minor in possession [MIP] or minor in consumption [MIC] do not need to be disclosed, therefore, you may answer "No". If you have two or more MIP's or MIC's, you must answer "Yes".)

On or about March 22, 2004, Respondent was arrested by the Jacksboro Police Department, Jacksboro, Texas, and subsequently charged with POSSESSION OF A CONTROLLED SUBSTANCE PENALTY GROUP 1 < 1 G (a State Jail Felony offense committed on March 22, 2004), filed in the 271st District Court of Wise County, Decatur, Texas, under Cause No. 4034.

On or about October 7, 2004, Respondent was arrested by the Montague County Sheriff's Office, Montague, Texas, for MANUFACTURING/DELIVERING CONTROLLED SUBSTANCE PENALTY GROUP 1 >= 400 G (a Felony offense committed on October 7, 2004).

Respondent's conduct was deceiving and may have affected the Board decision to renew Respondent's license to practice vocational nursing.

8. On or about April 25, 2007, Respondent entered a plea of Guilty and was subsequently Convicted of the lesser included offense of ISSUANCE OF A BAD CHECK (a Class C Misdemeanor offense committed on July 9, 2005), filed in the County Court of Montague County, Montague, Texas, under Cause No. 043-07. As a result of the conviction, Respondent was ordered to pay a fine, court costs, and restitution.
9. On or about December 9, 2007, Respondent submitted an Online Renewal Document for Licensed Vocational Nurses to the Texas Board of Nursing, in which she 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:

- A. Been convicted of a misdemeanor?
- C. Pled nolo contendere, no contest, or guilty?

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

On or about April 25, 2007, Respondent entered a plea of Guilty and was subsequently Convicted of the lesser included offense of ISSUANCE OF A BAD CHECK (a Class C Misdemeanor offense committed on July 9, 2005), filed in the County Court of Montague County, Montague, Texas, under Cause No. 043-07. As a result of the conviction, Respondent was ordered to pay a fine, court costs, and restitution.

On or about August 22, 2007, Respondent was arrested by the Clay County Sheriff's Office, Henrietta, Texas, for PUBLIC LEWDNESS and POSSESSION OF A CONTROLLED SUBSTANCE PENALTY GROUP 3.

Respondent's conduct was deceiving and may have affected the Board decision to renew Respondent's license to practice vocational nursing.

- 10. On or about August 7, 2009, Respondent was arrested by the Wise County Sheriff's Office, Decatur, Texas, and subsequently charged with THEFT OF PROPERTY >=\$20<\$500 BY CHECK (a Class B Misdemeanor offense committed on July 12, 2008).

On or about September 15, 2009, Respondent entered a plea of Guilty to THEFT OF PROPERTY >=\$20<\$500 BY CHECK (a Class B Misdemeanor offense committed on July 12, 2008), filed in the County Court at Law of Wise County, Decatur, Texas, under Cause No. CR-65249. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of two (2) years. Additionally, Respondent was ordered to pay a fine, court costs and restitution.

- 11. On or about December 8, 2009, Respondent submitted a License Renewal Form to the Texas Board of Nursing, in which she 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:

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

On or about August 7, 2009, Respondent was arrested by the Wise County Sheriff's Office, Decatur, Texas, and subsequently charged with THEFT OF PROPERTY >=\$20<\$500 BY CHECK (a Class B Misdemeanor offense committed on July 12, 2008).

On or about September 15, 2009, Respondent entered a plea of Guilty to THEFT OF PROPERTY >=\$20<\$500 BY CHECK (a Class B Misdemeanor offense committed on July 12, 2008), filed in the County Court at Law of Wise County, Decatur, Texas, under Cause No. CR-65249. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of two (2) years. Additionally, Respondent was ordered to pay a fine, court costs and restitution.

Respondent's conduct was deceiving and may have affected the Board decision to renew Respondent's license to practice vocational nursing.

12. On or about April 14, 2010, while being interviewed by an Agent J. Ashburn of the Texas Department of Public Safety Criminal Law Enforcement Division Narcotics Service, Respondent admitted to the following:
  - using Methamphetamine for approximately ten (10) years with the last time being approximately one (1) month prior to the interview;
  - purchasing Pseudoephedrine, which she believed would likely be utilized to manufacture Methamphetamine;
  - providing Pseudoephedrine to others, which she believed would likely be utilized to manufacture Methamphetamine; and
  - manufacturing Methamphetamine approximately one (1) year prior to the interview.
13. On or about November 8, 2010, Respondent was Indicted for ENGAGING IN ORGANIZED CRIMINAL ACTIVITY (a First Degree Felony offense committed on December 20, 2008) and POSSESSION OF CERTAIN CHEMICALS WITH INTENT TO MANUFACTURE A CONTROLLED SUBSTANCE (a Second Degree Felony offense committed on December 20, 2008), which was filed in the District Court of Montague County, Montague, Texas, under Cause No. 2010-0215M-CR. At the time of this Order, this case is still pending.
14. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
15. 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 22 TEX. ADMIN. CODE §239.11(29)(eff. 09/01/1999), and 22 TEX. ADMIN. CODE §217.12(6)(H)&(I)&(13).
4. The evidence received is sufficient cause pursuant to Section 302.402(a)(3)&(10), Texas Occupations Code (eff. 09/01/1999), and Section 301.452(b)(2),(3)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 145463, heretofore issued to TINA DARLENE PIERCE, 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.

### ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational Nurse License Number 145463, heretofore issued to TINA DARLENE PIERCE, 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 vocational nursing, use the title "Licensed Vocational Nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a Licensed Vocational Nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a Licensed Vocational 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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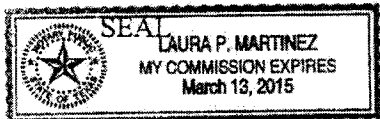
RESPONDENT'S CERTIFICATION

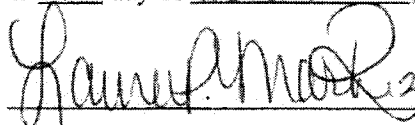
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid 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 14 day of Nov, 2012.

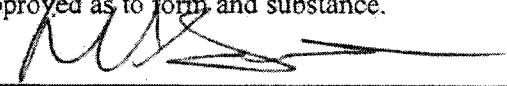
  
TINA DARLENE PIERCE, Respondent

Sworn to and subscribed before me this 14<sup>th</sup> day of November, 2012.



  
Notary Public in and for the State of Texas

Approved as to form and substance.

  
WILLIAM A. BRATTON, III, Attorney for Respondent

Signed this 13 day of NOV, 2012.

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender Vocational Nurse License Number 145463, previously issued to TINA DARLENE PIERCE.

Effective this 15th day of November, 20 12.



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