

In the Matter of ,  
Permanent Vocational Nurse  
License Number 148667  
Issued to TONI JEAN BLASSINGAME,  
Respondent

§ BEFORE THE TEXAS  
§  
§  
§ BOARD OF NURSING  
§



*Patricia A. Blanton*  
Executive Director of the Board

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.

**ORDER OF TEMPORARY SUSPENSION**

TO: TONI JEAN BLASSINGAME  
PO BOX 170030  
IRVING, TX 75017

A public meeting of the Texas Board of Nursing was held on December 17, 2013 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Vocational Nurse License Number 148667, issued to TONI JEAN BLASSINGAME was considered pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented evidence and information concerning the conduct of TONI JEAN BLASSINGAME and whether her continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charges are substantiated:

On or about October 28, 2013, Respondent became non-compliant with the Agreed Order issued to her by the Texas Board of Nursing on October 27, 2011, in that Respondent failed to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) in that she notified staff of TPAPN that she wanted to withdraw from the program. On or about October 29, 2013, Respondent's case was closed with TPAPN and referred to the Board for non-compliance.

The Texas Board of Nursing further finds that, given the nature of the charges concerning her fitness to practice, the continued practice of nursing by TONI JEAN BLASSINGAME constitutes a continuing and imminent threat to public welfare and that the temporary suspension of

Permanent Vocational Nurse License Number 148667, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Vocational Nurse License Number 148667, issued to TONI JEAN BLASSINGAME, to practice nursing in the State of Texas be, and the same is/are, hereby SUSPENDED IMMEDIATELY in accordance with Section 301.4551, TEXAS OCCUPATIONS CODE.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than seventeen (17) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61<sup>st</sup> day following the date of the entry of this order.

Entered this 17<sup>th</sup> day of December, 2013.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR

In the Matter of § BEFORE THE TEXAS  
Permanent Vocational Nurse §  
License Number 148667 §  
Issued to TONI JEAN BLASSINGAME, §  
Respondent § BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TONI JEAN BLASSINGAME, is a Vocational Nurse holding License Number 148667, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

### CHARGE I.

On or about October 28, 2013, Respondent became non-compliant with the Agreed Order issued to her by the Texas Board of Nursing on October 27, 2011, in that Respondent failed to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) in that she notified staff of TPAPN that she wanted to withdraw from the program. On or about October 29, 2013, Respondent's case was closed with TPAPN and referred to the Board for non-compliance.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(3)&(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

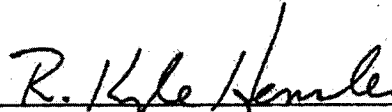
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.texas.gov/disciplinaryaction/discp-matrix.html](http://www.bon.texas.gov/disciplinaryaction/discp-matrix.html).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order dated October 27, 2011.

Filed this 17<sup>th</sup> day of December, 2013.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Jena Abel, Assistant General Counsel  
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel  
State Bar No. 24066924

John R. Griffith, Assistant General Counsel  
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

John Vanderford, Assistant General Counsel  
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-6811  
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated October 27, 2011

D/2013.11.19



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 TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse           §     AGREED  
License Number 148667                       §  
issued to TONI JEAN BLASSINGAME       §     ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of TONI JEAN BLASSINGAME, Vocational Nurse License Number 148667, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2)(9)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on September 23, 2011, 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(s).
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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Paris Junior College, Paris, Texas, on August 16, 1994. Respondent was licensed to practice vocational nursing in the State of Texas on September 26, 1994.
5. Respondent's complete vocational nursing employment history includes:

09/1994-12/1997	LVN	Jordan Health Services Mt. Vernon, Texas
1998-2000	LVN	Paris Nursing Home Paris, Texas

Respondent's complete vocational nursing employment history includes (continued):

2001-10/05	Unknown	
11/05-09/07	LVN	Careteam Home Health Longview, Texas
05/06-07/06	LVN	Exceptional Home Care Tyler, Texas
06/06-11/06	LVN	Jordan Health Services Mt. Vernon, Texas
05/07-10/07	LVN	Cooper Home Health Cooper, Texas
11/07-12/07	Unknown	
01/08-12/08	LVN	Parkview Care Center Paris, Texas
01/09-06/09	Unknown	
06/09-07/09	LVN	Paris Healthcare Center Paris, Texas
07/09-09/09	Unknown	
09/09/-11/09	LVN	Paris Skilled Nursing Facility Paris, Texas
12/09-Present	Unknown	

6. At the time of the initial incident as stated in Finding of Fact Number Seven (7), Respondent was employed as a Licensed Vocational Nurse with Paris Healthcare Center, Paris, Texas, and had been in this position for approximately one (1) month.
7. On or about July 3, 2009, while employed as a Licensed Vocational Nurse with Paris Healthcare Center, Paris, Texas, Respondent engaged in the intemperate use of Methamphetamine and Opiates in that she submitted a specimen for a drug screen that produced a positive result for Methamphetamine and Opiates. Unlawful possession of Methamphetamine and Opiates is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Methamphetamine and Opiates by a Licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize

subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

8. At the time of the incident as stated in Finding of Fact Numbers Nine (9) and Ten (10), Respondent was employed as a Licensed Vocational Nurse with Paris Skilled Nursing Facility, Paris, Texas, and had been in this position for approximately two (2) months.
9. On or about November 17, 2009, while employed as a Licensed Vocational Nurse with Paris Skilled Nursing Facility, Paris, Texas, Respondent misappropriated Tramadol from the facility or patients thereof or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
10. On or about November 18, 2009, while employed as a Licensed Vocational Nurse with Paris Skilled Nursing Facility, Paris, Texas, Respondent engaged in the intemperate use of Tramadol in that she submitted a specimen for a drug screen that produced a positive result for Tramadol. Unlawful possession of Tramadol is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). The use of Tramadol by a Licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
11. On or about July 20, 2009, Respondent submitted a Texas Board of Nursing-Online Renewal Document, Licensed Vocational Nurse in which she provided false, deceptive, and/or misleading information, in that she answered "no" to the following question, in pertinent part:

"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?
- E. been placed on community supervision or court ordered probation, whether or not adjudicated guilty?
- H. been arrested or have any pending criminal charges?

On or about February 7, 2008, Respondent entered a plea of "no contest or nolo contendere" and was subsequently convicted of DRIVING WHILE INTOXICATED and FAILURE TO STOP AND GIVE INFORMATION ( class B Misdemeanor offenses committed on December 19, 2007) in the County Court, Paris County, Texas, under Cause No. 53528 and 53527. As a result of the conviction Respondent was placed on Court Probation for a period of one (1) year, and ordered to pay a fine and court costs.

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

12. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
13. 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.
14. Respondent's conduct described in Findings of Fact Numbers Seven (7) through Eleven (11) was significantly influenced by Respondent's dependency on chemicals.
15. 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 Section 301.452(b)(2),(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(4),(5),(6)(G),(H)&(I),(10)(A)&(D),(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 148667, heretofore issued to TONI JEAN BLASSINGAME, including revocation of Respondent's license(s) 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):

- (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 fifty dollars (\$350.00) 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(s) 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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are 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 EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

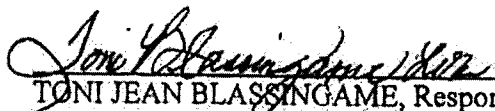
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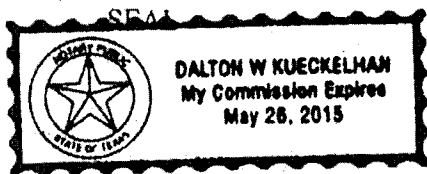
RESPONDENT'S CERTIFICATION


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. 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 24<sup>th</sup> day of October, 2011.

  
TONI JEAN BLASSINGAME, Respondent

Sworn to and subscribed before me this 24<sup>th</sup> day of October, 2011.



  
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 24th day of October, 20 11, by TONI JEAN BLASSINGAME, Vocational Nurse License Number 148667, and said Order is final.

Entered and effective this 27th day of October, 20 11.



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