



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.  
*Stephanie P. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of § AGREED  
Registered Nurse License Number 501543 §  
& Vocational Nurse License Number 82865 §  
issued to ALICIA A ANDERSON, § ORDER  
PETITIONER for Exception

A public meeting of the Eligibility and Disciplinary Committee of the Board, hereinafter referred to as the Committee, was held on December 9, 2014, at 333 Guadalupe, Tower 3, Suite 460, Austin, Texas, to consider the Petition for Exception and supporting documents filed by ALICIA A ANDERSON, hereinafter referred to as PETITIONER.

PETITIONER appeared in person.

Board Members in attendance were: Beverly Jean Nutall, LVN; Deborah Hughes Bell, CLU; and Mary LeBeck, MSN, RN. Staff present were: James W. Johnston, General Counsel; Anthony L. Diggs, Director, Enforcement Division; John De La Rosa, Investigator; Diane E. Burell, Monitoring Supervisor; Elena Wolfe, Investigator; Kathy Hoffman, Legal Assistant Supervisor; and Andrea Gonzalez, Legal Assistant.

After review and due consideration of the filed Petition, the Committee voted to GRANT the Petition for Exception.

Petitioner waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered by the Committee on December 9, 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 Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).

2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.
3. Petitioner's license to practice vocational nursing is currently in delinquent status. Petitioner is currently licensed to practice professional nursing in the State of Texas.
4. Petitioner received a Certificate in Vocational Nursing from Odessa College of Vocational Nursing, Odessa, Texas, on August 16, 1979, and received an Associate Degree in Nursing from Odessa College, Odessa, Texas, on May 30, 1982. Petitioner was licensed to practice vocational nursing in the State of Texas on October 16, 1979, and was licensed to practice professional nursing in the State of Texas on September 15, 1982.

5. Petitioner's nursing employment history includes:

6/80 - 11/89	LVN/RN	Medical Center Hospital Odessa, Texas
5/90 - 2/94	Staff Nurse	Visiting Nurse Service Odessa, Texas
2/95 - 10/95	Staff Nurse	Nurses Unlimited Odessa, Texas
10/95 - 10/96	Staff Nurse	Major Medical Odessa, Texas
10/96 - 1/99	Staff Nurse	Infusion Plus Odessa, Texas
6/98 - 9/99	Staff Nurse	N.I.H./Generations Midland, Texas
9/99 - 2/04	Staff Nurse	Covenant Home Health Midland, Texas
2/04 - 10/04	Administrative Director	Foundation Management Services Denton, Texas Covenant Home Health Care Odessa, Texas
10/04 - 3/11	Branch Agency Director	Foundation Management Services Denton, Texas Accolade Home Care Midland, Texas

Petitioner's nursing employment history continued:

3/11 - present	Clinical Software Specialist	Foundation Management Services Denton, Texas
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7. On August 19, 2014, Petitioner was issued the sanction of a Limited License with Stipulations through an Agreed Order of the Board. A copy of the Agreed Order, including the Findings of Fact, Conclusions of Law, and Order, dated August 19, 2014, is attached and incorporated herein by reference as part of this Order.
8. Petitioner has not been permitted to provide direct patient care since August 19, 2014, pursuant to the terms of the Order issued to her by the Board on August 19, 2014. As a result, Petitioner has not been able to adequately demonstrate that her conduct, as described in the Findings of Fact in the Agreed Order dated August 19, 2014, does not continue to pose serious risks to public health and safety due to intemperate use of controlled substances or chemical dependency.

#### 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 violation(s) of 22 TEX. ADMIN. CODE §217.12(6)(I) & (13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2) and (10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 501543, and Vocational Nurse License Number 82865, heretofore issued to ALICIA A ANDERSON, including revocation of Petitioner's license(s) to practice nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that the sanction of Limited License with Stipulations previously issued to Petitioner is hereby lifted and the Petitioner is subject to the following STIPULATIONS, conditions, and requirements:

(1) The stipulations, conditions, and requirements specified herein SHALL SUPERCEDE those of any Order previously entered by the Texas Board of Nursing.

(2) While under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Petitioner to practice nursing in the State of Texas.

(3) This Order SHALL be applicable to Petitioner's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

(4) While Petitioner's license(s) is/are encumbered by this Order, Petitioner may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Petitioner wishes to work.

(5) Petitioner SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE § 211.1 *et seq.* and this Order.

(6) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted.

RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*  
*<http://www.bon.texas.gov/compliance>*.

(7) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete 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 program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. 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 at the following Board website address: <http://www.bon.texas.gov/compliance>*.

**IT IS FURTHER ORDERED, SHOULD PETITIONER PRACTICE AS A NURSE IN THE STATE OF TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND PETITIONER MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. 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 STIPULATION PERIOD:**

(8) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). 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 nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). 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.

(9) RESPONDENT SHALL CAUSE each present employer in 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 nurse.

(10) RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.

(11) 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. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

(12) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of 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.**

(13) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, 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.

Specimens shall be screened for at least the following substances:

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.~~

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 period.

Any positive result for which the nurse does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject the nurse to further disciplinary action, including EMERGENCY 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.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from PETITIONER'S license(s) to practice nursing in the State of Texas and Petitioner may be eligible for nurse licensure compact privileges, if any.

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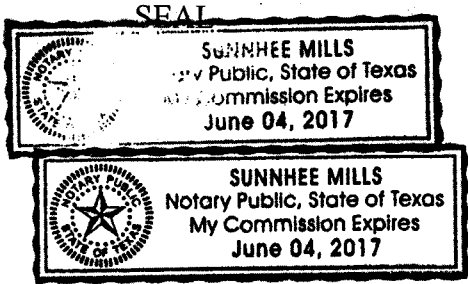
PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 6 day of February, 2015.  
Alicia Anderson BSN, RN  
ALICIA A ANDERSON, Petitioner

Sworn to and subscribed before me this 6<sup>th</sup> day of February, 2015.

Sunnhee Mills  
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 6th day of February, 2015, by ALICIA A ANDERSON, Registered Nurse License Number 501543, and Vocational Nurse License Number 82865, and said Order is final.

Effective this 10th day of February, 2015.



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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of § AGREED  
Registered Nurse License Number 501543 §  
& Vocational Nurse License Number 82865 §  
issued to ALICIA A ANDERSON § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ALICIA A ANDERSON, Registered Nurse License Number 501543, and Vocational Nurse License Number 82865, 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 informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on May 7, 2014, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas, and holds a license to practice vocational nursing which is currently delinquent.
4. Respondent received a Certificate in Vocational Nursing from Odessa College of Vocational Nursing, Odessa, Texas, on August 16, 1979, Respondent received an Associate Degree in Nursing from Odessa College, Odessa, Texas, on May 30, 1982. Respondent was licensed to practice vocational nursing in the State of Texas on October 16, 1979, and was licensed to practice professional nursing in the State of Texas on September 15, 1982.

5. Respondent's complete nursing employment history is unknown.
6. On or about September 18, 2005, Respondent submitted an Online Renewal Document Registered Nurse to the Board of Nurse Examiners, in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrest (excluding minor traffic violations) since the last renewal? This includes expunged offense and deferred adjudications with or without prejudice of guilt. Please note that DUI's, DWI's, PI's must be reported and are not considered minor traffic violations. (one time minor in possession {MIP} or minor in consumption {MIC} do not need to be disclosed, therefore, you may answer "No". If you have two or more MIP's or MIC's, you must answer "yes".)"

Respondent failed to disclose that, on or about January 22, 2004, Respondent was arrested by the Midland Police Department for DRIVING WHILE INTOXICATED, a Class B misdemeanor offense, and that the criminal charge was still pending at the time that Respondent submitted her Renewal to the Board.

7. On or about January 22, 2004, Respondent was arrested by the Midland Police Department for DRIVING WHILE INTOXICATED, a Class B misdemeanor offense. On or about May 4, 2006, the charge was dismissed for the reason: Defendant has successfully completed all conditions of Pre-Trial Diversion, in the County court of Midland County, Texas, under Cause No. 102645.
8. On or about April 22, 2010, Respondent pled No Contest and was convicted of DRIVING WHILE INTOXICATED, a Class B misdemeanor offense committed on October 1, 2009, in the County Court of Midland County, Texas, under Cause No. CR127639. As a result of the conviction, Respondent was sentenced to confinement in the Midland County Jail for a period of three (3) months; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of one (1) year and was ordered to pay a fine and court costs.
9. In response to Findings of Fact Numbers Six (6) through Eight (8), Respondent disclosed these incidents on her 2011 renewal and to her supervisor at that time. Her employer instituted a plan of discipline which included random drug screens and to attend AA meetings.

10. On September 19, 2013, Respondent underwent a chemical dependency evaluation, with J. Ray Hays, Ph.D., J.D. Dr. Hays Concluded that his evaluation of Ms. Anderson yielded findings that were within normal limits. She reported that her last use of any street drug was approximately 14 years ago (November 7, 1989). She drinks alcohol on occasion, but has never used alcohol when working, and does not drive following any times of social use of alcohol. Based on all the data obtained, it is the opinion of the examiner that Ms. Anderson is capable of continuing to be license as a Registered Nurse with a reasonable degree of skill and safety to patients.
11. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.12(6)(I)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 501543, and Vocational Nurse License Number 82865, heretofore issued to ALICIA A. ANDERSON, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a LIMITED LICENSE with Stipulations, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

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

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

IT IS FURTHER AGREED that:

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

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

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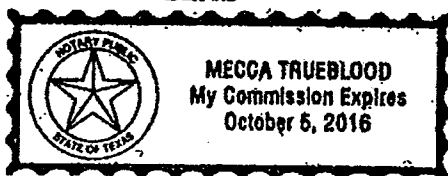
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 28 day of May, 2014.

Alicia A Anderson  
ALICIA A ANDERSON, Respondent

Sworn to and subscribed before me this 28 day of May, 2014.



Mecca Trueblood  
Notary Public in and for the State of Texas

Approved as to form and substance.  
[Signature]  
Dan Lype, Attorney for Respondent

Signed this 16 day of July, 2014.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 28<sup>th</sup> day of May, 2014, by ALICIA A ANDERSON, Registered Nurse License Number 501543, and Vocational Nurse License Number 82865, and said Order is final.

Effective this 19<sup>th</sup> day of August, 2014.



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