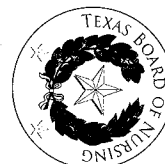


BEFORE THE TEXAS BOARD OF NURSING



In the Matter of Vocational Nurse License Number 164636 § AGREED
issued to VIRGINIA L. BANKSTON § ORDER

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

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of VIRGINIA L. BANKSTON, Vocational Nurse License Number 1646 hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4528c, Sec. 10(a)(9), TEX. REV. CIV. STAT. ANN. and Section 301.452(b)(3),(9),(10)&(12), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on September 2, 2008, 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 Vocational Nursing from Paris Junior College, Paris, Texas, on August 13, 1997. Respondent was licensed to practice vocational nursing in the State of Texas on October 1, 1997.
5. Respondent's vocational nursing employment history includes:

10/97 - 05/04	LVN	Paris Regional Medical Center
	ICU Nurse	Paris, Texas

Respondent's vocational nursing employment history (continued):

10/97 - 05/04	LVN	Christus St. Joesph's Hospital Paris, Texas
06/04 - 03/07	LVN	Gentiva Health Services Paris, Texas
04/07 - Present	Unknown	

6. On or about January 1, 1989, Respondent was arrested by the Smith County Sheriff's Office, Tyler, Texas, for POSSESSION OF MARIJUANA and on or about June 23, 1989, Respondent was placed on Deferred Adjudication probation for a period of one hundred eighty (180) days for the same offense. Additionally, Respondent was ordered to pay a fine and court costs.
7. On or about August 20, 1993, Respondent entered a plea of Guilty to POSSESSION OF A CONTROLLED SUBSTANCE - METHAMPHETAMINE (a Second Degree felony offense committed on July 20, 1991), in the 114th District Court of Smith County, Texas, under Cause No. 4-93-618. 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 six (6) years.
8. On or about April 19, 2005, Respondent entered a plea of No Contest and was convicted of ISSUANCE OF A BAD CHECK (a Class C misdemeanor offense committed on September 2, 2004), in the County Court of Lamar County, Texas, under Cause No. 48312. As a result of the conviction, Respondent was ordered to pay a fine.
9. On or about April 19, 2007, Respondent entered a plea of Guilty and was convicted of ISSUANCE OF A BAD CHECK (a Class C misdemeanor offense committed on October 25, 2006), in the County Court of Lamar County, Texas, under Cause No. 52079. As a result of the conviction, Respondent was ordered to pay a fine.
10. In response to Findings of Fact Numbers Six (6), Seven (7), Eight (8) and Nine (9), Respondent states these Findings are true; however, her issuance of bad checks on two separate occasions was the result of her ex-husband being \$32,000 in arrears in his child support payments. In addition, the Marijuana found in her possession on January 1, 1989, was not hers; but unfortunately, the vehicle it was found in did belong to her. Furthermore, she did not possess Methamphetamine on July 20, 1991, it belonged to her husband, and her husband's attorney advised her to say that the drugs belonged to her and to plead guilty to the charge. She did, and received deferred adjudication probation for the offense.

11. On or about February 27, 2007, while employed as a Licensed Vocational Nurse with Gentiva Health Services, Paris, Texas, Respondent purchased a bag of Marijuana and delivered it to the mother of one of Gentiva's clients.
12. Between the dates of June 9, 2004, and February 27, 2007, while employed as a Licensed Vocational Nurse with Gentiva Health Services, Paris, Texas, and assigned to provide nursing care in the home of a pediatric patient, Respondent lacked fitness to practice vocational nursing, in that while on duty she appeared to be "high" in that her eyes were red; her pupils were constricted; and she smelled of Marijuana. Furthermore, on another occasion, Respondent brought a "blunt" (marijuana) to work with her, and she was going to smoke it while on duty, but she was stopped before she could smoke the "blunt." Respondent's conduct could have affected her ability to recognize subtle sign's symptoms or changes in patients' condition, and could have affected her ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patients in potential danger.
13. In response to Findings of Fact Numbers Eleven (11) and Twelve (12), Respondent denies that any part of these Findings is true and states that the mother of the client owed her money for several pieces of furniture she sold the mother, and the mother was filing these false accusations to avoid having to pay Respondent the money she owed Respondent for the furniture.
14. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Article 4528c, TEX. REV. STAT. ANN. and Sections 301.401-301.419, Texas Occupations Code.
15. 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.
16. Formal Charges were filed on June 24, 2008.
17. Formal Charges were mailed to Respondent on June 26, 2008.
18. Respondent's conduct described in Finding of Fact Number Six (6), Seven (7), Eleven (11) and Twelve (12) resulted from Respondent's impairment by dependency on chemicals.
19. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

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 Article 4528c, Sec. 10(a)(9), TEX. REV. CIV. STAT. ANN., Section 301.452(b)(3), (9),(10)&(12), Texas Occupations Code, 22 TEX. ADMIN. CODE §239.11(10),(27)(B)&(28), and 22 TEX. ADMIN. CODE §217.12(10)(A)&(11)(B).
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 164636, heretofore issued to VIRGINIA L. BANKSTON, including revocation of Respondent's license to practice 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):

RESPONDENT SHALL deliver the wallet-sized license issued to VIRGINIA L. BANKSTON, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order for appropriate notation.

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include

payment of a non-refundable participation fee in the amount of three hundred and fifty dollars (\$350) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep her license to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§301.001 *et seq.*, the Rules and Regulations Relating to 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 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 Texas Board of Nursing 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.

RESPONDENT'S CERTIFICATION

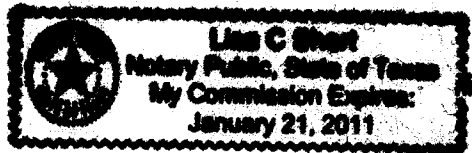
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer 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 Texas Board of Nursing, 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 28 day of Oct, 2008.

V. Bankston
VIRGINIA L. BANKSTON, Respondent

Sworn to and subscribed before me this 28 day of Oct, 2008.

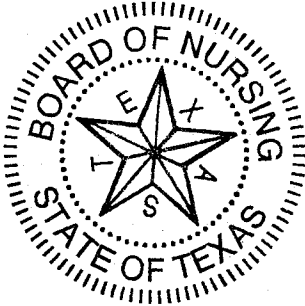
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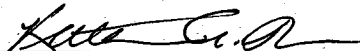


L. C. Short
Notary Public in and for the State of Texas

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 28th day of October, 2008, by VIRGINIA L. BANKSTON, Vocational Nurse License Number 164636, and said Order is final.

Entered and effective this 7th day of November, 2008.




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