



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 675525 §
issued to CHEKESHA J. PORTER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CHEKESHA J. PORTER, Registered Nurse License Number 675525, 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 professional nurse in the State of Texas is in current status.
- 4. Respondent received a Baccalaureate Degree in Nursing from University of Southwestern Louisiana, Lafayette, Louisiana, on December 7, 2000. Respondent was licensed to practice professional nursing in the State of Texas on February 20, 2001.
- 5. Respondent's nursing employment history includes:

12/00 - 5/04	Staff RN	Memorial Hermann Hospital Houston, Texas
11/02 - 07/03	RN Care Case Manager	Amerigroup Corp Houston, Texas

Respondent's nursing employment history continued:

03/04 - 03/08	RN (PRN)	Supplemental Health Care Houston, Texas
03/05 - 03/06	Travel RN	Beth Israel Medical Center New York, NY
01/06 - Present	RN (PRN)	Rad Link Staffing Houston, Texas
03/08 - 06/14	Staff RN	Harris Health System Houston, Texas
09/14 - 01/15	Staff RN	UTMB Galveston, Texas
12/14 - Present	RN (PRN)	Parallon Workforce Solutions Houston, Texas
05/15 - Present	Staff RN	Bay Area Regional Medical Center Houston, Texas

6. On or about October 7, 2015, Respondent was issued a Confidential Agreed Order for Peer Assistance Program by the Texas Board of Nursing. Respondent did not successfully complete the terms of the order. A copy of the Findings of Fact, Conclusions of Law, and Order, dated October 7, 2015, is attached and incorporated, by reference, as part of this Order.
7. On or about January 7, 2016, Respondent became noncompliant with the Confidential Agreed Order for Peer Assistance Program issued to her by the Texas Board of Nursing on October 7, 2015. Noncompliance is the result of her failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement. Specifically, Respondent failed to return the items necessary to initiate participation in the Texas Peer Assistance Program for Nurses (TPAPN) within the required time frame and she voluntarily withdrew from the program. Section I, Stipulation A and B of the Confidential Agreed Order for Peer Assistance Program, dated October 7, 2015, states:
 - “(A) Within forty-five (45) days following the date of entry of this Order, RESPONDENT SHALL apply to TPAPN.”
 - “(B) Within ninety (90) days following the date of entry of this Order, RESPONDENT SHALL sign and execute the TPAPN participation

agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee payable to TPAPN in the amount of five hundred dollars (\$500.00).”

On or about January 7, 2016, Respondent was dismissed from TPAPN and referred back to the Board.

8. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.

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(9)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 675525, heretofore issued to CHEKESHA J. PORTER, 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.
6. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
7. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
8. 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 Registered Nurse License Number 675525, heretofore issued to CHEKESHA J. PORTER, 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 professional/registered nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until one (1) year has elapsed from the date of this Order.
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

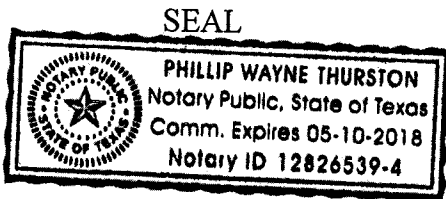
I understand that I have the right to legal counsel prior to signing this Agreed Order.

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 2nd day of March, 2016.

C. J. Porter
CHEKESHA J. PORTER, Respondent

Sworn to and subscribed before me this 2nd day of March, 2016.



Phillip Wayne Thurston
Notary Public in and for the State of Texas

SECRETED WORK COPY

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept the voluntary surrender of Registered Nurse License Number 675525, previously issued to CHEKESHA J. PORTER.

Effective this 4th day of March, 2016.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § CONFIDENTIAL
Registered Nurse License Number 675525 § AGREED ORDER FOR
issued to CHEKESHA J. PORTER § PEER ASSISTANCE PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CHEKESHA J. PORTER, Registered Nurse License Number 675525, 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 July 30, 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 professional nurse in the State of Texas is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from the University of Southwestern Louisiana, Lafayette, Louisiana, on December 7, 2000. Respondent was licensed to practice professional nursing in the State of Texas on February 20, 2001.
5. Respondent's nursing employment history includes:

12/00 - 5/04	Staff RN	Memorial Hermann Hospital Houston, Texas
11/02 - 07/03	RN Care Case Manager	Amerigroup Corp Houston, Texas

Respondent's nursing employment history continued:

03/04 - 03/08	RN (PRN)	Supplemental Health Care Houston, Texas
03/05 - 03/06	Travel RN	Beth Israel Medical Center New York, NY
01/06 - Present	RN (PRN)	Rad Link Staffing Houston, Texas
03/08 - 06/14	Staff RN	Harris Health System Houston, Texas
09/14 - 01/15	Staff RN	UTMB Galveston, Texas
12/14 - Present	RN (PRN)	Parallon Workforce Solutions Houston, Texas
05/15 - Present	Staff RN	Bay Area Regional Medical Center Houston, Texas

6. At the time of the incident, Respondent was employed as a Registered Nurse with University of Texas Medical Branch (UTMB), Galveston, Texas, and had been in that position for four (4) months.
7. On or about January 17, 2015, while employed as a Registered Nurse with the University of Texas Medical Branch, Galveston, Texas, and assigned to the Emergency Department, Respondent withdrew two (2) 100 milliliter bottles of Propofol from the Medication Dispensing System for patients, without valid physicians' orders. Respondent's conduct was likely to injure the patients, in that the administration of medications without a valid physician's order could result in the patient suffering from adverse reactions, and Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
8. On or about January 17, 2015, while employed as a Registered Nurse with the University of Texas Medical Branch, Galveston, Texas, and assigned to the Emergency Department, Respondent withdrew two (2) 100 milliliter bottles of Propofol from the Medication Dispensing System for patients, but failed to document, or accurately and completely document, the administration of the medications in the patients' Medication Administration Record (MAR) and/or Nurse's Notes. Respondent's conduct was likely to injure the patients, in that subsequent care givers would rely on her documentation to further medicate the patients, which could result in an overdose. Furthermore, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

9. On or about January 17, 2015, while employed as a Registered Nurse with the University of Texas Medical Branch, Galveston, Texas, and assigned to the Emergency Department, Respondent withdrew two (2) 100 milliliter bottles of Propofol from the Medication Dispensing System for patients, but failed to follow the hospital's policy and procedure for wastage of the unused portions of the medications. Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy, and placed the pharmacy in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
10. On or about January 17, 2015, while employed as a Registered Nurse with the University of Texas Medical Branch, Galveston, Texas, and assigned to the Emergency Department, Respondent misappropriated two (2) 100 milliliter bottles of Propofol, two (2) sets of intravenous (IV) tubing, and three (3) IV start kits, belonging to the hospital and patients, thereof, for her own personal use. Subsequently, when questioned by Campus Police, Respondent admitted to taking two bottles of Propofol for her own personal use. Respondent's conduct was likely to defraud the facility and patients, thereof, of the cost of the medications, and is a violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
11. In response to Findings of Fact Numbers Seven (7) through Number Ten (10), Respondent admits on January 17, 2015, she removed two (2) 100ml bottles of Propofol from the Pyxis System without a physician's order. Respondent states she decided to terminate her employment that day due to her poor emotional state. Respondent admits that in addition to taking the Propofol, she also took two (2) sets of IV tubing and three (3) IV start kits with the intention of ending her life that night. Respondent states since that fleeting dark emotional period in her life, she has successfully worked through those emotions and deeply regrets her actions on that day.
12. Respondent's conduct as described in the preceding Finding(s) of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
13. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's mental disorder.
14. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

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)(B),(1)(C),(1)(D)&(3) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B), (1)(C), (4),(6)(G),(8),(10)(C),(10)(E)&(11)(B).

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 675525, heretofore issued to CHEKESHA J PORTER.
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.
6. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

TERMS OF ORDER

I. PEER ASSISTANCE PROGRAM REQUIREMENTS

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the **Texas Peer Assistance Program for Nurses (TPAPN)**:

- A. Within forty-five (45) days following the date of entry of this Order, RESPONDENT SHALL apply to TPAPN;
- B. Within ninety (90) days following the date of entry of this Order, RESPONDENT SHALL sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee payable to TPAPN in the amount of five hundred dollars (\$500.00);
- C. Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing;
- D. RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current; and
- E. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

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.

- 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. As a result of this Order, Respondent's license will be designated "single state" and 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 course(s) within one (1) year of entry of this Order:

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.

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*

IV. CONFIDENTIALITY REQUIREMENTS

While RESPONDENT remains in compliance with the terms of this Order, this Order shall remain confidential in accordance with the authority outlined in Section 301.466(d), Texas Occupations Code. However, should Respondent fail to successfully complete the terms of this Order or should Respondent commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action and will become public information.

V. EFFECT OF NONCOMPLIANCE

SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in 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.

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.

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RESPONDENT'S CERTIFICATION

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

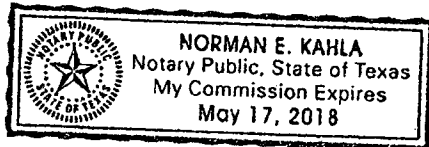
I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the entry of this Order and all conditions of said Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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 5th day of October, 2015.

C. Porter
CHEKESHA J PORTER, Respondent

Sworn to and subscribed before me this 5th day of October, 2015.

SEAL



Norman E. Kahla
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 and enter the Confidential Agreed Order for Peer Assistance Program that was signed on the 5th day of October, 2015, by CHEKESHA J PORTER, Registered Nurse License Number 675525, and said Order is final.

Effective this 7th day of October, 2015.



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