BEFORE THE TEXAS BOARD OF NURSING

In the Matter of \$ AGREED Registered Nurse License Number 715204 \$ & Vocational Nurse License Number 124223 \$ issued to BEVERLEE ANNE MUMY \$ ORDER



On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BEVERLEE ANNE MUMY, Registered Nurse License Number 715204 and Vocational Nurse License Number 124223, 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)(10)&(13), 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 December 9, 2015.

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 inactive status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
- 4. Respondent received a Certificate in Vocational Nursing from Amarillo College, Amarillo, Texas, on December 16, 1988. Respondent was licensed to practice vocational nursing in the State of Texas on May 26, 1989. Respondent received an Associate Degree in Nursing from Midland College, Midland, Texas, on December 17, 2004. Respondent was licensed to practice professional nursing in the State of Texas on May 3, 2005.

5. Respondent's nursing employment history includes:

5/89 - 12/99	Unknown	
1/00 - 11/02	LVN	Trinity Haven Health Center Midland, Texas
12/02 - 4/03	LVN	Su Casa Home Health Care
5/03 - 1/05	Unknown	Midland, Texas
2/05 - 06/06	LVN/RN	Trinity Haven Health Center Midland, Texas
04/06 - 04/08	Assistant Director of Nurses	Trinity Haven Healthcare Center Midland, Texas
10/06 - 04/07	RN Case Manager	Covenant Home Health Care Midland, Texas
06/08 - 09/09	In Patient/Director of Nurses	Correctional Medical Services Los Lunas, New Mexico
9/09 - 10/09	Pediatric Case Manager	S & R Home Health Midland, Texas
11/09 - 01/10	Director of Nursing	Stanton Nursing and Rehabilitation Stanton, Texas
3/10 - 01/11	Staff Nurse	Midland Memorial Hospital Midland, Texas
01/11 - 06/11	Assistant Director of Nurses	Ussery Roan Texas State Veterans Home, Amarillo, Texas
07/11 - 05/12	Charge Nurse	Hereford Regional Medical Center Hereford, Texas
05/12 - 07/12	Director of Nursing	Plum Creek Healthcare Center Amarillo, Texas
10/12 - 02/13	Weekend on call nurse	IntegraCare Home Health Amarillo, Texas

Respondent's nursing employment history continued:

09/13 - 12/14 Instructor for VN Program Vista College

Amarillo, Texas

01/15 - Present Home Health RN Angels of Care

Amarillo, Texas

- 6. On March 11, 2005, Respondent was issued an Order of Conditional Eligibility by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated March 11, 2005, is attached and incorporated by reference as part of this Order.
- 7. On September 8, 2009, Respondent was issued the sanction of a Warning with Stipulations by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated September 8, 2009, is attached and incorporated by reference as part of this Order.
- 8. On February 8, 2011, Respondent was issued the sanction of a Reprimand with Stipulations by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated February 8, 2011, is attached and incorporated by reference as part of this Order. Respondent successfully completed all stipulations on October 11, 2011.
- 9. At the time of the initial incident, Respondent was employed as an Instructor for the VN Program with Vista College, Amarillo, Texas, and had been in that position for one (1) year and two (2) months.
- 10. On or about November 11, 2014, while employed as an Instructor for the VN Program with Vista College, Amarillo, Texas, and on assignment supervising students at the clinical site, Baptist St. Anthony's Hospital, Amarillo, Texas, Respondent left her assignment without notifying her supervisor. Student BS was left alone at the hospital and was not able to locate Respondent for the post clinical conference. Respondent's conduct was likely to deprive the students of the required faculty supervised hands-on clinical care and clinical conferences to help them meet the specific learning objectives.
- 11. In response to Finding of Fact Number Ten (10), Respondent states that on November 11, 2014 on the 3pm-11pm Shift, she was the clinical instructor for her level four students and she went to work not feeling well. She had started developing a UTI, but was managing. During the shift she had students on the 3rd, 4th, & 7th floors of the hospital and she was managing going to each floor to check on students. The students were each assigned to a nurse on the floor and they were aware when she left their floor what floor she was going to next. She began to feel worse and began to urinate blood in small amounts, no urine and her abdomen was extremely distended, she was in excruciating pain. She was still maintaining going floor-to-floor and checking on her students. On her last round to each floor she made sure that all the students knew when to meet for post conference and where they were

meeting. At around 2230, post conference time, she was diaphoretic, felt like she was going to pass out, had difficulty sitting up, her pain was at a 10. She told the students that she needed to hurry through post conference because she was going down to the ER, two of the students went with her because they did not think she would make it on her own. She noticed that one of the students was not at the post conference and she asked another student to check and see where he was. She let the students go about ten (10) minutes early. She was nauseated and was afraid she would throw up. When she got to the ER she was told it would be about a four (4) hour wait and she decided to leave, go to WalMart to buy something to take. On her way to WalMart, she received a call from one of the students in class and he asked where she was. She told him and then she realized she had left him. "I felt horrible and apologized. I was not thinking straight at the time I left the facility..."

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 §217.11(1)(A)&(1)(I) and 22 Tex. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(G)&(12).
- 4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 715204 and Vocational Nurse License Number 124223, heretofore issued to BEVERLEE ANNE MUMY, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
- 5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive

the sanction of ${\bf REPRIMAND\ WITH\ STIPULATIONS}$ in accordance with the terms of this Order.

A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. 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.

II. COMPLIANCE WITH LAW

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.

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 course(s) within one (1) year of the effective date of this Order, unless otherwise specifically indicated:

- A. A Board-approved 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 <u>"Sharpening Critical Thinking Skills,"</u> 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 <u>not</u> being offered by a preapproved provider. Information about Board-approved courses and Verification of Course Completion forms are available from the Board at <u>www.bon.texas.gov/compliance</u>.

IV. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a licensed healthcare setting, for a minimum of sixty-four (64) hours per month for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) 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 first year [four (4) quarters] of employment as a Nurse under this Order, 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. Incident Reporting: For the remainder of the stipulation/probation period, 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.
- E. 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 eight (8) quarters [two (2) years] of employment as a nurse.

V. 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.

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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 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 14^Mday of Dayway, 20 16.

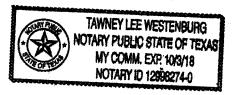
Signed this 14^Mday of Muny, 20 16.

BEVERLEE ANNE MUMY, Respondent

Sworn to and subscribed before me this 14th day of 2001/201, 20 16

- 8 -

SEAL



Notary Public in and for the State of 10 XQS

SECTIAND TWEET SUR

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the <u>14th</u> day of <u>January</u>, 2016, by BEVERLEE ANNE MUMY, Registered Nurse License Number 715204 and Vocational Nurse License Number 124223, and said Order is final.

Effective this 9th day of February, 2016.

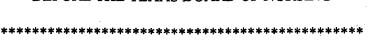
Katherine A. Thomas, MN, RN, FAAN

Stering a Momas

Executive Director on behalf

of said Board

BEFORE THE TEXAS BOARD OF NURSING



In the Matter of Vocational Nurse § AGREED License Number 124223 and Registered Nurse §

License Number 715204

issued to BEVERLEE MUMY REAGAN § 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.

Executive Director of the Board

Executive Director of the Board**

On this day the Texas Board of Nursing, hereinafter referred to as the E considered the matter of BEVERLEE MUMY REAGAN, Vocational Nurse License Number 124223, and Registered Nurse License Number 715204, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1) and (10), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

- 1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
- 2. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.
- 3. Respondent's license to practice vocational nursing in the State of Texas is currently in inactive status. Respondent is currently licensed to practice professional nursing in the State of Texas.
- 4. Respondent received a Certificate in Vocational Nursing from Amarillo College, Amarillo, Texas, on December 16, 1988. Respondent was licensed to practice vocational nursing in the State of Texas on May 26, 1989. Respondent received an Associate Degree in Nursing from Midland College, Midland, Texas, on December 17, 2004. Respondent was licensed to practice professional nursing in the State of Texas on May 3, 2005.

5. Respondent's nursing employment history includes:

5/89 - 12/99	Unknown	
1/00 - 10/00	LVN	Trinity Haven Health Center Midland, Texas
11/00 - 1/01	Unknown	
2/01 - 4/02	LVN	Trinity Haven Health Center Midland, Texas
5/02 - 11/02	Unknown	
12/02 - 4/04	LVN	Su Casa Home Health Care Midland, Texas
5/04 - 1/05	Unknown	
2/0 5- Unknown	LVN/RN	Trinity Haven Health Center Midland, Texas
9/09 - 10/09	Pediatric Case Manager	S & R Home Health Midland, Texas
11/09 - 2/10	Director of Nursing	Stanton Nursing and Rehabilitation Stanton, Texas
3/10 - present	Staff Nurse	Midland Memorial Hospital Midland, Texas

- 6. On March 11, 2005, Respondent was issued an Order of Conditional Eligibility by the Texas Board of Nursing. A copy of the March 11, 2005, Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
- 7. On September 8, 2009, Respondent was issued the sanction of a Warning with Stipulations by the Texas Board of Nursing. A copy of the September 8, 2009, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

- 8. On or about November 17, 2009, while employed with Stanton Nursing and Rehabilitation, Stanton, Texas, Respondent failed to comply with the Agreed Order issued to her on September, 8, 2009, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number (5) of the Agreed Order which states, in pertinent part:
 - (5) ...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. On or about November 22, 2009, while employed with Stanton Nursing and Rehabilitation, Stanton, Texas, Respondent failed to comply with the Agreed Order issued to her on September 8, 2009, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Six (6) of the Agreed Order which states, in pertinent part:
 - (6) ...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. From November 2009 through February 2010, while employed as the Director of Nursing with Stanton Nursing and Rehabilitation, Stanton, Texas, Respondent failed to comply with the Agreed Order issued to her on September 8, 2009, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Seven (7) of the Agreed Order which states, in pertinent part:
 - (7) RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises.
- 11. In response to Findings of Fact Numbers Eight (8) through Ten (10), Respondent states that when she began her position with Stanton Nursing and Rehabilitation, she failed to adhere to the stipulations placed on her license by not being supervised by an on-site RN. In addition, the facility did not have a copy of her stipulations. Respondent also states she did not send the Notification of Employment within 5 days, but did however, send in a quarterly report.

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 violations of Section 301.452(b)(1) and (10), Texas Occupations Code, and 22 Tex. ADMIN. Code §217.12(11)(B).
- 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 124223, and Registered Nurse License Number 715204, heretofore issued to BEVERLEE MUMY REAGAN, including revocation of Respondent's licenses 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 REPRIMAND 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) The stipulations outlined and required herein SHALL supercede all previous stipulations required by any Order entered by the Texas Board of Nursing.

- (2) RESPONDENT SHALL pay a monetary fine in the amount of one thousand (\$1000.00) dollars RESPONDENT SHALL pay this fine within ninety (90) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing 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 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. Information regarding this workshop may be found at the following web address: http://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH 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 THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

- (4) RESPONDENT SHALL notify each present employer in 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 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.
- (5) 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.
- (6) For the duration of the stipulation period, RESPONDENT SHALL be supervised by a Registered 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.

(7) 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 Registered 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 two (2) year(s) of employment as a nurse.

IT IS FURTHER AGREED, that 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 shall be eligible for nurse licensure compact privileges, if any.

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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 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 29 day of Wee-

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Sworn to and subscribed before m	e this $\mathcal{A}^{\dagger n}$ day of	DECEMBER	, 20 <u>10</u> .
SEAL	Jan	x Oylu	
JANET JOHNSON Notary Public STATE OF TEXAS My Comm. Exp. March 2, 2013	Notary Public	in and for the State of	of Texas
	Approved as to	form and substance	е.
	JEFF B. MCD	ONALD, Attorney i	for Respondent
	Signed this	day of	20 .

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 29th day of December.

20_11, by BEVERLEE MUMY REAGAN, Vocational Nurse License Number 124223, and Registered Nurse License Number 715204, and said Order is final.



Effective this 8th day of February, 2011

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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse License Number 715204 and	Ş	AGREED
Vocational Nurse License Number 124223 issued to	\$ \$	
BEVERLEE MUMY (ANNE) REAGAN	§ §	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BEVERLEE MUMY (ANNE) REAGAN, Registered Nurse License Number 715204 and Vocational Nurse License Number 124223, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on June 28, 2009, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

- 1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
- 2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
- 3. Respondent holds a license to practice professional nursing in the State of Texas which is currently 'Multi-State Recognition (MSR) Compact License Invalid.' Respondent holds a license to practice vocational nursing in the State of Texas which is currently in inactive status.
- 4. Respondent received a Certificate in Vocational Nursing from Amarillo College, Amarillo, Texas, on December 16, 1988. Respondent was licensed to practice vocational nursing in the State of Texas on May 26, 1989. Respondent received an Associate Degree in Nursing from Midland College, Midland, Texas, on December 17, 2004. Respondent was licensed to practice professional nursing in the State of Texas on May 3, 2005.

Respondent's nursing employment history includes:

05/89 - 12/99	Unknown	
01/00 - 10/00	LVN .	Trinity Haven Healthcare Center Midland, Texas
11/00 - 01/01	Unknown	
02/01 - 04/02	LVN	Trinity Haven Healthcare Center Midland, Texas
05/02 - 11/02	Unknown	
12/02 - 04/04	LVN	Su Casa Home Health Care Midland, Texas
05/04 - 01/05	Unknown	
02/05 - Unknown	LVN/RN	Trinity Haven Healthcare Center Midland, Texas

- 6. On or about March 11, 2005, Respondent was issued an ORDER OF CONDITIONAL ELIGIBILITY by the Board of Nurse Examiners for the State of Texas, Austin, Texas. A copy of the Findings of Fact, Conclusions of Law and Agreed Order is attached and incorporated, by reference, as part of this Order.
- 7. On or about February 15, 2008, it was discovered by Health and Human Services Commission Nurse Reviewers that on or about November 2006, at Trinity Haven Health Care Center, Midland, Texas, Respondent falsified medical records for Patient Medical Record Numbers 10616 and 10490 in that she signed and dated physician's orders for patients she did not assess. Respondent's conduct was deceptive and resulted in an inaccurate medical record.
- 8. In response to the incident in Finding of Fact Number Seven (7), Respondent states:

"Sandra Moncrief, RNC, DON, and half owner of Trinity Haven Health Care asked me to come in and do some work for her after I got off work at my full time job. I was asked to do paperwork and assist Ms. Moncrief with checking doctor's orders and getting everything done for the end of the month."

CONCLUSIONS OF LAW

- 1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
- 2. Notice was served in accordance with law.
- 3. The evidence received is sufficient to prove violation of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A)&(D) and 217.12(1)(A),(1)(C),(6)(A)&(6)(H).
- 4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 715204 and Vocational Nurse License Number 124223, heretofore issued to BEVERLEE MUMY (ANNE) REAGAN, including revocation of Respondent's licenses to practice professional and vocational 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 WARNING 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 multistate licensure privilege, if any, to practice 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 Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) 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.state.tx.us/disciplinaryaction/stipscourses.html.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is <u>not</u> 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) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation.

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RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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.state.tx.us/disciplinaryaction/stipscourses.html.

- (3) 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. Information regarding this workshop may be found at the following web address: http://www.learningext.com/products/generalce/critical/ctabout.asp.
- (4) 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 Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR

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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 VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

- 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 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 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.
- (7) RESPONDENT SHALL be supervised by a Registered 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 715204/124223119

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 nursing. These reports shall be completed by the Registered 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.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure 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 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 licenses to practice professional and vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 4 day of Accept 1, 20 09.

Develu Memy For BEVERLEE MUMY (ANNE) REAGAN, Respondent

Sworn to and subscribed before me this 1474 day of August, 2009.

SEAL

OFFICIAL SEAL
STEVE MAGEE
NOTARY PUBLIC-STATE OF NEW MEXICO
My commission expires 11-20-2010

Notary Public in and for the State of Now Musico

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 14th day of August, 2009, by BEVERLEE MUMY (ANNE) REAGAN, Registered Nurse License Number 715204 and Vocational Nurse License Number 124223, and said Order is final.

Effective this 8th day of September, 20 09

Katherine A. Thomas, MN, RN Executive Director on behalf

of said Board

BEFORE THE BOARD OF NURSE EXAMINERS FOR THE STATE OF TEXAS

In the Matter of
BEVERLEE MUMY REAGAN,
PETITIONER for Eligibility for
Licensure

ORDER OF CONDITIONAL ELIGIBILITY

On the date entered below, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the Application for Initial Licensure by Examination and supporting documents filed by BEVERLEE MUMY REAGAN, hereinafter referred to as PETITIONER, together with any documents and information gathered by staff and PETITIONER's Certificate contained herein. Information received by the Board produced evidence that PETITIONER may have violated Section 301.452 et seq., Texas Occupations Code.

PETITIONER waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered on February 13, 2005, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

- On or about September 20, 2004, Petitioner submitted an Application for Initial Licensure by Examination requesting a determination of eligibility for licensure in compliance with Section 301.257 et seq., Texas Occupations Code.
- 2. Petitioner waived representation, notice, administrative hearing, and judicial review.
- 3. Petitioner graduated with an Associate Degree in Nursing from Midland College, in Midland, Texas, in December 2004.
- Petitioner completed the Application for Licensure by Examination and answered "no" to Question Number One (1), which reads as follows: "Have you ever been convicted, adjudged guilty by a court, pled 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)? This includes

expunged offenses 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.")"

5. Petitioner failed to disclose the following criminal history, to wit:

On June 22, 1990, Petitioner was charged with the misdemeanor offense of Theft by Check in the County Court at Law of Randall County, Texas. On August 6, 1990, Petitioner was discharged from probation after successfully completing all court requirements.

- 6. There is no evidence of any subsequent criminal conduct.
- 7. Petitioner states her reason for non-disclosure was because she believed after successfully completing the requirements of the court, she no longer had a criminal record.
- 8. Licensure of Petitioner poses no direct threat to the health and safety of patients or the public.
- 9. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of the information provided by Petitioner.
- 10. Petitioner has sworn that her past behavior conforms to the Board's professional character requirements. Petitioner presented no evidence of behavior which is inconsistent with good professional character.
- 11. Petitioner has been advised that any information found to be incomplete, incorrect, or misleading will be considered and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through misrepresentation.
- 12. On or about February 13, 2005, the Executive Director considered evidence of Petitioner's past behavior in light of the character factors set out in 22 Texas Administrative Code §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character.

CONCLUSIONS OF LAW

- 1. The Board of Nurse Examiners has jurisdiction over this matter pursuant to Section 301.453, Texas Occupations Code.
- 2. Petitioner has submitted a petition in compliance with Section 301.257 et seq., Texas Occupations Code.

- 3. Petitioner's criminal history reflects criminal conduct which is grounds for denial of a license under Section 301.452 et seq., Texas Occupations Code.
- 4. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452, Texas Occupations Code.
- The Board may license an individual who has been previously convicted, adjudged guilty by a court, pled guilty or pled nolo contendere to any crime whether or not a sentence was imposed upon consideration of the factors set out in 22 Texas Administrative Code §213.28 and evaluating the direct relationship to nursing according to Chapter 53, Section 53.001 et seq., Texas Occupations Code.
- 6. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Texas Administrative Code §213.27, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

<u>ORDER</u>

NOW. THEREFORE, IT IS ORDERED that upon meeting the requirements for graduation and payment of any required fees, BEVERLEE MUMY REAGAN, PETITIONER, is CONDITIONALLY ELIGIBLE to sit for the National Council Licensure Examination for Registered Nurses (NCLEX-RN⁸ Examination). PETITIONER SHALL NOT be eligible for temporary authorization to practice as a Graduate Nurse in the State of Texas.

IT IS FURTHER ORDERED that PETITIONER 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 Professional 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 PETITIONER's multistate licensure privilege, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while PETITIONER's license is encumbered by this Order the PETITIONER 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 PETITIONER wishes to work.

IT IS FURTHER ORDERED that PETITIONER, upon attaining a passing grade on the NCLEX-RN*, shall be issued a license to practice nursing in the State of Texas which shall bear the appropriate notation and PETITIONER SHALL be subject to the following stipulations:

complete a course in Texas nursing jurisprudence. PETITIONER 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. PETITIONER 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 PETITIONER'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).

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- (2) PETITIONER SHALL, within one (1) year of initial licensure, successfully complete a course in nursing ethics. PETITIONER 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. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify PETITIONER'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).
- (3) PETITIONER SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00). PETITIONER 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.

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

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PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past criminal conduct, and I have caused a complete and accurate criminal history to be submitted to the Board of Nurse Examiners from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my Petition for Declaratory Order, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my petition, I acknowledge that I have read and I understand Section 301.257, Texas Occupations Code, Section 301.452(a), (b) and (c), Texas Occupations Code, and Chapter 53, Section 53.001 et seq., Texas Occupations Code, and Board Rules 213.27, 213.28, and 213.29 at 22 Texas Administrative Code. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Graduate Nurse Permit to practice. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to registering for the NCLEX-RN® Examination or accepting any permit or license from the Board of Nurse Examiners.

l 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Executive Director of the Board of Nurse Examiners enter this Order.

Signed this 3 day of Morch 2005.

BEVERLEE MUMY REAGAN, PETYTIONER

Sworn to and subscribed before me this 3 day of 2005.

SEADIANE K. BROWNE MY COMMISSION EXPIRES Notary Public in and for the State of Texas.

Notary Public in and for the State of Texas.

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Order of Conditional Eligibility that was signed on the 3rd day of March, 2005, by BEVERLEE MUMY REAGAN, PETITIONER, for Application for Licensure by Examination, and said Order is final.

Entered this 11th day of March, 2005.

BOARD OF NURSE EXAMINERS FOR THE STATE OF TEXAS

By:

Katherine A. Thomas, MN, RN

Executive Director on behalf of said Board