



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 Vocational Nurse §
License Number 175271 § **AGREED**
issued to LEESA DIANN BENNETT § **ORDER**

On this day the Board of Nurse Examiners for the State of Texas, hereinafter refer to as the Board, considered the matter of LEESA DIANN BENNETT, Vocational Nurse License Number 175271, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(3)(9)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on April 30, 2007, 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.
2. Respondent waived representation by counsel, informal conference, 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 Nursing from Vernon Junior College, Wichita Falls, Texas, on December 16, 1999. Respondent was licensed to practice vocational nursing in the State of Texas on February 18, 2000.
5. Respondent's nursing employment history includes:

June 2000 - July 2000

LVN Charge Nurse
Denver Manor
Wichita Falls, Texas

Respondent's vocational nursing employment history (continued):

August 2000 - December 2002	LVN North Texas State Hospital Wichita Falls, Texas
January 2003 - January 2005	LVN Charge Nurse/Wound Care Nurse Texhoma Christian Care Center Wichita Falls, Texas
February 2005 - March 2005	LVN Home Care Home Health Wichita Falls, Texas
March 2005 - October 2005	LVN Charge Nurse Iowa Park Health Care Center Iowa Park, Texas
January 2006 - June 2006	LVN North Texas State Hospital Wichita Falls, Texas
June 2006 - February 2007	LVN Charge Nurse Henrietta Care Center Henrietta, Texas

6. On or about December 3, 2002, Respondent was issued the sanction of Suspend/Probate by the Board of Nurse Examiners for the State of Texas. A copy of the Suspend/Probate, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
7. At the time of the incident in Finding of Fact Number Eight (8), Respondent was employed as an LVN Charge Nurse with Henrietta Care Center, Henrietta, Texas, and had been in this position for seven (7) months.
8. Respondent, on or about February 9, 2007, while employed at Henrietta Care Center, Henrietta, Texas, engaged in the intemperate use of cocaine in that Respondent produced a specimen for a drug screen which resulted positive for cocaine. Possession of cocaine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act).
9. On or about April 2, 2007, Respondent submitted a renewal application to the Board of Nurse Examiners for the State of Texas in which she answered "Yes" to the following

question: "Have you ever been convicted, adjudicated 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 arrests (excluding minor traffic violations) since your last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUIs, DWIs, and PI's must be reported and are not considered minor traffic violations. (One time minor in possession [MIP] or minor in consumption [MIC] does not need to be disclosed; therefore, you may answer "No." If you have two or more MIPs or MICs, you must answer "Yes".)"

10. Respondent disclosed the following criminal history to wit:
 - A. On or about April 12, 2004, Respondent was charged with the Class B misdemeanor offense of Theft of Property \geq \$20 $<$ \$500 by Check in the County Court at Law #2 of Wichita County, Texas. The charges were dismissed on a motion by the District Attorney for the reason "The defendant paid full restitution."
 - B. On or about July 18, 2006, Respondent was charged with the Class B misdemeanor offense of Theft \$50 - \$500 in the County Court at Law #2 of Wichita County, Texas. Respondent was assessed a fine in the amount of \$300.00 and ordered to pay court costs in the amount of \$249.00.
11. On or about April 2, 2007, Respondent submitted a renewal application to the Board of Nurse Examiners for the State of Texas in which she answered "Yes" to the following question: "In the past 5 years, have you been addicted to or treated for the use of alcohol or any other drug?"

On or about May 1, 2007, Shari Offutt Griffith, MA, LPC, of the North Texas Neurology Associates, submitted a Report of Health Status of Registered or Licensed Vocational Nurse in which she states Respondent was hospitalized at the Red River Hospital from February 20, 2007 through March 14, 2007. Respondent was diagnosed with Bipolar Disorder in April 2007. At the time of the report Respondent had been clean and sober from substance/alcohol use since February 20, 2007.
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.

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 Section 301.452(b)(3),(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(10)(A),(11)(B)&(13).
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 175271, heretofore issued to LEESA DIANN BENNETT, including revocation of Respondent's license to practice vocational 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 and be accepted into the TPAPN, which SHALL include payment of a non-refundable participation fee in the amount of THREE HUNDRED FIFTY DOLLARS (\$350) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to 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 privileges, if any, to practice nursing in the State of Texas.

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, 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 revocation of Respondent's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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CONTINUED ON NEXT PAGE.

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 Board of Nurse Examiners, 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 21 day of June, 2007.

Leesa Diann Bennett
LEESA DIANN BENNETT, Respondent

Sworn to and subscribed before me this 21 day of June, 2007.

SEAL


Christel Laukhuf

Notary Public in and for the State of TX



WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby accept and enter the Agreed Order that was signed on the 21st day of June, 2007, by LEESA DIANN BENNETT, Vocational Nurse License Number 175271, and said Order is final.

Entered and effective this 5th day of July, 2007.


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

BOARD OF VOCATIONAL
NURSE EXAMINERS

VS.

LEESA DIANN BENNETT

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STATE OF TEXAS

COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of vocational nurse license number 175271 held by LEESA DIANN BENNETT, hereinafter called Respondent.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Respondent of its intent to take disciplinary action with respect to said license held by Respondent, as a result of a complaint and subsequent investigation. Said investigation produced evidence indicating that Respondent has engaged in unprofessional or dishonorable conduct that, in the Board's opinion, is likely to deceive, defraud, or injure the public, in violation of Texas Occupations Code, Chapter 302, Section 302.402 (a) (10), in the following manner:

1.

a. Respondent was employed as a licensed vocational nurse at North Texas State Hospital, Wichita Falls, Texas from about October 19, 1999 through the present.

b. While so employed at said facility, on or about February through December 2001 she was responsible for discrepancies in the administration and documentation of medications, to-wit: medication omission by failing to remove a NitroDur patch on patient T.B.: administering another patient's Klonopin to patient J.S.: administering the wrong dosage of Zyprexa to patient S.A., administering the wrong dosage of Demerol to patient S.H.: and administering a discontinued dosage of Klonopin to patient D.S. It was also alleged you attempted to alter the physician order after the error to patient D.S. was discovered

**AGREED BOARD ORDER
RE: LEESA DIANN BENNETT, LVN #175271
PAGE 2**

By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the matters previously set out in this Order with respect to the above-mentioned investigation. By Respondent's signature on this Order, Respondent acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

By their notarized signature on this Order, Respondent does hereby waive the right to a formal Complaint, Notice of Hearing and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED that license number 175271, heretofore issued to LEESA DIANN BENNETT to practice vocational nursing in the State of Texas be, and the same is hereby Suspended, with said suspension stayed and placed on probation for a period of one (1) year.

The probation of said license is subject to the following stipulations, to wit:

1. That if Respondent's place of employment, name, address or telephone number changes, Respondent is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said notification shall be in the form of a written letter or report.

AGREED BOARD ORDER
RE: LEESA DIANN BENNETT, LVN #175271
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2. That Respondent shall comply with Federal, State, and local laws, and all the provisions of the Texas Occupations Code and Rules and Regulations of the Board.
3. That Respondent shall not practice nursing in a Nurse Licensure Compact remote state without obtaining prior written authority of both the BVNE and the Board of Nursing of the remote state.
4. That Respondent shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a quarterly basis, throughout the term of probation. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.
5. That any period(s) of nursing unemployment must be documented in writing by Respondent and submitted to the Board office, as provided in Stipulation No. four.
6. That Respondent shall successfully complete nursing program course(s) encompassing the following areas of study: **Pharmacology** (Medication Administration), and submit documentation of successful course completion to the Board office within the first six (6) months of probation. Respondent shall be responsible for locating said course(s) and obtaining prior written approval of Board staff prior to committing to said course(s). Said course(s) shall be through correspondence (through a recognized provider), in-house at a community college, university or nursing program, and/or tutored by a state approved, licensed nursing program faculty member. The expense of said course(s) shall be borne by Respondent. Failure to successfully complete said course(s) within the time frame stipulated, shall be considered a violation of probation.
7. That Respondent pay a Probation Monitoring fee in the amount of thirty (\$30.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said fee shall be paid quarterly, due on the 15th of each quarter commencing the quarter following the date of the Board's ratification of the Order, and continuing thereafter until the successful completion of Respondent's probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners", 333 Guadalupe, Suite 3-400, Austin, TX 78701. Failure by Respondent to make any quarterly payment on time shall constitute a violation of probation.
8. That Respondent shall return their license to the Board office for a replacement license marked "**PROBATION**" and pay a license re-issue fee in the amount of twenty (\$20.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said return of license and fee shall be made not later than thirty (30) days following the date of the Board's ratification of the Agreed Board Order. Said license and fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners", 333 Guadalupe, Suite 3-400, Austin, TX 78701. Failure by Respondent to return said license or pay said fee shall constitute a violation of probation.

AGREED BOARD ORDER
RE: LEESA DIANN BENNETT, LVN #175271
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RECEIVED
OCT 28 2002
BVNE

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until ratified by a majority of the Board present and voting, at its next regularly called session.

Dated this the 21 day of October, 2002.

Leesa Bennett
Signature of Respondent

1501 Hwy 79 Apt. 304
Current Address

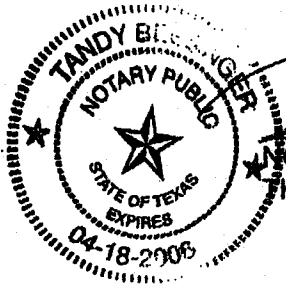
Wichita Falls, TX 76302
City, State and Zip

940, 691-9509
Area Code and Telephone Number

The State of Texas
County of Wichita

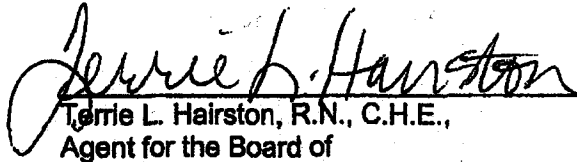
Before me, the undersigned authority, on this day personally appeared LEESA DIANN BENNETT, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me on this the 21 day of October, 2002.

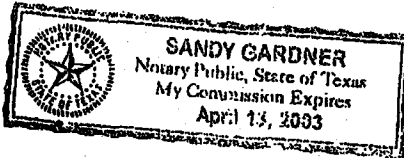


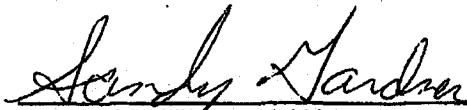
[Signature]
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

AGREED BOARD ORDER
RE: LEESA DIANN BENNETT, LVN #175271
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Terrie L. Hairston, R.N., C.H.E.,
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the
19th day of November, 2002.

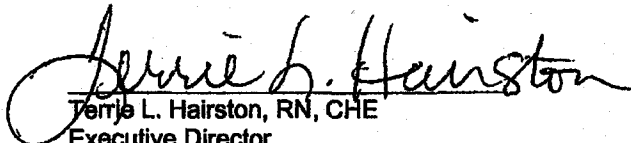



NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

BOARD ORDER
RE: LEESA DIANN BENNETT, LVN #175271
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WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse
Examiners for the State of Texas does hereby ratify and adopt the Agreed Board Order,
notarized on the 21st day of October, 2002 by Respondent, license number 175271 and that
Said Order is Final.

Effective this 3rd day of December, 2002


Terrie L. Hairston, RN, CHE
Executive Director
On Behalf of Said Board

BOARD ORDER

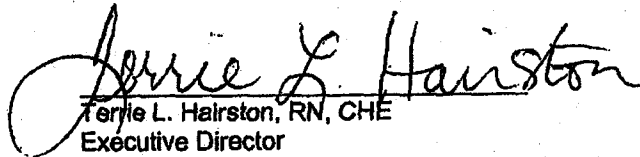
RE: LEESA DIANN BENNETT, LVN #175271

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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of December, 2002, a true and correct copy of the foregoing **BOARD ORDER** was served by placement in the U.S. Mail, first class, and addressed to the following person(s):

LEESA DIANN BENNETT
1501 HWY 79 NO. 304
WICHITA FALLS TX 76302



Terrie L. Hairston, RN, CHE
Executive Director
Agent for the Board of Vocational Nurse Examiners



Board of Nurse Examiners For the State of Texas

Katherine Thomas, MN, RN, Executive Director
Linda Broude, PhD, RN, President, Galveston
Marcelo Luján, Jr., Vice-President, Floresville
Thomas Barton, MN, RN, Pampa
Deborah Hughes Bell, CLU, CAFC, Abilene
Virginia Campbell, BSN, RN, CNOR, Mesquite
Lawrence Canfield, MS, Ed, RN, CRNA, Temple
Blanca Rosa Garcia, PhD, RN, Corpus Christi
Broada Jackson, PhD, RN, San Antonio
Phyllis Caves Rawley, CFC, El Paso

March 16, 2004

LEESA BENNETT
1501 HWY 79 NO. 304
WICHITA FALLS TX 76302

Dear Ms. Bennett:

You have successfully completed your term of probation as stipulated by the Board of Vocational Nurse Examiners.

All pertinent information will remain in your permanent records. We urge you in the future to promote and uphold the ethical standards a Licensed Vocational Nurse should practice.

If you have any questions concerning this matter, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Carolyn Hudson".

Carolyn Hudson
Probation Monitor, Enforcement Division

/ch