



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 BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

\*\*\*\*\*

In the Matter of Vocational Nurse            §        AGREED  
License Number 165730                         §        ORDER  
issued to AVALON DANELL BOREL             §

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of AVALON DANELL BOREL, Vocational Nurse License Number 165730, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 302.402(a)(7), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered by Katherine A. Thomas, MN, RN, Executive Director, 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.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice vocational nursing in the State of Texas is currently in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Texas State Technical College, Sweetwater, Texas, on June 13, 1997. Respondent was licensed to practice vocational nursing in the State of Texas on November 12, 1997.
5. Respondent's complete vocational nursing employment history is unknown.

6. On or about January 25, 2004, Respondent's license to practice vocational nursing was suspended, with said suspension stayed, and Respondent was placed on probation by the South Carolina State Board of Nursing, Columbia, South Carolina. A copy of the January 25, 2004, Final Order, Order of Temporary Suspension, Stipulation, and Petition is attached and incorporated, by reference, as part of this Order.
7. Formal Charges were filed on July 22, 2005. A copy of the Formal Charges is attached and incorporated, by reference, as part of this Order.
8. Formal Charges were mailed to Respondent on August 1, 2005.
9. 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 of Section 302.402(a)(7), Texas Occupations Code.
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 165730, heretofore issued to AVALON DANELL BOREL, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that Vocational Nurse License Number 165730, previously issued to AVALON DANELL BOREL, to practice vocational nursing in Texas is hereby suspended for a period of one (1) year, with the suspension stayed and Respondent is hereby placed on probation for not less than one (1) year with the following agreed terms of probation:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice vocational nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this order the Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

(2) RESPONDENT SHALL fully comply with all the terms and conditions of the Order of the Board issued to AVALON DANELL BOREL on January 25, 2004, by the South Carolina State Board of Nursing. RESPONDENT SHALL CAUSE the South Carolina State Board of Nursing to submit quarterly reports, on forms provided by the Texas Board, that AVALON DANELL BOREL is in compliance with the Order of the Board, and RESPONDENT SHALL cause the South Carolina State Board of Nursing to submit written verification of Respondent's successful completion of that Order. Evidence of compliance/completion with the terms of the Order of the South Carolina State Board of Nursing will be accepted as evidence of compliance/completion of the terms of this Order issued by the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

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 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 to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

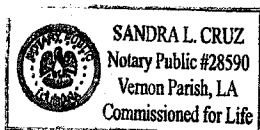
Signed this 19 day of June, 2006  
Avalon D. Borel  
AVALON DANELL BOREL, Respondent

Sworn to and subscribed before me this 19 day of June, 2006.

SEAL

Sandra L Cruz

Notary Public in and for the State of Louisiana



WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 19th day of June, 2006, by AVALON DANELL BOREL, Vocational Nurse License Number 165730, and said Order is final.

Effective this 20th day of July, 2006.



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

**In the Matter of Permanent License** § **BEFORE THE BOARD**  
**Number 165730, Issued to** § **OF NURSE EXAMINERS**  
**AVALON DANELL BOREL, Respondent** § **FOR THE STATE OF TEXAS**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, AVALON DANELL BOREL, is a Vocational Nurse holding license number 165730, which is in delinquent 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 January 25, 2004, Respondent's license to practice vocational nursing was suspended, with the suspension stayed, and placed on probation by the South Carolina State Board of Nursing, Columbia, South Carolina.

Copies of the January 25, 2004, South Carolina Final Order, Order of Temporary Suspension, Stipulation, and Petition are attached and incorporated, by reference, as part of this pleading.

The above action constitutes a violation of Section 302.402(a)(7), Texas Occupations Code.

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**CONTINUED ON NEXT PAGE**

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33 and 239.18. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. 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.bne.state.tx.us](http://www.bne.state.tx.us).

Filed this 22<sup>nd</sup> day of July, 2005.

BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300  
BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS  
333 Guadalupe, Tower III, Suite 460  
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P: (512) 305-6824  
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Elizabeth L. Higginbotham, RN, JD  
Assistant General Counsel  
State Bar No. 00787694

E. Joy Sparks  
Assistant General Counsel  
State Bar No. 18874600  
BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS  
333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-6824  
F: (512) 305-7401 or (512) 305-6870

Attachments: South Carolina Final Order, Order of Temporary Suspension, Stipulation and Petition dated January 25, 2004.

In the Matter of:

)  
) BEFORE THE STATE BOARD OF NURSING  
) FOR SOUTH CAROLINA  
)  
)

AVALON D BOREL  
LPN, 30376  
Respondent.

)  
) NOTICE OF FILING FINAL ORDER  
)  
)  
)

TO: THE RESPONDENT ABOVE-NAMED

YOU WILL PLEASE TAKE NOTICE that the Order rendered in the decision of January 25, 2004, in the above entitled action, of which a copy is attached hereto, was filed in the office of the Administrator of the Board on January 30, 2004.

*Donald W. Hayden / pwc*  
DONALD W. HAYDEN, MANAGER  
REGULATORY COMPLIANCE

Columbia, South Carolina  
January 30, 2004

CERTIFICATE

THIS IS TO CERTIFY that the above Notice of Filing and copy of Order were served upon the respondent and/or her attorney by certified mail on February 6, 2004.

*Donald W. Hayden / pwc*  
DONALD W. HAYDEN, MANAGER  
REGULATORY COMPLIANCE

Columbia, South Carolina  
January 30, 2004

**CONFIDENTIAL**

**CERTIFIED**  
A TRUE COPY  
*Rhonda W. Glen*  
SC DEPT. OF HR BOARD OF NURSING



BEFORE THE STATE BOARD OF NURSING FOR SOUTH CAROLINA

IN THE MATTER OF )  
)  
)  
AVALON D BOREL )  
LPN, 30376 )  
)  
)  
)  
\_\_\_\_\_ )

FINAL ORDER

This matter comes before the State Board of Nursing for South Carolina by way of Respondent's Stipulation and Petition dated December 5, 2003, which is attached hereto and is incorporated herein by reference.

This Final Order was sent to the Board's President for consideration of Respondent's Stipulation and Petition on January 21, 2004. After due consideration of the matter, the President hereby accepts Respondent's Stipulation and Petition and adopts the terms and conditions therein on behalf of the Board. The disposition of this matter is pursuant to the provisions of S.C. Code Ann. §10230320 (f) (Supp.1996) of the South Carolina Administrative Procedures Act.

AND IT IS SO ORDERED.

STATE BOARD OF NURSING

  
\_\_\_\_\_  
SYLVIA A. WHITING, R.N., Ph.D., C.S.  
President of the Board

1/25/04  
Date

Columbia, South Carolina  
January 21, 2004

BEFORE THE STATE BOARD OF NURSING FOR SOUTH CAROLINA

In the Matter of:

Avalon D. Borel,  
LPN, 30376

Respondent.

STIPULATION AND PETITION

COMES NOW RESPONDENT and stipulates and admits the following facts and proposed disposition of this matter pursuant to the provisions of Section 1-3-320(f) of the 1976 Code of Laws of South Carolina, as amended, known as the South Carolina Administrative Procedures Act:

1. Respondent admits that she is licensed to practice nursing as a licensed practical nurse in South Carolina and was so licensed at all times relevant to the matters asserted in this case. Said license was temporarily suspended on July 29, 2003.
2. Respondent admits that on or about July 20, 2003, she diverted nine (9) tablets of oxycodone, a schedule II controlled substance, from her employer the Rice Home in Columbia, S.C. Respondent falsely recorded that she had wasted the medication.
3. On or about July 24, 2003, Respondent admitted the diversion to the director of nursing and pharmacy at the Rice Home.
4. Respondent admits that as a result of the previous admissions herein, Respondent has violated Section 40-33-935 (b) and (g) of the 1976 Code of Laws of South Carolina, as amended, and Regulation 91-19(c)(2),(3)(c), (f), (i) and (j) of the amended Code.
5. Respondent waives any further findings of fact or conclusions of law with respect to this matter.
6. Respondent has full knowledge that she has the right to a hearing and to be represented by counsel in this matter, and freely, knowingly, and voluntarily waives such rights by entering into this Stipulation and Petition. She voluntarily relinquishes any right to judicial review of Board action(s) which may be taken concerning any related matters. Respondent understands and agrees that this Stipulation and Petition will not become effective unless and until approved by the Board. Respondent understands and agrees that a representative of the General Counsel's Office may be present during presentation of this Stipulation and Petition to the Board and that the Board shall have the authority to review portions of the investigative file and all relevant evidence in considering this Stipulation and Petition. Respondent understands and agrees that this Stipulation and Petition, if approved, will be attached and incorporated into a Final Order of the Board and may be disseminated as a public action of the Board. Respondent understands and agrees that if this Stipulation and Petition is not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the Board to adjudicate this matter.

ACCORDINGLY, RESPONDENT HEREBY PETITIONS the Board to issue a Final Order of the Board adopting the following sanction, which shall continue in effect until further Order of the Board:

1. Respondent's license to practice nursing as a registered nurse in this State is hereby suspended for a period of not less than one (1) year from the date of the Final Order accepting this Stipulation and Petition. Said suspension may be immediately stayed and the license reinstated in a probationary status for a period of not less than one (1) year upon written recommendation of the Recovering Professional Program that Respondent is safe to practice nursing and further Order of the Board, upon the following terms and conditions:

- a. Respondent must attend a Board-approved Legal Aspects Workshop and provide written documentation of completion to the Board or its designee within six (6) months from the date of the Board's action on this petition. Failure to comply with this requirement within the prescribed time shall automatically result in the immediate temporary suspension of Respondent's license to practice nursing until such time as full compliance has been made by Respondent.
- b. Respondent shall completely abstain from the consumption of mood altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a documented legitimate medical purpose. All use of such substances is to be reported by Respondent to the Board or its designee within 48 hours of initiation. All such medical treatment and prescribing shall be reported directly to the Board in writing by the treating practitioner within ten (10) days after the date of treatment. Respondent must inform the treating practitioner of this responsibility, provide a copy of the Final Order with attachments to the treating practitioner, and ensure timely compliance. Failure to comply with any of the requirements of this paragraph shall be considered a violation of the Final Order.
- c. Respondent shall be subject to periodic, unannounced blood and urine alcohol and/or drug analyses as directed by the Board, the purpose being to ensure that Respondent remains drug and/or alcohol-free. The cost of such blood and urine alcohol and/or drug analyses and reports will be borne by Respondent, which costs shall be paid within thirty (30) days after the date of the receipt of the invoice. Failure to make timely payment of such costs, to provide a specimen upon request, or to remain alcohol and/or drug-free shall be considered a violation of this Final Order.
- d. Respondent must have a written contract with and be an active participant in the activities of Recovering Professional Program (the Program), as approved in advance in writing by the Board, until a period of not less than five (5) years of documented sobriety and compliance with this Order has been satisfactorily established by Respondent and until this Order has been terminated as provided herein. Such contract shall specify the required frequency of attendance at support groups, or other such activities as the Program shall deem appropriate, including, but not limited to:

- (1) Assessment and treatment requirements of the Program;
- (2) Monitoring (counseling) and aftercare activities of the Program;

- (3) Alcoholics Anonymous (AA) and/or Narcotics Anonymous (NA):
- (4) S.C. Nurses' Peer Assistance Program or its equivalent approved by the Board;
- (5) Such additional therapeutic activities as deemed appropriate and necessary by the Program when incorporated into the contract.

The Program shall submit regular written reports documenting Respondent's full compliance with the terms of the contract with the Program and the Final Order.

- e. Respondent shall comply with the terms of the Final Order and all State and Federal statutes and regulations concerning the practice of nursing.
- f. Respondent's practice shall be strictly limited to a specific setting and location approved in writing in advance by the Board. Respondent must be supervised by a registered nurse (RN) who must remain on site and on shift at all times. Respondent shall not be approved to work in a home health environment or through an agency during the discipline period. Respondent shall provide a copy of the Final Order, with attachments, and disciplined license to all employers and educational institutions if pursuing additional nursing education.
- g. Respondent shall have the employer submit quarterly written reports directly to the Board or its designee for at least one (1) year from the date of employment or this Final Order, if currently employed. During the period of discipline, said reports shall be submitted on or before the tenth day after three months of practice in that setting and every third month thereafter. Said reports shall include an assessment of Respondent's professional competency and integrity, commitment to professionalism and applicable standards of practice, and adherence to the terms of the Final Order, until at least one (1) year of satisfactory compliance has been documented.
- h. Respondent shall appear and report to the Board as requested by the Board.
- i. Respondent shall promptly advise this Board in writing of any changes in address, practice, hospital privileges, professional status, or compliance with this agreement. Correspondence and copies of reports and notices mentioned herein shall be directed to:

LLR-Board of Nursing  
Post Office Box 12367  
Columbia SC 29211 2367

2. Should Respondent fail to comply with any of the provisions of the Final Order accepting this Stipulation and Petition, or if it should be indicated from reliable reports submitted to the Board that Respondent is otherwise unable to practice nursing with reasonable skill and safety, Respondent's license may be immediately temporarily suspended pending hearing into the matter and until further Order of the Board.

3. Pursuant to the South Carolina Freedom of Information Act, the Final Order, with attachments, is a public document.

4. Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in the investigation of Respondent's practice and compliance with the provisions of the Final Order accepting this Stipulation and Petition. Respondent may be required to furnish the Board with additional information as may be deemed necessary by the Board or its representatives. In addition to such requests, the Board in its discretion may require Respondent to submit further documentation regarding Respondent's practice, and it is Respondent's responsibility to fully comply with all reasonable request in a timely fashion. Failure to reasonably comply with such requests will be deemed a violation of the Final Order.

5. The Final Order shall take effect immediately upon receipt by Respondent or her counsel.

**THEREFORE**, Respondent respectfully prays that the Board accept this Stipulation and Petition and render a final agency decision in accordance herewith in disposition of this matter.

12.5.03

DATE

Avalon D. Borel

Avalon D. Borel

**BEFORE THE STATE BOARD OF NURSING FOR SOUTH CAROLINA**

In the Matter of:

**AVALON D. BOREL,  
LPN, PR 30376**

Respondent.

**ORDER OF TEMPORARY SUSPENSION**

**WHEREAS**, the Respondent is a licensed practical nurse in South Carolina and subject to the jurisdiction of the State of South Carolina Board of Nursing (hereinafter the Board); and

**WHEREAS**, the Board has the authority, pursuant to S.C. Code Ann. § 1-23-370(c)(1986 and Supp. 2002) to summarily suspend the license of a nurse pending further proceedings on the nurse's license when the Board has information that causes it to believe that the public health, safety or welfare imperatively requires emergency action; and

**WHEREAS**, the Board has received information which causes it to believe that the public health, safety or welfare is imperatively threatened by Respondent's conduct, to wit:

1. On or about July 20, 2003, the Respondent's stole nine (9) oxycodone 5 mg. tablets from her employer the Rice Home in Columbia, South Carolina.
2. On or about July 24, 2003, Respondent admitted the theft to the director of nursing and a pharmacist at the Rice Home.
3. While employed at the Rice Home, the Respondent failed to properly document the administration of medication on a number of occasions.
4. The Respondent was previously temporarily suspended on February 26, 2003 for not cooperating with the South Carolina Recovering Professionals Program (hereinafter the Program) and for submitting two positive drug screens.
5. The Respondent was previously temporarily suspended on April 29, 2003 for non-compliance with the Program's monitoring agreement.

**NOW, THEREFORE, IT IS ORDERED:**

1. That Respondent's license to practice nursing in this State is hereby temporarily suspended effective immediately, until such time as formal charges can be brought

**CONFIDENTIAL**

**CERTIFIED  
A TRUE COPY**  
*D. H. H. H.*

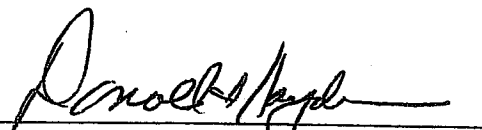
against the Respondent and until further Order of the Board. The Board shall proceed expeditiously in reaching a final disposition of this case.

2. Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in the investigation of Respondent's practice and compliance with the provision of this Order. Respondent may be required to furnish the Board with additional information as may be deemed necessary by the Board or its representatives. In addition to such requests, the Board in its discretion may require Respondent to submit further documentation regarding Respondent's practice, and it is Respondent's responsibility to fully comply with all such requests in a timely fashion. Failure to satisfactorily comply with such requests will be deemed a violation of this Order.

**AND IT IS SO ORDERED.**

STATE BOARD OF NURSING

  
ROSE KEARNEY NUNNERY, RN, PH.D  
President of the Board

By:   
DONALD HAYDEN  
Manager of Compliance

Columbia, South Carolina  
7/29, 2003