



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

In the Matter of  
Registered Nurse License Number 567476  
and  
Vocational Nurse License Number 71024,  
Issued to  
SYLVIA ANN COLE

§ BEFORE THE TEXAS  
§  
§  
§  
§  
§ BOARD OF NURSING

**NUNC PRO TUNC ORDER OF THE BOARD**

TO: Sylvia Ann Cole  
4518 Hatteras Pt.  
Friendswood, TX 77546

On December 3, 2013, an Agreed Order for Sylvia Ann Cole was ratified by the Executive Director, on behalf of the Texas Board of Nursing (Board). However, the Agreed Order contained the wrong effective date. Upon notice and hearing, administrative agencies, like the Courts, have the power to enter nunc pro tunc orders where it can be seen by reference to a record that what was intended to be entered, but was omitted by inadvertence or mistake, can be corrected upon satisfactory proof of its rendition provided that no intervening rights will be prejudiced. *Railroad Comm'n v. McClain*, 356 S.W.2d 330, 334 (Tex. App.--Austin 1962, no writ) (citing *Frankfort Ky. Nat. Gas Co. v. City of Frankfort*, 276 Ky. 199, 123 S.W.2d 270, 272).

The Executive Director, as agent of the Board, after review and due consideration of the record and the facts therein, invalidates the Agreed Order for Sylvia Ann Cole that contains the incorrect effective date and enters the corrected version of the Agreed Order. Ms. Cole received due process regarding her license; therefore, her rights have not been prejudiced.

NOW, THEREFORE, IT IS ORDERED that the corrected Agreed Order is hereby approved and entered on the dates set forth below.

Order effective December 3, 2013.  
Entered this 17th day of December, 2013.

TEXAS BOARD OF NURSING

*Katherine A. Thomas*

BY: \_\_\_\_\_  
KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR, ON BEHALF OF THE BOARD

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of § AGREED  
Registered Nurse License Number 567476 §  
& Vocational Nurse License Number 71024 §  
issued to SYLVIA ANN COLE § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SYLVIA ANN COLE, Registered Nurse License Number 567476, and Vocational Nurse License Number 71024, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on August 20, 2013.

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 informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas. Respondent holds a license to practice vocational nursing in the State of Texas, which is currently in delinquent status.
4. Respondent received an Associates Degree in Nursing from San Jacinto College, Pasadena, Texas, on August 1, 1990. Respondent was licensed to practice professional nursing in the State of Texas on March 18, 1991.
5. Respondent's nursing employment history is unknown.

6. On or about June 30, 2008, Respondent submitted a Online Renewal Document Registered Nurse 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?
- B. been convicted of a felony?
- 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 guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

Respondent failed to disclose that on or about September 27, 2006, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED, a Class B misdemeanor offense committed on June 18, 2006, in the County Court at Law of Wharton County, Texas, under Cause No. CR53034. As a result of the conviction, Respondent was sentenced to confinement in the Wharton County Jail for a period of three (3) days and ordered to pay a fine and court costs.

7. In response to Finding of Fact Number Six (6), Respondent states that on June 18, 2006, Respondent was driving from the Houston area after her 11-7 shift to see her ill father. She had taken the prescription drug Lorcet for injuries she had suffered previously. She was pulled over for driving under the speed limit and the officer said she looked sleepy. She admitted she was tired and had taken the prescription medication but her father was very ill and she needed to get to him. She was arrested for driving under the influence and spent one night in jail. She was told this was a deferred adjudication and would not be on her record. When she completed her license renewal she answered no forgetting about the case. She regrets the oversight in reporting this charge on her 2008 renewal.

#### 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.

Board may have for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty (\$250) dollars. RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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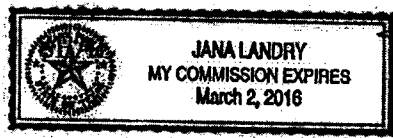
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RESPONDENT'S CERTIFICATION

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 violation(s) 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 when this Order becomes final and the terms of this Order become effective, 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 27 day of November, 2013.  
Sylvia Ann Cole  
SYLVIA ANN COLE, Respondent

Sworn to and subscribed before me this 27<sup>th</sup> day of November, 2013.



[Signature]  
Notary Public in and for the State of TX

Approved as to form and substance.  
[Signature]  
JANA K. LANDRY, Attorney for Respondent

Signed this 27<sup>th</sup> day of November, 2013.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 27th day of November, 2013, by SYLVIA ANN COLE, Registered Nurse License Number 567476 and Vocational Nurse License Number 71024, and said Order is final.

Effective this 3<sup>rd</sup> day of December, 2013.



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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of § AGREED  
Registered Nurse License Number 567476 §  
& Vocational Nurse License Number 71024 §  
issued to SYLVIA ANN COLE § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SYLVIA ANN COLE, Registered Nurse License Number 567476, and Vocational Nurse License Number 71024, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on August 20, 2013.

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 informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas. Respondent holds a license to practice vocational nursing in the State of Texas, which is currently in delinquent status.
4. Respondent received an Associates Degree in Nursing from San Jacinto College, Pasadena, Texas, on August 1, 1990. Respondent was licensed to practice professional nursing in the State of Texas on March 18, 1991.
5. Respondent's nursing employment history is unknown.

6. On or about June 30, 2008, Respondent submitted a Online Renewal Document Registered Nurse 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?
- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
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- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

Respondent failed to disclose that on or about September 27, 2006, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED, a Class B misdemeanor offense committed on June 18, 2006, in the County Court at Law of Wharton County, Texas, under Cause No. CR53034. As a result of the conviction, Respondent was sentenced to confinement in the Wharton County Jail for a period of three (3) days and ordered to pay a fine and court costs.

7. In response to Finding of Fact Number Six (6), Respondent states that on June 18, 2006, Respondent was driving from the Houston area after her 11-7 shift to see her ill father. She had taken the prescription drug Lorcet for injuries she had suffered previously. She was pulled over for driving under the speed limit and the officer said she looked sleepy. She admitted she was tired and had taken the prescription medication but her father was very ill and she needed to get to him. She was arrested for driving under the influence and spent one night in jail. She was told this was a deferred adjudication and would not be on her record. When she completed her license renewal she answered no forgetting about the case. She regrets the oversight in reporting this charge on her 2008 renewal.

#### 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(s) of and 22 TEX. ADMIN. CODE §217.12(6)(I)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 567476, and Vocational Nurse License Number 71024, heretofore issued to SYLVIA ANN COLE, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

### ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of a REMEDIAL EDUCATION AND A FINE, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§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, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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 nurse licensure compact 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, 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) 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 Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; 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.bon.texas.gov/disciplinaryaction/stipscourses.html>

(2) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the

Board may have for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty (\$250) dollars. RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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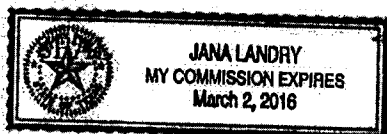
RESPONDENT'S CERTIFICATION

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 violation(s) 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 when this Order becomes final and the terms of this Order become effective, 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 27 day of November, 2013.

Sylvia Ann Cole  
SYLVIA ANN COLE, Respondent

Sworn to and subscribed before me this 27<sup>th</sup> day of November, 2013.



[Signature]  
Notary Public in and for the State of TX

Approved as to form and substance.

[Signature]  
JANA K. LANDRY, Attorney for Respondent

Signed this 27<sup>th</sup> day of November, 2013.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 27th day of November, 2013, by SYLVIA ANN COLE, Registered Nurse License Number 567476, and Vocational Nurse License Number 71024, and said Order is final.

Effective this 3rd day of November, 2013.



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