


BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Vocational Nurse License Number 184927 §
issued to ERICA LYNN BOHANNAN § ORDER


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

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ERICA LYNN BOHANNAN, Vocational Nurse License Number 184927, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on October 31, 2014.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing and agreed to the entry of this Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Galen College of Nursing, San Antonio, Texas, on January 23, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on July 16 2002.
5. Respondent's nursing employment history includes:

07/02 - 10/02 Not Employed in Nursing

(Nursing employment history continued)

10/02 - 03/05	LVN	Med-Pool Professionals San Antonio, TX
10/03 - 02/05	LVN	Normandy Terrace S.E. Nursing Home San Antonio, TX
06/04 - 07/04	LVN	Austin Health Care San Antonio, TX
04/05 - 10/10	LVN	Kirkwood Manor Nursing & Rehabilitation New Braunfels, TX
11/10 - 02/11	LVN	Sundance Nursing & Rehabilitation New Braunfels, TX
02/11 - 11/11	LVN	Silvertree Nursing & Rehabilitation Schertz, TX
11/11 - 03/12	Not Employed in Nursing	
03/12 - present	LVN	Hacienda Oaks Nursing Home Seguin, TX

6. On or about September 13, 2005, Respondent was issued the sanction of a Reprimand with Stipulations by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated September 13, 2005, is attached and incorporated, by reference, as part of this Order.
7. On or about August 4, 2007, Respondent submitted a License Renewal Form to the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question: "Have you been convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, or received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests whether or not on appeal (excluding minor Class C traffic violations)? This includes expunged offenses and deferred adjudications with or without a finding of guilt. Please note that DUIs, DWIs, and PIs, must be reported and are not considered minor traffic violations. One time minor in possession [MIP] or minor in consumption [MIC] does not need to be disclosed; therefore, you may answer "No." If you have two or more MIPs or MICs, you

must answer "Yes." You may answer "No" if you have previously disclosed a criminal matter otherwise responsive to this question in a renewal and/or licensure form."

Respondent failed to disclose that, on or about November 18, 2006, Respondent was arrested by the New Braunfels Police Department, New Braunfels, Texas, for DRIVING WHILE LICENSE INVALID, a misdemeanor offense. Respondent was subsequently charged under Cause No. 2007CR0454 for DRIVING WHILE LICENSE INVALID. On or about March 18, 2008, Cause No. 2007CR0454 was dismissed in County Court At-Law, Comal County, Texas, for the reason: "Defendant pled to cause number 2007CR1278." The charge was pending at the time of renewal.

Respondent also failed to disclose that, on or about March 1, 2007, Respondent was arrested by the New Braunfels Police Department, New Braunfels, Texas, for DRIVING WHILE LICENSE INVALID, a misdemeanor offense. Respondent was subsequently charged under Cause No. 2007CR1278 for DRIVING WHILE LICENSE INVALID. The charge was pending at the time of renewal.

8. On or about July 31, 2009, Respondent submitted a License Renewal Form to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question: "Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:
- A. been convicted of a misdemeanor?
 - B. been convicted of a felony?
 - C. pled nolo contendere, no contest, or guilty?
 - D. received deferred adjudication?
 - E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
 - F. been sentenced to serve jail or prison time? court-ordered confinement?
 - G. been granted pre-trial diversion?
 - H. been arrested or have any pending criminal charges?
 - I. been cited or charged with any violation of the law?
 - J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

Respondent failed to disclose that, on or about March 12, 2008, Respondent entered a plea of No Contest to DWLI, a Class B misdemeanor offense, committed on March 1, 2007, in the County Court-At-Law, Comal County, Texas, under Cause No. 2007-CR-1278. As a result of the plea, the proceedings against Respondent were deferred, without entering an adjudication of guilt, and Respondent was placed on probation for a period of twelve (12) months, and ordered to pay a fine and court costs.

9. On or about 04/10/2012, Respondent defaulted on her Texas Guaranteed Student Loan. Respondent exhibited unprofessional conduct in her failure to repay a Texas Guaranteed Student Loan, which may have deprived other students of funds necessary for their educational programs.
10. On or about May 15, 2014, Respondent was arrested by the Guadalupe County Sheriff's Office, Seguin, Texas, for MAN/DEL CS PG 1>=4G<200G, a Felony 1st Degree offense.
11. On or about August 28, 2014, Respondent presented to Sean G. Connolly, Ph.D., San Antonio, Texas, for psychological testing, and an interview. Dr. Connolly concludes that Respondent's pattern of maladaptive behavior and the repetitive series of arrest for traffic violations clearly indicate poor judgement, and a reluctance or unwillingness to take responsibility for the common requirements of being a citizen, a driver, and a professional in the health care field. While there is no evidence of any dependence or addiction to alcohol or drugs, that would interfere with her fitness to practice nursing in the State of Texas, her pattern of maladaptive behavior, immaturity, and poor judgment would suggest the need for supervision for some time in the practice of nursing, from a personality disorder viewpoint. She is also encouraged to enter into six months of psychotherapy to assist her in managing her emotions and behavior in a more responsible way. With these supports, it is Dr. Connolly's opinion that Respondent does have the fitness to practice nursing in the state of Texas."
12. On or about August 31, 2014, Respondent was arrested by the DPS, Guadalupe County, Texas, for FAIL TO ID FUGITIVE INTENT GIVE FALSE INFO, UNL CARRYING WEAPON, DRIVING W/LIC INV W/PREV CONV/SUSP/W/O FIN RES, misdemeanor offenses.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.12(6)(I),(7)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 184927, heretofore issued to ERICA LYNN BOHANNAN, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

TERMS OF ORDER

I. SANCTION

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Vocational Nurse License Number 184927, previously issued to ERICA LYNN BOHANNAN, to practice nursing in Texas is hereby **SUSPENDED** and said suspension is **ENFORCED** until Respondent:

Initiates contact with the Texas Guaranteed Student Loan Corporation and make arrangements to repay the student loan. Upon approval of a repayment contract with the Texas Guaranteed Student Loan Corporation, RESPONDENT SHALL CAUSE the Texas Guaranteed Student Loan Corporation to submit verification of the defaulted loan's repayment status directly to the Board.

IT IS FURTHER AGREED, upon verification of successful completion of the above requirement, the Suspension will be **STAYED**, and RESPONDENT will be placed on **PROBATION**, in accordance with the terms of this Order, for a minimum of one (1) year **AND** until Respondent fulfills the additional requirements of this Order.

IT IS FURTHER AGREED, SHOULD RESPONDENT be convicted of or receive a deferred order for the offense(s) as outlined in Finding of Fact Numbers TEN (10) and TWELVE (12), said judicial action will result in further disciplinary action, up to and including Revocation of Respondent's license(s) to practice nursing in the State of Texas.

II. COMPLIANCE WITH LAW AND APPLICABILITY

While under the terms of this Order, RESPONDENT agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Order.

- RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.
- This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education courses **within one (1) year of entry of the suspension being stayed, unless otherwise specifically indicated:**

- A. **A course in Texas nursing jurisprudence and ethics** that shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. Home study courses and video programs will not be approved.
- B. The course **"Sharpening Critical Thinking Skills,"** a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of*

Course Completion forms are available from the Board at www.bon.texas.gov/compliance.

IV. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse, providing direct patient care in a licensed healthcare setting, for a minimum of sixty-four (64) hours per month for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as a nurse have elapsed. Any quarterly period without continuous employment with the same employer for all three (3) months will not count towards completion of this requirement. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. **Indirect Supervision:** For the remainder of the stipulation period, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar

practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

- D. **Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT and these reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

V. DRUG AND ALCOHOL RELATED REQUIREMENTS

- A. While under the terms of this Order, RESPONDENT SHALL abstain from the use of alcohol, tramadol and all controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.
- B. While working as a nurse under the terms of this Order, RESPONDENT SHALL submit to random periodic screens for alcohol, tramadol, and controlled substances. The Board will provide instructions on how to enroll in the Board's drug and alcohol testing program following the entry of this Order and screening will begin when Respondent obtains employment and submits the Notification of Employment form to the Board.
- For the first three (3) month [1st quarter] period RESPONDENT works as a nurse under the terms of this Order, random screens shall be performed at least once per week.
 - For the next three (3) month [2nd quarter] period, random screens shall be performed at least twice per month.

- For the next six (6) month period [3rd & 4th quarters], random screens shall be performed at least once per month.

All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board. Any test result for a period of time in which the RESPONDENT is not working as a nurse under the terms of this Order will not count towards satisfaction of this requirement. All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation/probation period.

Specimens shall be screened for at least the following substances and their metabolites:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT'S place of employment at any time during the stipulation period and require RESPONDENT to produce a specimen for screening.

Consequences of Positive or Missed Screens. Any positive result for which RESPONDENT does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject RESPONDENT to further disciplinary action, including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order.

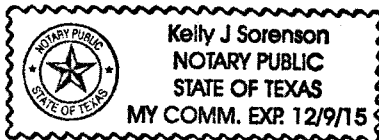
I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

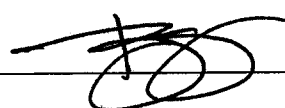
Signed this 28th day of December, 2014.


ERICA LYNN BOHANNAN, Respondent

Sworn to and subscribed before me this 13 day of Jan, 2015.

SEAL



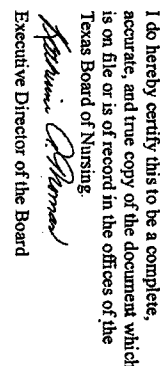

Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 28th day of December, 20 14, by ERICA LYNN BOHANNAN, Vocational Nurse License Number 184927, and said Order is final.

Effective this 10th day of February, 20 15.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas", is written over a horizontal line.

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



§ AGREED
§ ORDER

Respondent appeared in person. Respondent was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Elizabeth Higginbotham, RN, JD, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Earl E. Stearns, Investigator.

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 notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from the Health Institute of San Antonio, San Antonio, Texas, on January 23, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on July 16, 2002.

5. Respondent's vocational nursing employment history includes:

07/02 - 10/02		Not Employed in Nursing
10/02 - 03/05	LVN	Med-Pool Professionals San Antonio, Texas
10/03 - 02/05	LVN	Normandy Terrace S.E. Nursing Home San Antonio, Texas
06/04 - 07/04	LVN	Austin Health Care San Antonio, Texas
03/05 - Present		Unemployed

6. On or about May 31, 1995, Respondent entered a plea of Guilty to POSSESSION OF MARIJUANA LESS THAN 2 OUNCES (a Class B misdemeanor offense committed on March 31, 1995), in the County Court at Law No. 7 of Bexar County, Texas, under Cause No. 602058. As a result of the Guilty plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of six (6) months. Furthermore, Respondent was ordered to pay a fine of one hundred dollars (\$100.00) and court costs.
7. On or about November 10, 1998, based on the finding of the 187th Judicial District Court of Bexar County, Texas, that the evidence substantiated Respondent's guilt, Respondent was placed on Deferred Adjudication probation for a period of two (2) years, under Cause No. 1997-CR-5354, for POSSESSION OF A CONTROLLED SUBSTANCE, NAMELY: METHAMPHETAMINE FOUR GRAMS OR MORE BUT LESS THAN TWO HUNDRED GRAMS (a felony offense committed on September 3, 1997). Additionally, Respondent was ordered to pay court costs and assessed fees, and to complete two hundred (200) hours of Community Service Restitution. Furthermore, Respondent was ordered to apply to Alcoholics Anonymous (AA), Narcotics Anonymous (NA) and Elite Counseling for counseling, treatment, diagnostic evaluation and/or intervention.
8. On February 16, 1999, a Motion to Enter Adjudication of Guilt and Revoke Probation was entered in the 187th Judicial District Court of Bexar County, Texas, under Cause No. 1997-CR-5354. The Motion, and an Order of *capias* for arrest of defendant, ERICA BOHANNAN, was entered by the Court based on Findings that:

On or about February 4, 1999, in Bexar County, Texas, the defendant, ERICA BOHANNAN, committed the offense of DRIVING WHILE LICENSE SUSPENDED, in violation of Condition No. 1 of the Deferred Adjudication

probation that defendant, ERICA BOHANNAN, had been granted under Cause No. 1997-CR-5354, on November 10, 1998.

In Bexar County, Texas, between the date the defendant, ERICA BOHANNAN, was placed on Community Supervision and the date of filing hereof, for Administrative Fees, Court Costs, the defendant should have remitted \$331.25, but had only remitted \$40.00, in violation of Condition No. 11 of the Deferred Adjudication probation that defendant, ERICA BOHANNAN, had been granted under Cause No. 1997-CR-5354, on November 10, 1998.

9. On March 23, 1999, the 187th Judicial District Court of Bexar County, Texas, amended the conditions of Deferred Adjudication probation granted Respondent under Cause No. 1997-CR-5354. An added condition of the probation ordered Respondent to serve a term of imprisonment in the Bexar County Jail for three (3) days, beginning March 29, 1999.
10. On December 6, 2000, a Termination of Probation/Community Supervision Order was entered in the 187th Judicial District Court of Bexar County, Texas, under Cause No. 1997-CR-5354. The Order terminated defendant ERICA BOHANNAN's Deferred Adjudication probation on its expiration date of November 10, 2000.
11. On or about April 19, 1998, Respondent was arrested by the San Antonio Police Department, San Antonio, Texas, and subsequently charged for the Class B misdemeanor offense of DRIVING WHILE LICENSE INVALID.
12. On or about November 12, 1998, a Motion to Dismiss and Order to Dismiss was entered in the County Court at Law No. 5 of Bexar County, Texas, under Cause No. 692445. The Order dismissed the Class B misdemeanor offense of DRIVING WHILE LICENSE SUSPENDED that had been filed against Respondent. The charge in the offense was dismissed based on Respondent's agreement to plea to the Class A misdemeanor offense charged under Cause No. 660025.
13. On or about November 12, 1998, Respondent was convicted of POSSESS A PROHIBITED WEAPON, NAMELY: A SWITCHBLADE (a Class A misdemeanor offense committed on March 28, 1997), in the County Court at Law No. 5 of Bexar County, Texas, under Cause No. 660025. As a result of the conviction, Respondent was placed on probation for a period of six (6) months. Furthermore, Respondent was ordered to pay a five hundred dollar (\$500.00) fine and court costs.
14. On or about October 25, 1999, Respondent was convicted of DRIVING WHILE LICENSE SUSPENDED/DENIED (a Class B misdemeanor offense committed on February 3, 1999), in the County Court at Law No. 5 of Bexar County, Texas, under Cause No. 717348. As a result of the conviction, Respondent was sentenced to confinement in the Bexar County Adult Detention Center for a period of twenty-four (24) days (with twelve (12) days credit

given for time already served). Furthermore, Respondent was ordered to pay a one hundred dollar (\$100.00) fine and court costs.

15. On or about January 9, 2002, Respondent submitted her Application for Licensure by Examination to the Board of Vocational Nurse Examiners for the State of Texas. On the Application, Respondent answered "No" to the question: "Have you ever been convicted of a misdemeanor other than a minor traffic violation?" Respondent's conduct was deceptive to the Board of Vocational Nurse Examiners for the State of Texas, and could have affected their decision to issue her licensure.
16. On or about May 20, 2002, Respondent submitted her Application for Licensure (Re-Take) to the Board of Vocational Nurse Examiners for the State of Texas. On the Application, Respondent answered "No" to the question: "Have you ever been convicted of a misdemeanor other than a minor traffic violation?" Respondent's conduct was deceptive to the Board of Vocational Nurse Examiners for the State of Texas, and could have affected their decision to issue her licensure.
17. On or about October 16, 2002, Respondent was arrested by the Somerset Police Department, Somerset, Texas, and subsequently charged for the Class B misdemeanor offense of DRIVING WHILE LICENSE SUSPENDED/DENIED.
18. On or about March 27, 2003, a Motion to Dismiss and Order to Dismiss was entered in the County Court at Law No. 5 of Bexar County, Texas, under Cause No. 831260. The Order dismissed the Class B misdemeanor offense of DRIVING WHILE LICENSE SUSPENDED - ENHANCED that had been filed against Respondent. The charge in the offense was dismissed based on the Court's decision to take the offense into consideration during the punishment phase of Cause No. 832646 (heard in the County Court at Law No. 5 of Bexar County, Texas, on June 18, 2003).
19. On or about June 18, 2003, Respondent was convicted of DRIVING WHILE LICENSE SUSPENDED - ENHANCED (a Class A misdemeanor offense committed on October 29, 2002), in the County Court at Law No. 5 of Bexar County, Texas, under Cause No. 832646. As a result of the conviction, and the State taking Cause No. 831260 into consideration, Respondent was placed on probation for a period of six (6) months. Additionally, Respondent was ordered to pay a two hundred dollar (\$200.00) fine and court costs. Furthermore, Respondent was ordered to perform twenty-four (24) hours of Community Service Restitution; to comply with the extension payment agreement established by the Bexar County Community Supervision and Corrections Department Collections Section as directed by the Court and/or Collections Section personnel; and to apply for a valid driver's license and SR compliance.
20. On or about September 4, 2003, Respondent submitted her License Renewal to the Board of Vocational Nurse Examiners for the State of Texas. On the Renewal, Respondent answered

"No" to the question: "Were you convicted of a misdemeanor other than a minor traffic violation since your last renewal?" Respondent's conduct was deceptive to the Board of Nurse Examiners for the State of Texas, and could have affected their decision to renew her licensure.

21. Formal Charges were filed on March 17, 2005.
22. Formal Charges were mailed to Respondent on March 22, 2005.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 302.402(a)(3)(B)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(8)&(29)(A)(iii).
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 184927, heretofore issued to ERICA LYNN BOHANNAN, 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 RESPONDENT SHALL receive the sanction of a REPRIMAND with STIPULATIONS, and 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 Vocational Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE § 211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable

to Respondent's multistate licensure privilege, if any, to practice vocational nursing in compact states.

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

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to ERICA LYNN BOHANNAN, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order for appropriate notation.

(2) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course

Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A LICENSED VOCATIONAL NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEAR(S) OF EMPLOYMENT.

THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE A VOCATIONAL NURSE LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD.

(5) RESPONDENT SHALL notify each present employer in vocational nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in vocational nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in vocational nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a vocational nurse.

(7) For the duration of the stipulation period, RESPONDENT SHALL be supervised by a Registered Nurse or a Licensed Vocational Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising

nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice vocational nursing. These reports shall be completed by the Registered Nurse or Licensed Vocational Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for two (2) year(s) of employment as a vocational nurse.

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.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order.

I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that 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 28 day of July, 2005.

Erica Lynn Bohannon
ERICA LYNN BOHANNAN, Respondent


Sworn to and subscribed before me this 29 day of July, 2005

SEAL

Quinn Cifer
Notary Public in and for the State of Texas

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 28th day of July, 2005, by ERICA LYNN BOHANNAN, Vocational Nurse License Number 184927, and said Order is final.

Effective this 13th day of September, 2005.


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



Katherine A. Thomas, MN, RN
Executive Director

Board of Nurse Examiners For the State of Texas

Linda Rounds, PhD, FNP, RN
President

June 30, 2004

MERYLENE ARRINGTON
3548 FM 2383
WHITESBORO TX 76273

Dear Ms. Arrington:

You have successfully completed your term of probation as stipulated by the Board of Vocational Nurse Examiners.

All pertinent information will remain in your permanent records. We urge you in the future to promote and uphold the ethical standards a Licensed Vocational Nurse should practice.

If you have any questions concerning this matter, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in cursive script, reading "Carolyn Hudson".

Carolyn Hudson
Probation Monitor, Enforcement Division

/ch