



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 A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Vocational Nurse License Number 310075 §
issued to ROCHELLE ELIZABETH LYNN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ROCHELLE ELIZABETH LYNN, Vocational Nurse License Number 310075, hereinafter referred to as Respondent.

This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

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 Hazleton Area Vocational Technical School, Hazleton, Pennsylvania, on May 1, 2006. Respondent was licensed to practice vocational nursing in the State of Texas on September 27, 2012.
5. Respondent's vocational nursing employment history is unknown.
6. On or about November 1, 2012, Respondent was arrested by the Midlothian Police Department, Midlothian, Texas, for INTOXICATION ASSAULT WITH VEHICLE SERIOUS BODILY INJURY, a 3rd Degree felony offense.

On or about August 1, 2014, Respondent entered a plea of Guilty and was convicted of INTOXICATION ASSAULT, a 3rd Degree felony offense committed on or about November 1, 2012, in the 40th Judicial District Court, Ellis County, Texas, under Cause No. 37876CR. As a result of the conviction, Respondent was sentenced to confinement in the Texas Department of Criminal Justice Institutional Division for a period of five (5) years [with five (5) days credit for time served], and ordered to pay court costs.

On or about August 1, 2014, Respondent entered a plea of Guilty and was convicted of INTOXICATION ASSAULT, a 3rd Degree felony offense committed on or about November 1, 2012, in the 40th Judicial District Court, Ellis County, Texas, under Cause No. 37877CR. As a result of the conviction, Respondent was sentenced to confinement in the Texas Department of Criminal Justice Institutional Division for a period of five (5) years [with five (5) days credit for time served], and ordered to pay restitution in the amount of three hundred thousand, eight hundred eleven dollars and sixteen cents (\$300,811.16), along with court costs.

7. On or about June 24, 2013, Respondent submitted an online license renewal document to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the following question:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

H. been arrested or have any pending criminal charges?"

Respondent failed to disclose that on or about November 1, 2012, she was arrested by the Midlothian Police Department, Midlothian, Texas, for INTOXICATION ASSAULT WITH VEHICLE SERIOUS BODILY INJURY, a 3rd Degree felony offense.

8. On or about October 12, 2013, Respondent was arrested by the Cedar Hill Police Department, Cedar Hill, Texas, and subsequently charged in the County Criminal Court No. 4, Dallas County, Texas, under Cause No. MA1313958 for DRIVING WHILE INTOXICATED 1ST .15, a Class A misdemeanor offense. This matter is pending.
9. In response to Findings of Fact Numbers Six (6) through Eight (8), Respondent states that she is guilty of the incident that occurred on November 1, 2012, and is currently incarcerated in the Lockhart facility. Respondent adds that she was arrested on October 12, 2012, in Cedar Hill, Texas, and those charges are pending. In regards to the information submitted on or about June 24, 2013, Respondent states that she did not intentionally try to deceive the Board. She received divorce papers that same week and her mind was unclear. Respondent adds that she has not had a drink since February 2, 2014.

10. Formal Charges were filed on December 19, 2014.
11. Formal Charges were mailed to Respondent on December 23, 2014.
12. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.
13. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
14. 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),(3)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 310075, heretofore issued to ROCHELLE ELIZABETH LYNN, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

TERMS OF ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the **VOLUNTARY SURRENDER** of Vocational Nurse License Number 310075, heretofore issued to ROCHELLE ELIZABETH LYNN, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse, or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until:
 - A. One (1) year has elapsed from the date of this Order; and,
 - B. RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.

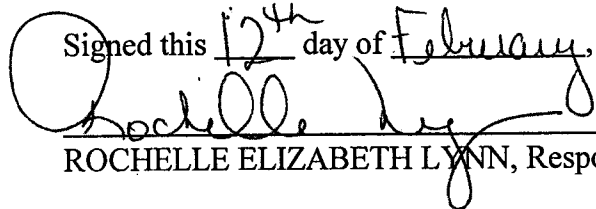
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

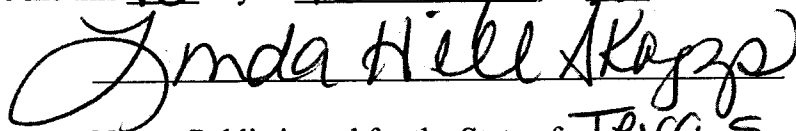
IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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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 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 this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 12th day of February, 2015.

ROCHELLE ELIZABETH LYNN, Respondent

Sworn to and subscribed before me this 12th day of February, 2015.
SEAL 
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 accept the voluntary surrender of Vocational Nurse License Number 310075, previously issued to ROCHELLE ELIZABETH LYNN.

Effective this 17th day of February, 2015.



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