



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 § AGREED
Registered Nurse License Number 789422 §
& Vocational Nurse License Number 173232 §
issued to AMANDA LEE GARNER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of AMANDA LEE GARNER, Registered Nurse License Number 789422, and Vocational Nurse License Number 173232, 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)(9),(10)&(12), 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 April 9, 2014, subject to ratification by the Board.

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 nursing in the State of Texas.
4. 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.
5. Respondent's nursing employment history is unknown.

6. Respondent received a Certificate in Vocational Nursing from Weatherford College, Weatherford, Texas, on August 20, 1999, and an Associate Degree in Nursing from Excelsior College, Albany, New York, on June 18, 2010. Respondent was licensed to practice vocational nursing in the State of Texas on September 23, 1999, and Respondent was licensed to practice professional nursing in the State of Texas on July 22, 2010.
7. On or about August 8, 2013, Respondent submitted a License Renewal Form to the Texas Board of Nursing in which she answered "Yes" 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 disclosed that, on or about February 9, 2013, Respondent was arrested in Parker County, Texas, for PUBLIC INTOXICATION, a misdemeanor offense. Respondent was subsequently charged under Docket No. CR1-13-101583 for PUBLIC INTOXICATION. On or about March 6, 2013, Respondent entered a plea of No Contest to and was convicted of PUBLIC INTOXICATION, a misdemeanor offense, committed on February 9, 2013, in the Justice of the Peace Precinct 1, Parker County, Texas, under Docket No. CR1-13-101583. As a result of the conviction, Respondent was sentenced to confinement with jail time credit, and ordered to pay a fine and costs.

8. On or about August 8, 2013, Respondent submitted a License Renewal Form to the Texas Board of Nursing in which she answered "Yes" to the question: "In the past 5 years, have you been addicted or treated for the use of alcohol or any other drug? (You may answer "no" if you have completed and/or are in compliance with TPAPN).
9. On or about November 30, 2013, Respondent was involved in a car accident on the Montague/Wise county line. The Respondent is currently being investigated by the Texas Department of Public Safety for Intoxication Assault as a result of this event.
10. 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.

11. Formal Charges were filed on February 6, 2014.
12. Formal Charges were mailed to Respondent on February 11, 2014.

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(5)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9),(10)&(12), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 789422, and Vocational Nurse License Number 173232, heretofore issued to AMANDA LEE GARNER, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a LIMITED LICENSE with Stipulations, 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 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 Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) While under the terms of this Order, RESPONDENT SHALL NOT provide direct patient care. For the purposes of this Order, direct patient care involves a personal relationship between the Nurse and the client, and includes, but is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care.

(2) SHOULD RESPONDENT desire to return to a clinical practice setting, which would require her to provide direct patient care, RESPONDENT SHALL petition the Board for such approval, at which time, the RESPONDENT MUST satisfy all then existing requirements for re-issuance of the privilege to provide direct patient care. Further, the Board may impose reasonable conditions that must be satisfied by the RESPONDENT before re-issuance of an unencumbered license.

(3) IT IS FURTHER AGREED, SHOULD RESPONDENT be convicted of or receive a deferred order for the offense(s) as outlined in Finding of Fact Number NINE (9), said judicial action will result in further disciplinary action, up to and including Revocation of Respondent's license(s) to practice nursing in the State of Texas.

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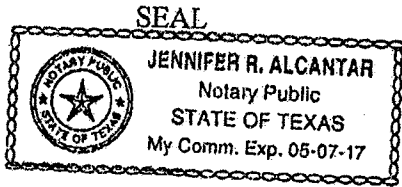
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I 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 is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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 14 day of April, 2014.

Amanda Lee Garner
AMANDA LEE GARNER, Respondent

Sworn to and subscribed before me this 14th day of April, 2014.



Jennifer R. Alcantar
Notary Public in and for the State of Texas

Approved as to form and substance.

Jeremy Fugit
Jeremy Fugit, Attorney for Respondent

Signed this 14th day of April, 2014.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 14th day of April, 2014, by AMANDA LEE GARNER, Registered Nurse License Number 789422, and Vocational Nurse License Number 173232, and said Order is final.

Effective this 13th day of May, 2014.



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