



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 Registered Nurse § AGREED
License Number 648991 §
issued to AMBER ROBERTS § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of AMBER ROBERTS, Registered Nurse License Number 648991, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on May 7, 2012, by Katherine A. Thomas, MN, RN, FAAN, 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 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.
4. Respondent received a Baccalaureate Degree in Nursing from Texas Tech University, Lubbock, Texas, on December 1, 1997. Respondent was licensed to practice professional nursing in the State of Texas on February 24, 1998.
5. Respondent's professional nursing employment history is unknown.

6. On or about November 14, 2006, Respondent pled Nolo Contendere and was convicted of DRIVING WHILE INTOXICATED 1ST OFFENSE, a Class B misdemeanor offense committed on January 8, 2006, in the County Court at Law No. 7, Travis County, Texas, under Cause No. 722,640. As a result of the conviction, Respondent was sentenced to confinement in the Travis County Jail for a period of ninety (90) days; however, imposition of the sentence of confinement was suspended and Respondent was placed on probation for a period of fifteen (15) months, and ordered to pay a fine and court costs.

7. On or about May 14, 2006, Respondent submitted an Online Renewal Document Registered Nurse to the Board of Nurse Examiners for the State of Texas, in which Respondent provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you been convicted, adjudged 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 arrest (excluding minor traffic violations) since the last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUI's, DWI's, PI's must be reported and are not considered minor traffic violations. (One time minor in possession [MIP] or minor in consumption [MIC] do not need to be disclosed, therefore, you may answer "No". If you have two or more MIP's or MIC's, you must answer "Yes".)"

Respondent failed to disclose that on or about January 8, 2006, Respondent was arrested by the Austin Police Department, Austin, Texas, and subsequently charged under Cause No. 722,640 with DRIVING WHILE INTOXICATED, a Class B misdemeanor offense, and that the charge was pending at the time the Renewal was submitted to the Board.

8. On or about May 28, 2008, Respondent submitted an Online Renewal Document Registered Nurse to the Texas Board of Nursing, in which Respondent 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, 2006, Respondent pled Nolo Contendere and was convicted of DRIVING WHILE INTOXICATED 1ST OFFENSE, a Class B misdemeanor offense committed on January 8, 2006, in the County Court at Law No. 7, Travis County, Texas, under Cause No. 722,640. As a result of the conviction, Respondent was sentenced to confinement in the Travis County Jail for a period of ninety (90) days; however, imposition of the sentence of confinement was suspended and Respondent was placed on probation for a period of fifteen (15) months.

9. In Response to Findings of Fact Numbers Six (6) through Eight (8), Respondent states that she found herself in a situation she wanted to get out of, and in a moment of panic, made a poor and irresponsible decision to leave in her own car despite being too impaired to drive safely. She regrets her actions, but now looks on it as a valuable learning experience and has worked through her court obligations promptly and cooperatively.

Respondent thought she was not required to report the matter to the Board initially on her 2006 Renewal because the matter was still pending. She also believed that she was not required to disclose the misdemeanor conviction on her 2008 Renewal because she had successfully completed community supervision.

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 of Section 301.452(b)(2)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(I).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 648991, heretofore issued to AMBER ROBERTS, 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 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 pay a monetary fine in the amount of five hundred dollars (\$500.00). 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 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>.

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 shall be eligible for nurse licensure compact privileges, if any.

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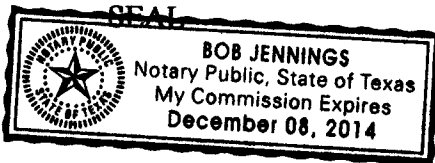
RESPONDENT'S CERTIFICATION

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 violations 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 12 day of JULY, 20 12.

Amber Roberts
AMBER ROBERTS, Respondent

Sworn to and subscribed before me this 12 day of July, 20 12.



Bob Jennings
Notary Public in and for the State of TX

Approved as to form and substance.

Amanda J. Ellis
Amanda J. Ellis, Attorney for Respondent

Signed this 16 day of July, 20 12.



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 12th day of July, 2012, by AMBER ROBERTS, Registered Nurse License Number 648991, and said Order is final.

Effective this 31st day of July, 2012.



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

