



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 NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse	§	AGREED
License Number 589869	§	
issued to LESA GAIL RUSH	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of LESA GAIL RUSH, Registered Nurse License Number 589869, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(8), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on June 8, 2007, 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.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent holds a license to practice professional nursing in the State of Texas which is currently in delinquent status.
4. Respondent received an Associate Degree in Nursing from Amarillo College, Amarillo, Texas, on December 1, 1992. Respondent was licensed to practice professional nursing in the State of Texas on March 23, 1993.
5. Respondent's complete professional nursing employment history is unknown.

6. On or about September 27, 2006, Respondent's license to practice professional nursing in the State of Oklahoma was placed on SUMMARY SUSPENSION, pending a hearing, by the Oklahoma Board of Nursing, Oklahoma City, Oklahoma, based on Findings that:
 - 6.1 On or about January 12, 2006, Respondent entered a plea of Guilty and was convicted of EMBEZZLEMENT, (a misdemeanor offense), in the District Court of Tulsa County, Oklahoma, under Cause No. CM-2005-4062. As a result of the conviction, Respondent was sentenced to six (6) months confinement in the Tulsa County Jail, with the imposition of the sentence suspended, and Respondent was ordered to pay a fine in the amount of two hundred fifty dollars (\$250), as well as court costs.
 - 6.2 On or about September 25, 2005, Respondent abandoned her patients as she was observed sleeping in a patient's room during her assigned night shift (7p.m. - 7a.m.) while employed with Nursefinders and assigned to Hillcrest Medical Center in Tulsa, Oklahoma. Upon being awakened the Respondent was observed as confused and talking to herself. Respondent was sent home and thereafter terminated from Nursefinders.
 - 6.3 Respondent failed to notify the Board in writing of a change of address, within 30 days of her change of address.

A copy of the Oklahoma Board of Nursing's Order of Emergency Temporary Suspension Pending Hearing, dated September 27, 2006, is attached and incorporated by reference as part of this Order.

7. On or about March 28, 2007, the temporary suspension of Respondent's license to practice registered nursing in the State of Oklahoma was lifted and Respondent was issued a SEVERE REPRIMAND for a period of one (1) year, with stipulations, by the Oklahoma Board of Nursing, Oklahoma City, Oklahoma based on the results of a chemical dependency evaluation. A copy of the Oklahoma Board of Nursing's Consent Order dated March 28, 2007, is attached and incorporated by reference as part of this Order
8. 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.
9. Formal Charges were filed on April 10, 2007.
10. Formal Charges were mailed to Respondent on April 11, 2007.

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)(8), Texas Occupations Code.
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 589869, heretofore issued to LESA GAIL RUSH, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a REPRIMAND WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is 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 State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to LESA GAIL RUSH, to the office of the Board of Nurse Examiners within ten (10) days from the date of ratification of this Order for appropriate notation.

(2) 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) 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 Chemical Dependency, 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.bne.state.tx.us/about/stipscourses.html>.*

(3) RESPONDENT SHALL fully comply with all the terms and conditions of the Order of the Board issued to LESA GAIL RUSH on March 28, 2007, by the Oklahoma Board of Nursing. RESPONDENT SHALL CAUSE the Oklahoma Board of Nursing to submit quarterly reports, on forms provided by the Texas Board, that LESA GAIL RUSH is in compliance with the Order of the Board, and RESPONDENT SHALL cause the Oklahoma Board of Nursing to submit written verification of Respondent's successful completion of that Order. Evidence of completion of the terms of the Order of the Oklahoma Board of Nursing will be accepted as evidence of compliance with the terms of this Order issued by the Board of Nurse Examiners for the State of Texas.

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

Signed this 20 day of July, 2007.

Lesia Gail Rush
LESA GAIL RUSH, Respondent

Sworn to and subscribed before me this 20 day of July, 2007.

SEAL

Michelle 01013907 5/17/09
Notary Public in and for the State of Oklahoma

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 20th day of July, 2007, by LESA GAIL RUSH, Registered Nurse License Number 589869, and said Order is final.

Effective this 14th day of August, 2007.



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