



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.
Patricia A. Pappas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Vocational Nurse License Number 181758 §
issued to ROSEMARY KIM COVENEY § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ROSEMARY KIM COVENEY, Vocational Nurse License Number 181758, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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 licensed to practice vocational nursing in the State of Texas is currently suspended.
4. Respondent received a Certificate in Vocational Nursing from Blinn College, Brenham, Texas, on August 9, 2001. Respondent was licensed to practice vocational nursing in the State of Texas on October 4, 2001.
5. Respondent's vocational nursing employment history is unknown.
6. On or about March 15, 2013, Respondent was issued an Agreed Order by the Texas Board of Nursing which required her to participate in and successfully complete the Texas Peer

Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated March 15, 2013, is attached and incorporated by reference, as part of this Order.

7. On or about August 22, 2013, Respondent became noncompliant with the Agreed Order issued to her by the Texas Board of Nursing on March 15, 2013. Noncompliance is the result of Respondent's failure to enroll into the Texas Peer Assistance Program for Nurses (TPAPN). Stipulation Number Two (2) of the Agreed Order, dated March 15, 2013, states:

(2) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (9) 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.

On or about August 22, 2013, Respondent was dismissed from TPAPN and referred back to the Board. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated March 15, 2013, is attached and incorporated, by reference, as part of this pleading.

8. Formal Charges were filed on October 8, 2013.
9. Formal Charges were mailed to Respondent on October 8, 2013.
10. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.
11. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
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 301.451-301.555, 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 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 181758, heretofore issued to ROSEMARY KIM COVENEY, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational Nurse License Number 181758, heretofore issued to ROSEMARY KIM COVENEY, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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.

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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 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 this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 25 day of November, 2013

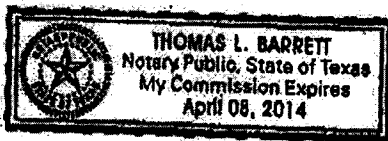
Rosemary Coviney
ROSEMARY KIM COVINEY, Respondent

Sworn to and subscribed before me this 25 day of November, 2013.

SEAL

Thomas L. Barrett

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 the voluntary surrender of Vocational Nurse License Number 181758, previously issued to ROSEMARY KIM COVENEY.

Effective this 10th day of December, 2013.



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 181758 §
issued to ROSEMARY KIM COVENEY § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ROSEMARY KIM COVENEY, Vocational Nurse License Number 181758, 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),(9),(10)&(12) and 301.453, Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on January 16, 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 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 Nursing from Blinn College, Brenham, Texas, on August 9, 2001. Respondent was licensed to practice vocational nursing in the State of Texas on October 4, 2001.
5. Respondent's vocational nursing employment history is unknown.

6. On or about March 25, 2008, Respondent submitted an Online Renewal Document Licensed Vocational 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 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 November 14, 2007, Respondent was arrested by the Montgomery County Sheriff's Office, Conroe, Texas, and subsequently charged under Cause No. 07232829 with THEFT PROP >=\$20<\$500 BY CHECK, a Class B misdemeanor offense, and that the charge was still pending at the time the Renewal was submitted to the Board.

7. In response to Finding of Fact Number Six (6), Respondent states that, she is sorry for not telling the Board about the two hot check charges. She really did not understand hot checks were "criminal offense" because she had paid the money back and nothing further occurred. She considered them to be basically "tickets." She did not have an issue with telling the Board, because she told the Board about the November 10, 2009, Failure to Stop and Give Information. However, in that case it was obvious to her this was a criminal offense and a class B misdemeanor and she was required to inform the Board. If she had understood about the hot checks being criminal offenses, she would have told the Board.
8. On or about November 10, 2009, Respondent pled Guilty and was convicted of FAILURE TO STOP & GIVE INFO, a Class B misdemeanor offense committed on November 7, 2009, in the County Criminal Court at Law No. 14 of Harris County, Texas, under Cause No. 164036701010. As a result of the conviction, Respondent was sentenced to confinement in the Houston County Jail for a period of ten (10) days and ordered to pay court costs.

9. In response to Finding of Fact Number Eight (8), Respondent stated that she was involved in a car accident. She ran into the back of a truck in front of her. She gave the driver her phone number and drivers license number, but forgot to give insurance information. When the driver of the car went to make a police report. Respondent was given a warrant for not giving information.
10. On or about March 21, 2012, Respondent submitted an Online Renewal Document Licensed Vocational 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 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 October 3, 2011, Respondent was arrested by the Bastrop County Sheriff's Office, Bastrop, Texas, and subsequently charged under Cause No. 48,485 with THEFT PROP >=\$20<\$500 BY CHECK, a Class B misdemeanor offense, and that the charge was still pending at the time you submitted the Renewal to the Board.

11. In response to Finding of Fact Number Ten (10), Respondent states that when she looked at the question on her renewal, she did not think hot checks applied to the question. After looking at the letter from the Board, where the criminal offense is listed and then looking at the question, she realizes now a hot check charge is theft and that is something the Board wants to know about and she should have told the Board about it.
12. On or about April 6, 2011, Respondent lacked fitness to practice vocational nursing, in that she presented to Smithville Regional Hospital, Smithville, Texas, because she was depressed, she had attempted suicide in the past, and Respondent was a danger to herself. Additionally, on or about April 6, 2011, while being treated at Smithville Regional Hospital, Respondent produced a specimen for a drug and alcohol screen which resulted positive for Tricyclic (antidepressants), Cannabinoids, Benzodiazepines, Cocaine, and Acetamin/Paracetamol (a pain reliever).

13. The Respondent's conduct as described in the preceding Finding(s) of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
14. 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.
15. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder mental illness.
16. 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 violation(s) of 22 TEX. ADMIN. CODE 22 TEX. ADMIN. CODE §217.12(5),(6)(I),(10)(D)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2),(9),(10)&(12), Texas Occupations Code, to take disciplinary action against, Vocational Nurse License Number 181758, heretofore issued to ROSEMARY KIM COVENEY, 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 pay a monetary fine in the amount of two hundred fifty dollars (\$250.00). 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.

(2) 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.

(3) 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.

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

(5) 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.

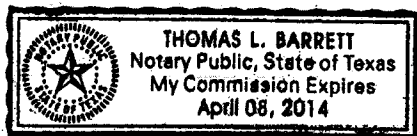
I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings 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 21 day of February, 2013.

Rosemary Kim Coveney
ROSEMARY KIM COVENEY, RESPONDENT

Sworn to and subscribed before me this 21 day of February, 2013.


SEAL



Thomas L. Barrett
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 21st day of February, 2013, by ROSEMARY KIM COVENEY, Vocational Nurse License Number 181758, and said Order is final.

Entered and effective this 15th day of March, 2013.


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