

IN THE MATTER OF
PERMANENT VOCATIONAL NURSE
LICENSE NUMBER 106424
ISSUED TO
TANYA SUE JONES

§
§
§
§
§

BEFORE THE TEXAS
BOARD OF NURSING

ELIGIBILITY AND
DISCIPLINARY COMMITTEE



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.
William C. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: TANYA SUE JONES
1412 HALL DR.
KROWLEY, TX 76036

During open meeting held in Austin, Texas, on **November 12, 2014**, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order

will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Vocational Nurse License Number 106424, previously issued to TANYA SUE JONES, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 12th day of November, 2014.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed August 21, 2014.

Re: Permanent Vocational Nurse License Number 106424

Issued to TANYA SUE JONES

DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of November, 2014, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

TANYA SUE JONES
1412 HALL DR.
KROWLEY, TX 76036

Via USPS First Class Mail

Tanya Sue Fleury
101 Pecan Street
Enterprise, AL 36330

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of	§	BEFORE THE TEXAS
Permanent Vocational Nurse	§	
License Number 106424	§	
Issued to TANYA SUE JONES,	§	
a/k/a TANYA FLEURY,	§	
Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TANYA SUE JONES, a/k/a TANYA FLEURY, is a Vocational Nurse holding License Number 106424, 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 September 28, 1999, Respondent was issued a Consent Order by the Virginia Board of Nursing, wherein her license to practice practical nursing in the State of Virginia was **INDEFINITELY SUSPENDED** for diversion of narcotics and failure to report, with the **SUSPENSION** being ~~be~~ **STAYED** upon Respondent's successful completion of the Health Practitioner's Intervention Program (HPIP). A copy of the Consent Order, dated September 28, 1999, is attached and incorporated by reference as part of these Charges.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

CHARGE II.

On or about June 6, 2000, Respondent was issued an Order by the Colorado Board of Nursing wherein her license to practice practical nursing in the State of Colorado was **REVOKED**, based upon the Order issued to her by the Virginia Board of Nursing on September 28, 1999. A copy of the Order, dated June 6, 2000, is attached and incorporated by reference as part of these Charges.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

CHARGE III.

On or about September 22, 2000, Respondent was issued an Order by the Virginia Board of Nursing wherein her license to practice practical nursing in the State of Virginia was **SUSPENDED**, based upon the Order issued to her by the Colorado Board of Nursing on June 6, 2000. A copy of the Order, dated September 22, 2000, is attached and incorporated by reference as part of these Charges.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

CHARGE IV.

On or about October 25, 2002, Respondent was issued an Order by the Virginia Board of Nursing wherein REINSTATEMENT of her license to practice practical nursing in the State of Virginia was DENIED. A copy of the Order, dated October 25, 2002, is attached and incorporated by reference as part of these Charges.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

CHARGE V.

On or about March 2, 2004, Respondent was issued an Order by the Virginia Board of Nursing wherein REINSTATEMENT of her license to practice practical nursing in the State of Virginia was DENIED. A copy of the Order, dated March 2, 2004, is attached and incorporated by reference as part of these Charges.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

CHARGE VI.

On or about November 15, 2013, Respondent was issued a Consent Order for REINSTATEMENT by the Alabama State Board of Nursing wherein her license to practice practical nursing in the State of Alabama was SUSPENDED until Respondent provides documented completion of certain terms. Upon meeting the terms, Respondent's license will be placed on PROBATION for a period of sixty (60) months if Respondent is deemed in need of treatment; or for a period of thirty-six (36) months if Respondent is not deemed in need of treatment. Should the period of suspension extend longer than twelve (12) months past the effective date of this Order, Respondent's license will be considered as and listed as REVOKED. A copy of the Consent Order, dated November 15, 2013, is attached and incorporated by reference as part of these Charges.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. 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.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

Filed this 21st day of August, 20 14.

TEXAS BOARD OF NURSING


~~James W. Johnston, General Counsel~~

~~Board Certified - Administrative Law~~

~~Texas Board of Legal Specialization~~

~~State Bar No. 10838300~~

Jena Abel, Assistant General Counsel

State Bar No. 24036103

John R. Griffith, Assistant General Counsel

State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel

State Bar No. 50511847

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Austin, Texas 78701

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D/2014.05.23

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

TANYA TANGUAY FLEURY, L.P.N.

CONSENT ORDER

Pursuant to § 9-6.14:11, § 54.1-2400(10) and § 54.1-3010 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held before a Special Conference Committee ("Committee") of the Board of Nursing on August 4, 1999, in Henrico County, Virginia, to receive and act upon evidence that Tanya Tanguay Fleury, L.P.N., may have violated certain laws and regulations governing the practice of nursing in Virginia. Tanya Tanguay Fleury, L.P.N., was not present and was not represented by counsel.

Upon consideration of the evidence presented, the Committee adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Tanya Tanguay Fleury, L.P.N., holds License No. 0002-056910 issued by the Virginia Board of Nursing.
2. During the course of her employment with Manorhouse at University Village, Charlottesville, Virginia:
 - a) Between on or about December 1, 1998, and January 23, 1999, Ms. Fleury placed orders for a total of approximately 1770 tablets/doses of various Schedule II through IV controlled substances, to include Tylenol #3 (acetaminophen with codeine phosphate, Schedule III), Vicodin (hydrocodone bitartrate and acetaminophen, Schedule III), Darvocet-N 100 (propoxyphene napsylate with

TANYA TANGUAY FLEURY, L.P.N.

acetaminophen, Schedule IV), Ativan (lorazepam, Schedule IV), and oxycodone HCl (Schedule II), for nine (9) residents, Residents A through I. Although, over the course of this period, approximately 1502 of these tablets/doses were not charted as administered to residents and became unaccounted for, with their related pharmacy delivery receipts disappearing, Ms. Fleury continued to order additional medication one (1) to three (3) times a week for these residents without alerting her supervisor to the situation.

b) On or about January 30, 1999, Ms. Fleury diverted approximately four (4) tablets of Tylenol #3 for her personal and unauthorized use. She accomplished this diversion by signing out and documenting the administration of two (2) tablets of Tylenol #3 on two (2) occasions to Resident A, an alert and oriented resident who denied receipt of Tylenol with Codeine on that date.

c) On or about February 4, 1999, Ms. Fleury telephoned twice to the facility that she would be late reporting to her scheduled shift, then failed to report at all. On February 6, 1999, she neither called nor appeared for her scheduled shift.

d) Ms. Fleury's employment was terminated, effective February 12, 1999.

3. Ms. Fleury denied to the Department's Investigator that she had received more than one (1) prescription for any pain medication, and reported to the Investigator that she had received prescriptions at only two (2) pharmacies, the CVS on Barracks Road, Charlottesville, Virginia, and the Kroger Pharmacy - Rio Hill, Charlottesville, Virginia. A review of records obtained by the Investigator revealed that on January 18, 1999, Ms. Fleury put a prescription for Vicodin ES (hydrocodone bitartrate and acetaminophen,

TANYA TANGUAY FLEURY, L.P.N.

Schedule III) on hold at this CVS, without having it filled. However, Ms. Fleury also received a second prescription, for hydrocodone with acetaminophen (Schedule III), which she had filled at the CVS – Forest Lakes, Charlottesville, Virginia, on January 14, 1999, and refilled on five occasions before February 5, 1999, for a total of approximately 90 tablets of hydrocodone, or an average of approximately 4.3 tablets a day for three (3) weeks.

4. During the course of Ms. Fleury's employment with Mount St. Francis, Colorado Springs, Colorado, during February 1998, in the course of a police investigation of Ms. Fleury's residence, empty blister packs of pain medication and pharmacy or physician order sheets for Mt. St. Francis patients were discovered in her home and returned to the facility. A facility investigation revealed that she had removed this property from the facility against policy. A meeting was scheduled with Ms. Fleury to address this issue on February 27, 1998, however, she did not appear at this meeting, or at one rescheduled to March 2, 1998, and her employment was terminated.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes Tanya Tanguay Fleury, L.P.N., has violated § 54.1-3007(2), (5) and (6) of the Code of Virginia (1950), as amended, and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations of the Board of Nursing.

CONSENT

Tanya Tanguay Fleury, L.P.N., by affixing her signature hereon, agrees to the following:

1. Ms. Fleury acknowledges that she has been specifically advised to seek advice of counsel prior to signing this document;
2. Ms. Fleury acknowledges that she is fully aware that without her consent, no legal action

TANYA TANGUAY FLEURY, L.P.N.

can be taken against her except pursuant to the Virginia Administrative Process Act, § 9-6.14:1, et seq., of the Code of Virginia, 1950, as amended;

3. Ms. Fleury acknowledges that she has the following rights among others: the right to a formal fact finding hearing before the Board, to reasonable notice of said hearing, to representation by counsel, and the right to cross examine witnesses against her;
4. Ms. Fleury waives all such right to a formal hearing;
5. Ms. Fleury admits to the above Findings of Fact;
6. Ms. Fleury consents to the entry of the following Order affecting her practice of practical nursing in the Commonwealth of Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Consent Order, and in lieu of further proceedings, hereby ORDERS that Tanya Tanguay Fleury, L.P.N., be and hereby is INDEFINITELY SUSPENDED, with such suspension STAYED, upon the following terms and conditions:

1. Ms. Fleury shall enter into the Health Practitioners' Intervention Program ("HPIP"), pursuant to Chapter 25.1 of Title 54.1 of the Code of Virginia (1950), as amended, and 18 VAC 76-10-10, et seq., of the Regulations Governing the Health Practitioners' Intervention Program and shall have proof of entry into the HPIP provided to the Board by December 1, 1999.
2. Ms. Fleury shall comply with all terms and conditions for the period specified by the HPIP;
3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Tanya Tanguay Fleury, L.P.N., and an administrative proceeding shall be held to decide whether her license shall be revoked. Ms. Fleury shall be noticed to appear

TANYA TANGUAY FLEURY, L.P.N.

before a Committee at such time as the Board is notified that:

- a) Ms. Fleury has failed to enter into the HPIP by the above date, or
- b) Ms. Fleury is not in compliance with the terms and conditions specified by the HPIP, or has been terminated from participation in the HPIP, or
- c) There is a pending investigation or unresolved allegations against Tanya Tanguay Fleury, L.P.N., involving a violation of law, regulation or any term or condition of this order, or,
- d) Ms. Fleury has successfully completed the specified period of participation in the HPIP. However, upon receipt of evidence of Ms. Fleury's participation in and compliance with the HPIP, the Committee, at its discretion, may waive Ms. Fleury's appearance before the Committee, and conduct an administrative review of this matter.

Pursuant to § 9-6.14:14 of the Code of Virginia (1950), as amended, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

FOR THE BOARD

Shelley F. Conroy, Ed.D., R.N.
Shelley F. Conroy, Ed.D., M.S.N., R.N.
President, Board of Nursing

ENTERED: 9-28-99

SEEN AND AGREED TO:

TANYA TANGUAY FLEURY, L.P.N.

Tanya Tanguay Fleury
Tanya Tanguay Fleury, L.P.N.

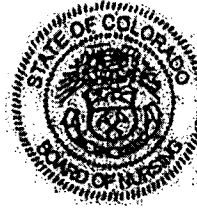
COMMONWEALTH OF VIRGINIA,

COUNTY/CITY OF ALBEMARLE, TO WIT:

Subscribed and sworn to before me, Tanya Tanguay Fleury Notary Public, this
14 day of September, 1997.

My commission expires the 31 day of July, 192001.

Ernest H. Smith
NOTARY PUBLIC



I do hereby certify the foregoing to be a true copy of the document which is on file or is of record in my office

Authorized Signature

BEFORE THE STATE BOARD OF NURSING

STATE OF COLORADO

Case No. NB 2000-6

FINAL AGENCY ORDER

IN THE MATTER OF DISCIPLINARY PROCEEDINGS REGARDING THE LICENSE TO PRACTICE PRACTICAL NURSING IN THE STATE OF COLORADO OF TANYA SUE FLEURY, A/K/A TANYA TANGUAY FLEURY, LPN LICENSE NO. 24565,

Respondent.

The Colorado State Board of Nursing (the "Board"), pursuant to and after formal proceedings before a duly qualified Administrative Law Judge ("ALJ") in accordance with the provisions of the Nurse Practice Act and the Administrative Procedure Act, and having reviewed the ALJ's Initial Decision, hereby enters the following findings and order:

1. Tanya Sue Fleury, A/K/A Tanya Tanguay Fleury, L.P.N. ("respondent") was served with a Notice of Duty to Answer, Notice to Set, Notice of Hearing, Notice of Charges, and Option to Engage in Alternative Dispute Resolution on January 28, 2000, to all last known addresses on file with the Board.

2. A disciplinary hearing by default was held pursuant to §§ 12-38-108, 116.5, and 117 C.R.S. (1999) and §§ 24-4-104 and 105, C.R.S. (1999) before ALJ Lisa A. Coughlin.

3. The Initial Decision was rendered on April 13, 2000, and transmitted to the Board. The Initial Decision is incorporated herein by reference.

4. The Initial Decision was served on the respondent and the Board's counsel on May 1, 2000.

5. Exceptions to the Initial Decision were due on or before May 31, 2000.

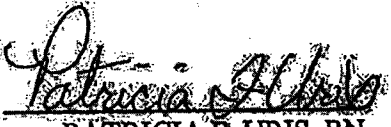
6. As of June 1, 2000, no exceptions were filed by either party with the Board office.

7. Pursuant to § 24-4-105(14), C.R.S. (1999), and policy of the Board, the Initial Decision of the ALJ has become the final order of the agency.

IT IS THEREFORE ORDERED by the Board, based upon the above findings: that the license to practice practical nursing of Tanya Sue Fleury, A/K/A Tanya Tanguay Fleury is hereby revoked.

DATED this 6th day of June, 2000.

BY THE BOARD OF NURSING:


PATRICIA F. URIS, RN
Program Administrator

This decision becomes final upon mailing. Any party adversely affected or aggrieved by any agency action may commence an action for judicial review by filing a notice of appeal with the Colorado Court of Appeals within forty-five (45) days after the date of service of this final Agency Order, pursuant to § 12-38-116.5(12), C.R.S. (1999) and § 24-4-106, C.R.S. (1999).

BEFORE THE STATE BOARD OF NURSING

STATE OF COLORADO

Case No. NB 2000-6

INITIAL DECISION

**IN THE MATTER OF DISCIPLINARY PROCEEDINGS REGARDING THE
LICENSE TO PRACTICE PRACTICAL NURSING IN THE STATE OF COLORADO
OF TANYA SUE FLEURY, a/k/a TANYA TANGUAY FLEURY, LPN LICENSE NO.
24565,**

Respondent.

This case is a disciplinary proceeding before the Colorado State Board of Nursing (the Board) involving the license of the Respondent as a practical nurse. The Board was represented by Karen A. Walker, Assistant Attorney General, Business and Licensing Section. The Respondent did not appear or otherwise participate in this proceeding. Based upon the Respondent's failure to file and answer, an Entry of Default was issued on March 22, 2000. The Respondent then had ten days to show good cause why the default should be set aside. § 24-1-105(2)(b), C.R.S. (1999). No motion to set aside the default was filed, and this matter became ready for a decision on April 5, 2000.

FINDINGS OF FACT

1. The last address furnished by the Respondent to the Board is: 820 W. Washington St., Colorado Springs, CO 80907. The Board's counsel obtained another address for Respondent subsequent to initiation of this action: 4701 Wesley Chapel Rd. Free Union, VA 22940.

2. Notice of the nature of this proceeding, the legal authority and jurisdiction under which it was held, and the matters of fact and law asserted was mailed to the Respondent by first class mail to the above addresses on January 28, 2000.

3. The Board's Motion for Entry of Default was mailed to the Respondent by first class mail to the above addresses on March 3, 2000.

4. The Administrative Law Judge's Entry of Default was mailed to the Respondent by first class mail to the above addresses on March 22, 2000. The Respondent did not file a motion to set aside the Entry of Default.

5. The Respondent was licensed to practice as a practical nurse in Colorado on March 31, 1987, and was so licensed at all times relevant to this proceeding.

6. The Respondent is also licensed as a practical nurse in the State of Virginia.

7. On September 28, 1999, the Respondent and the Virginia Board of Nursing entered into a Consent Order ("Virginia Order") regarding the Respondent's diversion of narcotics for self-use, nursing practice issues related to administration of and documentation of narcotics, and the Respondent's failure to report for scheduled shifts on two occasions at her place of nursing employment (Virginia Order previously attached to the Notice of Charges and is incorporated herein).

8. The Respondent's Virginia license to practice as a nurse was indefinitely suspended, with the suspension stayed and terms of probation imposed.

9. Respondent was disciplined by the State of Virginia for acts which are defined as grounds for discipline under the Nurse Practice Act; specifically, she gave to herself controlled substances and habit-forming drugs other than in the course of professional practice.

CONCLUSIONS OF LAW

1. The Respondent received timely notice of the time, place, and nature of this hearing and of all matters of fact and law asserted as required by Section 24-4-105(2)(a), C.R.S. (1999).

2. The Board has jurisdiction over the Respondent and over her licensure as a practical nurse.

3. Respondent had her license to practice as a nurse suspended by another jurisdiction which is a ground for discipline under Section 12-38-117(1)(d), C.R.S. of the Colorado Nurse Practice Act.

4. Respondent committed acts in the State of Virginia which are grounds for discipline under the Colorado Nurse Practice; therefore, she has violated Section 12-38-117(1)(t), C.R.S. of that Act.

5. The Board has established grounds for discipline in accordance with Section 12-38-116.5, C.R.S.

INITIAL DECISION

When the Board has proven that a licensee has violated the Nurse Practice Act, it may impose discipline in the form of a suspension or revocation of the license, or it may issue a letter of admonition. Section 12-38-116.5, C.R.S. (1999). The Board seeks revocation of the Respondent's nursing license. The Respondent did not appear in this matter to present any mitigating factors. There is no information before the Administrative Law Judge indicating that some sanction other than revocation of the Respondent's nursing license is appropriate in this case. The Respondent's failure to appear demonstrates a lack of interest in maintaining her Colorado license. It is therefore the Initial Decision of the Administrative Law Judge that the Respondent's license as a practical nurse is REVOKED.

DONE AND SIGNED

This 21 day of April 2000.


LISA A. COUGHLIN

Administrative Law Judge

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: TANYA T. FLEURY, LPN
License No.: 0002-056910

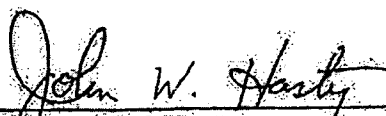
ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, John W. Hasty, the Director of the Virginia Department of Health Professions, received and acted upon evidence that the license of Tanya T. Fleury, LPN, was revoked by the State of Colorado Board of Nursing. A certified copy of the Final Agency Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Tanya T. Fleury, LPN, to practice practical nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Tanya T. Fleury, LPN, will be recorded as suspended and no longer current. In the event that Ms. Fleury seeks reinstatement of her license pursuant to Section 54.1-2409, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to Section 9-6.14:14 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.


John W. Hasty, Director
Department of Health Professions

ENTERED: 9/22/2000



COMMONWEALTH of VIRGINIA

Department of Health Professions

John W. Hasty
Director

6606 West Broad Street, Fourth Floor
Richmond, Virginia 23230-1717
(804) 662-9900
FAX (804) 662-9943
TDD (804) 662-7197

CERTIFICATION OF DUPLICATE RECORDS

I, John W. Hasty, Director of the Department of Health Professions, hereby certify that the attached Final Agency Order entered June 6, 2000, regarding Tanya T. Fleury, LPN, is a true copy of the records received from the State of Colorado Board of Nursing.


John W. Hasty

Date: 7/22/2000

BEFORE THE STATE BOARD OF NURSING

STATE OF COLORADO

Case No. NB 2000-6

FINAL AGENCY ORDER

IN THE MATTER OF DISCIPLINARY PROCEEDINGS REGARDING THE LICENSE TO PRACTICE PRACTICAL NURSING IN THE STATE OF COLORADO OF TANYA SUE FLEURY, A/K/A TANYA TANGUAY FLEURY, LPN LICENSE NO. 24565,

Respondent.

The Colorado State Board of Nursing (the "Board"), pursuant to and after formal proceedings before a duly qualified Administrative Law Judge ("ALJ") in accordance with the provisions of the Nurse Practice Act and the Administrative Procedure Act, and having reviewed the ALJ Initial Decision, hereby enters the following findings and order:

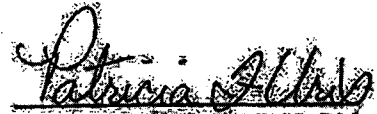
1. ~~Tanya Sue Fleury~~ A/K/A Tanya Tanguay Fleury, L.P.N. ("respondent") was served with a Notice of Entry to Answer, Notice to Set, Notice of Hearing, Notice of Charges, and Option to Waive in Alternative Dispute Resolution on January 28, 2000, to all last known addresses on file with the Board.
2. A disciplinary hearing by default was held pursuant to § § 12-38-108, 116.5, and 117 C.R.S. (1999) and § § 24-4-104 and 105, C.R.S. (1999) before ALJ Lisa A. Coughlin.
3. The Initial Decision was rendered on April 13, 2000, and transmitted to the Board. The Initial Decision is incorporated herein by reference.
4. The Initial Decision was served on the respondent and the Board's counsel on May 1, 2000.
5. Exceptions to the Initial Decision were due on or before May 31, 2000.
6. As of June 1, 2000, no exceptions were filed by either party with the Board office.
7. Pursuant to § 24-4-105(14), C.R.S. (1999), and policy of the Board, the Initial Decision of the ALJ has become the final order of the agency.

IT IS THEREFORE ORDERED by the Board, based upon the above findings: that the license to practice practical nursing of Tanya Sue Fleury, A/K/A Tanya Tanguay Fleury is hereby revoked.



DATED this 6th day of June, 2000.

BY THE BOARD OF NURSING:


PATRICIA F. URIS, RN
Program Administrator

This decision becomes final upon mailing. Any party adversely affected or aggrieved by any agency action may commence an action for judicial review by filing a notice of appeal with the Colorado Court of Appeals within forty-five (45) days after the date of service of this Final Agency Order, pursuant to § 12-62-106(3)(2), C.R.S. (1999) and § 24-4-106, C.R.S. (1999).

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

TANYA TANGUAY FLEURY

ORDER

Pursuant to § 2.2-4020, § 2.2-4021, § 54.1-110 and § 54.1-2400(10) of the Code of Virginia (1950), as amended (the "Code"), a formal administrative hearing was held before a quorum of the Board of Nursing (the "Board") on July 17, 2002, that was continued to September 25, 2002, in Henrico County, Virginia, to receive and act upon the application for reinstatement of the license of Tanya Tanguay Fleury to practice practical nursing in the Commonwealth, which was mandatorily suspended by the Department of Health Professions on September 22, 2000, pursuant to §54.1-2409 of the Code of Virginia, and to receive and act upon evidence that Ms. Fleury may have violated certain laws and regulations governing the practice of nursing in Virginia. The case was prosecuted by Ann L. Tiller, Senior Adjudication Analyst, Administrative Proceedings Division. Howard Casway, Assistant Attorney General, was present as legal counsel for the Board. Ms. Fleury was not present and was not represented by counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Tanya Tanguay Fleury previously held License No. 0002-056910 to practice practical nursing in the Commonwealth of Virginia.
2. Based upon the representations of Ms. Tiller's and Commonwealth's Exhibit # 2, the presiding officer ruled that adequate notice was provided to the respondent and the

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hearing proceeded in the absence of the respondent. This hearing was continued from its previously scheduled date of July 17, 2002.

3. Ms. Fleury's license to practice practical nursing in the Commonwealth was mandatorily suspended by the Department of Health Professions on September 22, 2000, pursuant to § 54.1-2409 of the Code, due to the revocation of Ms. Fleury's practical nursing license by the Colorado State Board of Nursing.
4. By Consent Order entered September 28, 1999, Ms. Fleury's license to practice as a practical nurse was Indefinitely Suspended, with said Suspension Stayed, contingent upon Ms. Fleury's compliance with certain terms and conditions. This action was based on Ms. Fleury's diversion of controlled substances from several employers in Virginia and one in Colorado. The terms and conditions of the Stayed Suspension include Ms. Fleury's successful completion of a contract with the Health Practitioners' Intervention Program ("HPIP"), pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10, et seq., of the Regulations Governing the Health Practitioners' Intervention Program. Ms. Fleury has violated the terms and conditions of this Consent Order. Specifically:
 - A. Ms. Fleury signed a Participation Contract with the HPIP on or about August 6, 1999, and a Recovery Monitoring Contract on or about August 24, 1999. On or about October 6, 1999, Ms. Fleury's case manager sent her a revised Recovery Monitoring Contract, which she failed to sign.
 - B. At its meeting of June 9, 2000, the Health Practitioners' Intervention Program Committee dismissed Ms. Fleury from the HPIP. This action was based on Ms. Fleury's failure to attend twelve-step and/or Caduceus meetings; her failure to

call for, or submit to, urine drug screens; her failure to respond to telephone messages and written correspondence regarding non-compliance; her failure to submit monthly self-reports; and her failure to obtain a second substance abuse evaluation after further information about her abuse was uncovered.

5. During the course of Ms. Fleury's employment with The Cedars, Charlottesville, Virginia, between approximately February 10, 2000, and March 5, 2000, Ms. Fleury was noted to be one of the only nurses to document the withdrawal of the maximum ordered doses of Vicodin (hydrocodone bitartrate and acetaminophen, Schedule III) for residents who did not require such medication under the care of other nurses. In many instances between February 14, 2000, and February 29, 2000, Ms. Fleury failed to chart the administration of such doses to residents, to include Residents A, B, C and D.
6. By her own admission, Ms. Fleury attended a chemical dependency treatment program at Crossroads for Women, Portland, Maine, from November 2001, through May 2002, due to increased alcohol consumption and depression. Further, by her own admission, Ms. Fleury received in-patient treatment for depression at Maine Medical Center in May 2002.
7. In a June 4, 2002, interview with an investigator for the Department of Health Professions, Ms. Fleury reported that she had last consumed alcohol approximately one (1) month earlier, although she had reported a sobriety date of November 7, 2001. Ms. Fleury stated that she was currently receiving no treatment for substance abuse or depression, although she planned to attend Alcoholics Anonymous recovery support group meetings.
8. By her own admission, Ms. Fleury was convicted of driving under the influence in Maine

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in June 2000.

9. Ms. Fleury last practiced as a nurse in approximately June 2000, and has not undertaken any activities to maintain nursing skills and knowledge.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 4A constitutes a violation of Term No. 2 of the Consent Order entered September 28, 1999.
2. Finding of Fact No. 4B constitutes a violation of Term No. 2 of the Consent Order entered September 28, 1999.
3. Finding of Fact No. 5 constitutes a violation of § 54.1-3007 (5) of the Code.
4. Finding of Fact No. 6 constitutes a violation of § 54.1-3007 (6) of the Code.
5. Finding of Fact No. 7 constitutes a violation of Term No. 2 of the Consent Order entered September 28, 1999.
6. Finding of Fact No. 8 constitutes a violation of Term No. 2 of the Consent Order entered September 28, 1999.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that the reinstatement of License No. 0002-056910 issued to Tanya Tanguay Fleury to practice practical nursing in the Commonwealth of Virginia, be and hereby is DENIED. Further, it is hereby ORDERED that the license of Ms. Fleury be CONTINUED on INDEFINITE SUSPENSION. At such time as she shall petition the Board for reinstatement of her license, a hearing will be convened to receive and act upon evidence satisfactory to the Board that she is able to return to the safe and competent practice of nursing.

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Upon entry of this Order, the license of Tanya Tanguay Fleury will be recorded as indefinitely suspended and no longer current. Consistent with the terms of this Order, in the event that Ms. Fleury seeks reinstatement of her license, she shall be responsible for any fees that may be required for the reinstatement and renewal of her license prior to issuance of her license to resume practice.

Pursuant to § 2.2-4023 of the Code of Virginia (1950), as amended, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

As provided by Rule 2A:2 of the Supreme Court of Virginia, Tanya Tanguay Fleury has thirty (30) days from the service date in which to appeal this decision by filing a Notice of Appeal with Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 West Broad Street, Fourth Floor, Richmond, Virginia 23230-1717. The service date shall be defined as the date Ms. Fleury actually received this decision or the date it was mailed to her, whichever occurred first. In the event this decision is served upon her by mail, three (3) days are added to that period.

FOR THE BOARD.


Nancy K. Durrett, R.N., M.S.N.
Executive Director

ENTERED: October 25th, 2002

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

TANYA S. FLEURY

ORDER

Pursuant to § 2.2-4019, § 2.2-4021 and § 54.1-3010 of the Code of Virginia (1950), as amended (the "Code"), an informal conference was held before a Special Conference Committee of the Board of Nursing (the "Committee") on February 17, 2004, in Henrico County, Virginia, to consider the petition of Tanya S. Fleury to reinstate her license to practice practical nursing in the Commonwealth of Virginia, and to receive and act upon evidence that she may have violated certain laws and regulations governing the practice of practical nursing in Virginia. Ms. Fleury was not present and was not represented by counsel.

Upon consideration of the evidence presented, the Committee adopted the following

Findings of Fact and Conclusions of Law.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Tanya S. Fleury previously held License No. 0002-056910, which was indefinitely suspended by Order of the Board entered September 22, 2000.
2. Ms. Fleury violated § 54.1-3007(1) and (2) of the Code of Virginia (1950), as amended, and 18 VAC 90-20-300(A)(1)(b) of the Regulations of the Board of Nursing, in that, on or about July 15, 2003, she falsified her application for reinstatement by answering "no" to the questions, "Has your practice ever been the subject of an investigation by any licensing authority?" and "Have you ever had any of the following disciplinary actions taken against your license by any licensing authority in any jurisdiction: placed on probation, suspended or revoked or otherwise disciplined?" in that, her license to practice

nursing in Colorado was revoked on or about June 6, 2000.


ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing hereby ORDERS that the petition of reinstatement of Tanya S. Fleury to practice practical nursing in the Commonwealth of Virginia be DENIED.

Pursuant to § 2.2-4023 of the Code of Virginia (1950), as amended, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

If Ms. Fleury does not consent to the Committee's decision and desires a hearing before the Board or a panel thereof, she shall notify, in writing, Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 W. Broad Street, Fifth Floor, Richmond, Virginia 23230-1712 within thirty-three (33) days from the date of entry of this Order. This Order shall become final upon the expiration of the thirty-three-day period unless a written request for a formal hearing is received within such time. Upon receiving timely request for a hearing, the Board or panel thereof shall then proceed with a hearing as provided in § 2.2-4020 and § 2.2-4021 of the Code of Virginia (1950), as amended.

FOR THE BOARD


Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director
Board of Nursing

ENTERED: March 2nd, 2004

BEFORE THE ALABAMA BOARD OF NURSING

IN THE MATTER OF:

TANYA SUE FLEURY

LICENSE NO. 2-027596 (Lapsed)

Respondent.

ABN CASE NO.2013-0563

CONSENT ORDER

The Alabama Board of Nursing, hereinafter referred to as Board, having evidence that Tanya Sue Fleury, hereinafter referred to as Respondent, is in violation of the Code of Alabama 1975, § 34-21-25, and the Alabama Board of Nursing Administrative Code, § 610-X-8; and Respondent, desiring to avoid the necessity of a formal hearing, do hereby enter into this ~~Consent Order in lieu of proceeding with further disciplinary action.~~ Respondent understands the right to a formal hearing in this matter and hereby knowingly waives such right. Respondent further understands and agrees that this is a non-appealable Order.

FINDINGS OF FACT

I.

On May 22, 1984, Respondent was licensed as a Licensed Practical Nurse (LPN) by examination by the Alabama Board of Nursing. On March 1, 1997, Respondent's license lapsed for non-renewal. On January 18, 2013, Respondent submitted an application for reinstatement of her lapsed LPN license.

II.

On her application for reinstatement of her lapsed license, Respondent answered "YES" to the following regulatory questions:

- Since your last renewal, were you arrested for and/or charged with any crime other than a minor traffic violation? Any arrest and/or charge related to driving while impaired or while under the influence of any substance is not a "minor traffic violation."

- Since your last renewal did you plead guilty to, enter a plea of nolo contendere or no contest for, get convicted of, receive deferred prosecution or adjudication for, have judgment withheld for, receive pretrial diversion for, or plead not guilty by reason of insanity or mental defect to, an misdemeanor or felony in any state, territory, or country?
- Since your last renewal, did you abuse alcohol, drugs (whether legal or illegal, prescribed or unauthorized), and/or other chemical substances or receive treatment or get recommended for treatment for dependency to alcohol, drugs (whether legal or illegal, prescribed or unauthorized), and/or other chemical substances?
- Since your last renewal, did any employer discharge you from or ask you to resign from any nursing employment for any of the following reasons: (1) any issue regarding your practice of nursing; (2) the accessing of, administration of, and/or accounting for controlled substances; (3) suspected impairment in the work place; and/or (4) unprofessional conduct?

III.

On or about September 28, 1999, the Virginia Board of Nursing issued a consent order indefinitely suspending Respondent's LPN license, staying the suspension upon the following terms and conditions:

- Respondent enter into the Health Practitioners' Intervention Program (HPIP) by December 1, 1999
- Comply with all terms and conditions for the period specified by the HPIP
- Any violation of the terms of this Order are grounds for revocation

This was a result of Respondent ordering approximately 1,770 tablets/doses of various schedule II through IV controlled substances, including; Tylenol #3, Vicodin, Davocet-N 100, Ativan, and oxycodone HCL, for nine (9) residents between December 1, 1998, and January 23, 1999. 1,502 of those tablets/doses were not charted and became unaccounted for, with the related pharmacy delivery receipts disappearing. Respondent continued to order additional medication one (1) to three (3) times a week without alerting her supervisors of the situation. Further, Respondent also diverted four (4) tablets of Tylenol #3 for her personal unauthorized use. During Virginia's investigation, it was also discovered that Respondent had misrepresented her prescription background.

On or about June 6, 2000, Respondent's Colorado LPN license was revoked after an administrative hearing. This was a result of Respondent's September 28, 1999, Virginia Consent Order suspending Respondent's license for diversion of narcotics for self use and her failure to report schedule shifts on two occasions.

On or about September 22, 2000, the Virginia Board of Nursing issued an Order suspending Respondent's Virginia LPN license based on revocation by the Colorado Board of Nursing.

On or about October 25, 2002, the Virginia Board of Nursing entered an order denying reinstatement of Respondent's Virginia LPN license and ordered that her license continue to be indefinitely suspended. This was a result of the following

- Respondent was dismissed from HPIP for failure to attend 12 step meetings, failure to submit to urine drug screens, failure to respond to correspondence, and failure to obtain a second substance abuse evaluation after further information about her abuse was uncovered.
- Between February 10, 2000, and March 5, 2000, Respondent was noted to be one of the only nurses to document withdrawal of the maximum ordered doses of Vicodin for residents who did not require such medication under other nurses. In many instances, Respondent failed to chart administration of such doses.
- Respondent attended chemical dependency treatment at Crossroads for Women, Portland, Maine, from November 2001, to May 2002, due to increased alcohol consumption and depression.
- Respondent disclosed to a Virginia Board of Nursing investigator that her last consumption of alcohol was approximately May 2002, when previously she claimed a sobriety date of November 7, 2001.
- Respondent was convicted of DUI in Maine in June 2000.
- Respondent had not undertaken the activities to maintain nursing skill and knowledge.

On or about March 2, 2004, the Virginia Board of Nursing again denied Respondent's petition for reinstatement. This was a result of the following:

- On or about July 15, 2003, Respondent falsified her application for reinstatement by answering "NO" to the following questions: "Has your practice ever been the subject of an investigation by any licensing authority?" and "Have you ever had any of the following disciplinary actions taken against your license by any licensing authority in any

jurisdiction: placed on probation, suspended or revoked or otherwise disciplined?" Respondent's Colorado LPN license was revoked on June 6, 2000.

IV.

On November 26, 2001, Respondent was admitted to Crossroads treatment facility in Portland, Maine. Respondent's Axis I diagnosis was Alcohol Dependence. Respondent was discharged on December 20, 2001, after completing treatment with the recommendation that she follow up with her psychiatrist and attend six AA meetings per week.

V.

In correspondence with the Board, Respondent admitted to using and diverting narcotics, however, she disputes the amount that the Virginia Board charged her with believing that it was not that much. Respondent stated that she has been sober for thirteen (13) years and she continues to attend AA and NA meetings.

CONCLUSIONS OF LAW

1. Respondent's conduct as described in Paragraph III of the Findings of Fact demonstrates that Respondent has had a license denied, conditionally issued, fined, reprimanded, censured, restricted, limited, placed on probation, suspended, revoked, voluntarily surrendered, or otherwise encumbered in any state, territory, country, or other jurisdiction, or has been court-martialed or administratively discharged by a branch of the United States Armed Forces, for any act or conduct which would constitute grounds for disciplinary action in this state including being unfit or incompetent due to the use of alcohol, or is addicted to the use of habit-forming drugs to such an extent as to render the registered nurse or licensed practice nurse unsafe or unreliable, in violation of Code of Alabama 1975, § 34-21-25(b)(1)(d) and Alabama Board of Nursing Administrative Code § 610-X-8-.03(4)(d) and (h) and is unable to safely practice nursing with reasonable skill and safety to patients by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition, in violation of Code of Alabama 1975, § 34-21-25(b)(1)(e) and

Alabama Board of Nursing Administrative Code § 610-X-8-.03(5)(d), (h) and (i) and has exhibited a pattern of abuse or misuse of habit forming and/or mood-altering drugs or substances or alcohol, in violation of Code of Alabama 1975, § 34-21-25(b)(1)(g) and Alabama Board of Nursing Administrative Code § 610-X-8-.03(7)(s) and that Respondent misappropriated, diverted, or attempted to misappropriate or divert drugs or substances from the workplace, in violation of Code of Alabama 1975, § 34-21-25(b)(1)(g) and Alabama Board of Nursing Administrative Code § 610-X-8-.03(7)(w) and that Respondent falsified, altered, destroyed, or attempted to destroy patient, employer, or employee records, in violation of Code of Alabama 1975, § 34-21-25(b)(1)(g) and Alabama Board of Nursing Administrative Code § 610-X-8-.03(7)(f), in violation of Code of Alabama 1975, § 34-21-25(b)(1)(c) and Alabama Board of Nursing Administrative Code § 610-X-8-.03(3)(a)(ii) and (b)(viii) which is a violation of Code of Alabama 1975, § 34-21-25(b)(1)(g) and Alabama Board of Nursing Administrative Code § 610-X-8-.03(7)(aa). Said conduct is unprofessional conduct of a character likely to deceive, defraud, or injure the public in matters pertaining to health.

2. Respondent's conduct as described in Paragraphs III through V of the Findings of Fact demonstrates that Respondent is unfit or incompetent due to the use of alcohol, or is addicted to the use of habit-forming drugs to such an extent as to render the registered nurse or licensed practice nurse unsafe or unreliable, in violation of Code of Alabama 1975, § 34-21-25(b)(1)(d) and Alabama Board of Nursing Administrative Code § 610-X-8-.03(4)(b), (d) and (h).

3. Respondent's conduct as described in Paragraphs III through V of the Findings of Fact demonstrates that Respondent is unable to safely practice nursing with reasonable skill and safety to patients by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition, in violation of Code of Alabama 1975, § 34-21-25(b)(1)(e) and Alabama Board of Nursing Administrative Code § 610-X-8-.03(5)(b), (d), (h) and (i).

ORDER

Respondent's application for reinstatement of lapsed license is hereby approved. Respondent's Alabama Licensed Practical Nurse License No. 2-027596, is hereby **SUSPENDED** until such time as the Board is in receipt of documentation of: (a) completion of required evaluations in accordance with Stipulation Number 4 below; (b) successful completion of the initial phase of an approved treatment program as specified in Stipulation Number 6 below, if treatment is recommended; (c) participation in an aftercare program as specified in Stipulation Number 7 below, if treatment is recommended; (d) negative random monthly drug screens as specified in Stipulation Number 15 below; (e) active participation in Twelve Step Programs as specified in Stipulation Number 9 below, if recommended; (f) accrual of requisite continuing education contact hours; and, (g) payment of appropriate fees. Should Respondent be deemed in need of treatment and upon documented completion of the above terms,

Respondent's license will be reinstated on **PROBATION** for sixty (60) months pursuant to the following terms and conditions. If not deemed to be in need of treatment, Respondent's license will be placed on probation for thirty-six (36) months pursuant to the terms and conditions in this Order. In no event will this period of suspension extend longer than **TWELVE (12) MONTHS** past the effective date of this Order. Should such occur, Respondent's licensure status will be considered as and listed as revoked.

1. Return of Wallet ID Card

Respondent's wallet ID card shall be immediately returned to the Alabama Board of Nursing office. Upon reinstatement, Respondent will be issued a wallet ID card which indicates probationary status.

2. Fine

Respondent shall pay a fine in the amount of **\$1000**. This fine must be paid within thirty (30) days of the effective date of Respondent's reinstatement. Respondent understands that failure to pay the fine is cause for additional disciplinary action by the Board of Nursing.

3. Education – Completion of Course
(If not deemed in need of chemical dependency treatment)

Respondent shall satisfactorily complete a Board-approved course/program on chemical dependency and provide documentation of completion to the Board. This course must be satisfactorily completed within three (3) months of the effective date of Respondent's reinstatement.

4. Evaluations

Respondent must submit the results of required comprehensive evaluations for chemical dependency, physical and mental illness from a Board-recognized treatment provider with Board consultation with the evaluating professional prior to making the assessment. Respondent must abide by any requests and recommendations from the providers that may include inpatient evaluation, outpatient evaluation, partial hospitalization evaluation and psychological testing.

Respondent is also required to undergo subsequent evaluations by a recognized provider with a healthcare professionals tract should such be requested by the Board following a relapse or for other cause. Respondent must follow all treatment recommendations from the provider including inpatient treatment, outpatient treatment, halfway house, residential long-term treatment, counseling, etc.

If not eligible for early release, Respondent shall return to the original treatment provider(s) or other Board-approved provider for required comprehensive evaluations and a determination of readiness to practice without supervision and/or monitoring. Said evaluations must be performed within the ninety (90) day period immediately prior to the scheduled termination of this Order. Based upon the evaluations, the Board may extend the period of this Order and require additional treatment, counseling, etc.

5. Duration of Order

The duration of this Order is for a period of sixty (60) months unless extended pursuant to Stipulation Number 4 above. Respondent may apply for early release after thirty-six (36) months of satisfactory compliance with all the stipulations of this Order. If Respondent applies for early release, a comprehensive chemical dependency, physical and mental evaluation from a treatment provider with a healthcare professionals tract which supports early release shall be submitted to the Board. Said evaluation must be performed within the ninety (90) day period immediately prior to submission of the application for early release. The duration of this Order is for a period of thirty-six (36) months if deemed not in need of chemical dependency treatment. These time periods are subject to Stipulation Number 25 below.

6. Treatment Program (If chemical dependency treatment recommended)

The program must be a Board-recognized chemical dependency treatment program.

Respondent shall cause the director of the treatment program to submit to the Board proof of Respondent's entry into a primary intensive alcohol/drug treatment program in accordance with the recommendations made during the evaluation process which may include inpatient treatment, outpatient treatment, halfway house, residential long-term treatment and/or a combination thereof. Respondent shall also cause the program director to provide the Board with documentation concerning Respondent's successful completion of the program, readiness to return to the safe practice of nursing and recommendations and arrangements for appropriate follow-up.

7. Aftercare Program (If chemical dependency treatment recommended)

Unless otherwise recommended by the treatment provider and approved by the Board, Respondent, within one (1) week of the completion of the initial phase of the treatment program, shall enter a Board-acceptable chemical dependency aftercare program with said program to meet on a weekly basis and to extend for a minimum of one (1) year. Respondent shall also cause the program to submit to the Board, in writing, and on the Board-approved

form, documentation of Respondent's attendance, participation and progress in the program. Such reports are due quarterly, according to schedule, for the duration of the probationary period or until successful completion of the aftercare program. In the event Respondent is discharged from the aftercare program for noncompliance, Respondent and the program are to immediately notify the Board, in writing, of such occurrence. This is required regardless of whether Respondent is employed in nursing.

8. Individual/Group Counseling
(If recommended by chemical dependency evaluation)

Respondent shall participate regularly in a Board-acceptable counseling program contingent upon the recommendations of the original treatment program. Respondent shall continue in counseling for as long as deemed necessary by the counselor/therapist. This stipulation is in addition to meeting the stipulation requiring aftercare participation. Respondent shall have the counselor/therapist notify the Board when continued counseling is no longer indicated and Respondent is discharged or when there is a failure to complete or comply with the course of therapy. Respondent shall also cause the program to submit to the Board, in writing and on the Board-approved form, evidence of satisfactory participation and progress in counseling. Such reports are due quarterly, according to schedule, as long as indicated during the period of this Order. This is required regardless of whether Respondent is employed in nursing.

9. Twelve Step Meetings (If recommended by chemical dependency evaluation)

Respondent shall attend and participate in a minimum of three (3) Twelve Step meetings per week for the duration of this Order. Respondent shall submit meeting attendance verification sheets monthly, according to schedule, on the Board-approved form, for the duration of the Order period. It is required that Respondent have a sponsor during the period of this Order. If there is a sponsor, the Board should be provided sufficient information as how to

contact this individual. This is required regardless of whether Respondent is employed in nursing.

10. Self-Report

Respondent shall submit a written status report to the Board on a Board-approved form. This is to be submitted on a monthly basis, according to schedule, and must contain a self-assessment of current status. This report is required regardless of whether Respondent is employed in nursing.

11. Primary Physician - Drug Use Exception

Respondent will have only one primary physician/group during the period of this Order. The primary physician must refer to any other physician, except in a documented emergency. All mood-altering medications or medications containing a mood-altering substance must be prescribed to Respondent by this primary physician for a bona fide medical condition, or if prescribed by the referred physician, must be immediately reported in writing by Respondent to the primary physician with a copy to the Board. Respondent must notify the Board of the name, address, and telephone number of the primary physician within ten (10) days of the effective date of this Order and within ten (10) days in the case of a new physician. Respondent shall cause any and all prescriptions to be verified to the Board by the prescribing practitioner on a Board-provided form at the time of the issuance of a prescription and must also provide verification of all medications prescribed prior to Respondent's Board Order. No prescription over twelve (12) months old should be taken without an updated prescription verification. The Board or its designee may, at any time, request the practitioner to document the continued need for prescribed medications. Respondent shall keep a written record of medications taken, including over-the-counter drugs, and produce such record upon request by the Board. This is required regardless of whether Respondent is employed in nursing.

12. Dentist – Drug Use Exception

Respondent will have only one dentist during the period of this Order. The primary dentist must refer to any other dentist or dental specialist, except in a documented emergency. All mood-altering medications or medications containing a mood-altering substance must be prescribed to Respondent by this primary dentist for a bona fide dental condition, or if prescribed by a referred dentist, must be immediately reported in writing by Respondent to the primary dentist with a copy to the Board. Respondent must notify the Board of the name, address, and telephone number of the primary dentist within ten (10) days of the effective date of this Order. Respondent shall cause any and all prescriptions to be verified to the Board by the prescribing dentist on a Board-provided form at the time of the issuance of a prescription, and must also provide verification of all medications prescribed prior to Respondent's Board Order. No prescription over twelve (12) months old should be taken without an updated prescription verification. The Board or its designee may, at any time, request the practitioner to document the continued need for prescribed medications. Respondent shall keep a written record of medications taken, including over-the-counter drugs, and produce such record upon request by the Board. This is required regardless of whether Respondent is employed in nursing.

13. Abstain from Alcohol Use

Respondent shall abstain completely from the use of any substance containing alcohol.

14. Abstain from Drug Use

Respondent shall abstain completely from the non-prescribed use or possession of controlled substances as defined in the Alabama Uniform Controlled Substances Act, illegal drugs as defined by law, mood-altering substances, or any drugs requiring a prescription (legend) except as provided for in this Order.

15. Drug Screening

Respondent shall participate as directed in a Board-acceptable program for random drug testing. The drug screen will be a Board-approved drug screen and may include additional chemicals as designated by the Board or its designee. A minimum of one (1) random testing per month shall be done and may be required more frequently as requested by the Board or its designee. Further, the Board or its designee may at anytime require Respondent to undergo additional drug screening of a type specified by the Board, including hair tests of a minimum of one time per year, to ensure that Respondent is free of chemical substances. Refusal to provide a specimen suitable for testing within the requested time frame constitutes a violation of this Order and grounds for disciplinary action. Respondent waives any argument as to chain-of-custody of the sample or validity/accuracy of its testing regarding any positive screen received by the Board from an approved testing facility. The report of a positive drug screen which is not a result of documented, prescribed medications as provided for herein shall be considered a violation of this Order. This is required regardless of whether Respondent is employed in nursing.

16. Employment - Monitoring

Respondent shall practice only under the on-site monitoring of a Board-approved licensed health professional in good standing with their professional regulatory body. The employment monitor is not required to be on the same unit or ward as Respondent but should be on site and readily available to provide assistance and intervention in the event Respondent appears impaired or otherwise unable to safely practice. Respondent shall work only regularly assigned, identified, and predetermined units. The on-site monitor shall be primarily one (1) person. Respondent shall not be self-employed or contract for services.

17. Employment-Increased Autonomy

Following two (2) years of satisfactory compliance with stipulations, Respondent may request to work areas which have limited supervision. If such is granted, said employment will

be with specified conditions as set forth by the Board. In no event may Respondent engage in unsupervised practice without prior written authorization from the Board or its designee.

18. Restricted Employment

Respondent shall not work for a nursing registry, traveling nurse agency, nursing float pool, hospice, home health agency, or temporary employment agency.

19. Employment - Supervision Restriction

Respondent shall not be employed as a supervising nurse.

20. Employment - Access to Drugs (if treatment recommended)

Respondent shall not administer or have access to controlled substance medications for a minimum of six (6) months of employment, and shall not have access to or administer controlled substance medications until written permission is received from the Board stating this stipulation no longer applies. Respondent shall work in nursing a minimum of six (6) months without this restriction prior to completing the Order.

21. Employment - Hours of Practice

Respondent shall not work more than eighty (80) hours in a two (2) week period without prior written authorization from the Board or its designee.

22. Employment - Notification

Respondent shall provide all health care employers, collaborative and covering physicians (if CRNP/CNM) and schools of nursing with a copy of this Order and cause each to acknowledge to the Board that a copy of this Order has been provided to them. Said notification shall be received by the Board no later than ten (10) days after the effective date of this Order or within ten (10) days of Respondent's employment or advanced practice approval or entry into school and must be on the Board-provided form.

23. Employment - Change in Status

Respondent shall not accept or change employment without prior written notification to the Board. Said notification must include the name and number of the person who will be Respondent's supervisor.

24. Employment - Evaluation of Performance

Respondent shall cause the employer to provide to the Board, on a Board-approved form, a written evaluation of Respondent's nursing performance. Such reports are due quarterly, according to schedule. The receipt of an unfavorable report may be considered to be a violation of this Order. If Respondent is not employed as a nurse, Respondent is required to inform the Board of employment status in the monthly self-report.

25. Not Employed in Nursing

In order to complete the terms of this Order, Respondent must have been employed as a practicing nurse for a minimum period of eighteen (18) months if chemical dependency treatment is recommended. If treatment is not recommended, Respondent must be employed as a practicing nurse for a minimum of thirty-six (36). A minimum of ninety-six (96) hours of nursing employment per month is required to constitute being "employed as a practicing nurse." During periods of employment in fields other than nursing, Respondent is not relieved from compliance with all other terms and conditions of this Order.

26. Alabama Licensure Status

Respondent must maintain a current license at all times during the period of probation. If for any reason Respondent allows the nursing license to lapse/expire, such may be cause for disciplinary action.

27. Notification of Board

If Respondent is arrested by any law enforcement agency or is admitted as a patient to any institution in this state or elsewhere for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological disorder,

Respondent shall cause the Board to be notified immediately. Respondent also shall immediately report to the Board any relapse as well as any disciplinary action issued by an employer. Should Respondent test positive on any drug screen conducted by an employer, an employee assistance program, court referral program or other entity, Respondent shall immediately report such to the Board.

28. Change of Address

Respondent shall immediately notify the Board, in writing, of any change of address.

29. Relocation

Respondent must notify the Board of pending relocation outside the State of Alabama. If Respondent plans to relocate to another state, Respondent must inform that state's board of nursing as to licensure status and may request the Alabama Board to transfer monitoring to the other state. If monitored by another state, Respondent must successfully complete all requirements of the Board Order of the other jurisdiction in order to fulfill the terms of this Order. Respondent must submit to the Alabama Board a copy of the Order from the other state and official notification of successful completion or unsuccessful termination thereof. The Board retains the right to withdraw approval for out-of-state monitoring if circumstances indicate that such is appropriate.

30. Personal Interview

Respondent shall appear in person for interviews at the request of the Board or Board designee.

31. Obey the Laws

Respondent shall refrain from violation of any federal, state or local law or rule or Order of the Board. A conviction on any criminal charge pending at the time of the signing of this Order may result in further disciplinary action. Any arrest subsequent to the signing of this Order may result in further disciplinary action.

32. Release of Records and Information

Respondent hereby authorizes the Board of Nursing to submit information and all records necessary to ensure compliance with the stipulations of this Order and public safety. This includes communication with Respondent's employer (existing and prospective) and members of Respondent's treatment team regarding noncompliance and/or possible relapse. Respondent also agrees to execute all appropriate release of information forms so as to allow all treatment providers, healthcare providers, employers and all other necessary persons to inform the Board, in writing, of Respondent's status and progress.

33. Violation

Any deviation from the requirements of this Order without the written consent of the Board shall constitute a violation of this Order and will be cause for disciplinary action.

34. Subsequent Practice Act Violation

Should supplemental cause for disciplinary action arise during the period of this Order such is cause for disciplinary action.

35. Fraudulent Acts During Period of Order

Submission of fraudulent documents or reports or misrepresentation of facts relating to the terms and conditions stated herein shall constitute a violation of this Order.

36. Termination of Order

This Order shall terminate only upon receipt of documents to satisfy all terms and conditions of this Order, including receipt of official court records documenting successful completion of court-ordered probation, pretrial diversionary-type program, drug court, etc., where applicable. This period of probation will not terminate until notification by the Board to Respondent in writing that all terms and conditions have been met and the probation has been completed.

37. Public Information

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This Order is public information. All disciplinary actions of the Board will be reported to all required data banks.

38. Effective Date

The effective date of this Order shall be the documented date of service or attempted service by certified mail or personal service.

39. Final Order

This Order is subject to full Board consideration and acceptance before it shall be final.

EXECUTED this the 26 day of Sept 2013


TANYA SUE FLEURY

APPROVED AND ACCEPTED by the ALABAMA BOARD OF NURSING on this the 15th day of November 2013.


N. GENELL LEE, RN, MSN, JD
EXECUTIVE OFFICER
ALABAMA BOARD OF NURSING