



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.  
*Katherine A. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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|   |   |        |
|---|---|--------|
| In the Matter of Advanced Practice Registered | § | AGREED |
| Nurse License Number AP107575 with            | § |        |
| Prescription Authorization Number 3025        | § |        |
| & Registered Nurse License Number 535111      | § |        |
| issued to JOHNNIE S. WILSON                   | § | ORDER  |

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JOHNNIE S. WILSON, Advanced Practice Registered Nurse License Number AP107575 with Prescription Authorization Number 3025 and Registered Nurse License Number 535111, 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 February 2, 2017.

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. Respondent's license to practice as an advanced practice registered nurse in the State of Texas is in current status.
4. Respondent received a Diploma in Nursing from Tarleton State University, Stephenville, Texas, on May 1, 1986, and received a Master's Degree in Nursing from the University of Texas at Arlington, Arlington, Texas, on August 20, 1996. Respondent was licensed to practice professional nursing in the State of Texas on August 22, 1986, and was licensed to

practice as an advanced practice registered nurse in the role of nurse practitioner in the State of Texas on December 15, 1996. Respondent was issued prescription authorization in the State of Texas on August 4, 1999.

5. Respondent's nursing employment history includes:

|                 |       |   |
|-----------------|-------|---|
| 1986 - 1994     | RN    | Palo Pinto General Hospital<br>Mineral Wells, Texas   |
| 1994 - 1996     | RN    | Faith Community Hospital<br>Jacksboro, Texas          |
| 1996 - 2002     | ACANP | CHRISTUS Family Practice Clinic<br>Jasper, Texas      |
| 1997 - 2002     | ACANP | CHRISTUS Jasper Memorial Hospital ER<br>Jasper, Texas |
| 05/02 - Present | ACANP | Newton Family Clinic<br>Jasper, Texas                 |

6. At the time of the incident, Respondent was employed as an Acute Care Adult Nurse Practitioner with Newton Family Clinic, Jasper, Texas, and had been in that position for fourteen (14) years and two (2) months.

7. On or about July 1, 2013, through June 17, 2016, while employed as an Acute Care Adult Nurse Practitioner at Newton Family Clinic, Jasper, Texas, Respondent's practice fell below the minimum standards of nursing practice in that she engaged in non-therapeutic prescribing practices. More specifically, Respondent issued prescriptions for controlled substances to patients: KB, BB, DB, SC, MLC, SH, JH, YH, TLH, RFH, CJH, TK, JL, CL, MAM, RoS, GS, ReS, DRS, SS, KeW, KaW, without conducting assessments that were documented well enough to justify her prescribing practices and/or exploring/ordering other treatment options in lieu of prescribing dangerous controlled substances to her patients.

Respondent repeatedly prescribed Central Nervous System (CNS) depressants to patients in identical or nearly identical doses, quantities, and strengths, indicating a possible failure to individually assess each patient and develop a treatment plan in response to each patient's individualization assessment and to advocate for patients in failing to individually assess each patient and develop a treatment plan in response to each patient's individualized assessment. This type of prescribing falls below the standard of care in that the combination of CNS depressants in such unsupported quantities has potentially greater risks than therapeutic benefit.

Additionally, Respondent failed to: (a) obtain all pertinent previous medical records; (b) appropriately assess and/or reassess function; (c) exhaust low-risk, evidence-based treatments before resorting to high-risk based treatment; (d) perform multi-site pain evaluations as appropriate; (e) appropriately monitor patients for aberrant and/or drug-seeking behavior; and (f) adequately collaborate and/or adequately document collaboration with a delegating physician.

8. According to Respondent, during the period in question, she was working 40 hours weekly. One hundred percent of charts that have narcotics prescribed by the Nurse Practitioners are reviewed by the supervising physician. Scheduled II medications are written by the physician and are noted in a log. In addition, each patient is required to sign for the prescriptions. Respondent states that due to being in a rural area, many times referrals for pain management or a psychiatrist is not an option. Respondent states the clinic strives to meet all the health care needs of its patients, including chronic diseases, infections, acute and chronic pain, anxiety, and depression issues. Respondent states patients are treated with various modalities, including prescribing controlled substances, prescribing anti-inflammatory drugs and muscle relaxants, and referring patients to physical therapy. Respondent states the clinic has policies and practices in place to ensure the medications are closely monitored. Patients that receive medications are required to sign a controlled medications contract each year, which, among other things, requires them to use only one (1) pharmacy. Respondent states patients that are on narcotic medications are seen monthly. Each patient is triaged with a complete set of vital signs, a chief complaint and a review of systems. Past medical history and medications are reviewed at each visit. Each patient has a physical exam prior to medications being prescribed. The clinic also provides education about the addictive nature of narcotics and instructed to take as directed. To ensure compliance with a medication regimen, the clinic conducts periodic random drug testing to determine if medications are taken and if illegal substances are used; calls patients for pill counts; uses the DEA website to determine narcotic prescribing by other providers; and works closely with pharmacies.

#### 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)(M),(1)(R),(1)(T)&(4)(effective 11/15/2007 to Current); 217.12(1)(A),(1)(B),(1)(E),(4)&(11)(B)(effective 9/28/2004 to Current); 222.10(a)(effective 11/20/2013 to Current); 221.12 (effective 2/25/2001 to Current); 221.13 (effective 2/25/2001 to Current); 221.17(b)(effective 2/25/2001 to Current); 222.4(a)&(b)(effective 2/14/2010 to 11/19/2013); 222.4(a)(effective 11/20/2013 to Current); 222.5 (11/20/2013 to Current);

222.6 (effective 2/14/2010 to 11/19/2013); 222.8(b)(1)&(b)(2)(effective 11/20/2013 to Current); 222.8 (effective 2/14/2010 to 11/19/2013); and 228.1 (effective 2/23/2014 to Current).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP107575 with Prescription Authorization Number 3025 and Registered Nurse License Number 535111, heretofore issued to JOHNNIE S. WILSON, 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

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that:

- A. Prescription Authorization Number 3025, previously issued to JOHNNIE S WILSON, is **LIMITED and RESPONDENT SHALL NOT prescribe or order any controlled substances**. Further, RESPONDENT SHALL surrender all DEA (United States Drug Enforcement Administration) Controlled Substances Registration Certificate(s) and/or DPS (Texas Department of Public Safety) Controlled Substances Registration Certificate(s) and/or any other government issued certificates or authorizations to prescribe controlled substances, if any, on or before the effective date of this Order; and
- B. Advanced Practice Registered Nurse License Number AP107575 and Registered Nurse License Number 535111 previously issued to JOHNNIE S WILSON, to practice nursing in Texas are hereby **SUSPENDED** with the suspension **STAYED** and Respondent is hereby placed on **PROBATION**, in accordance with the terms of this Order, for a minimum of two (2) years **AND** until Respondent fulfills the requirements of this Order.

### 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. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

### III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education courses **within one (1) year of the effective date of this Order, unless otherwise specifically**

**indicated:**

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

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

**IV. MONETARY FINE**

RESPONDENT SHALL **pay a monetary fine in the amount of two thousand five hundred dollars (\$2,500.00). RESPONDENT SHALL pay this fine within four hundred (400) days of the effective date 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.

**V. EMPLOYMENT REQUIREMENTS**

In order to complete the terms of this Order, RESPONDENT must work as an advanced practice registered nurse, 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 an advanced practice registered nurse have elapsed. Any quarterly period without continuous employment as an advanced practice registered nurse 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 advanced practice registered nurse (APRN) license will not apply to this period and will not count towards completion of this requirement. Further, Respondent may not work as a registered nurse (RN) or a vocational nurse (LVN) license, as applicable, while under the terms of this Order.

**A. Notifying Present and Future Employers, Practice Sites and Credentialing Agencies:** RESPONDENT SHALL notify each present

employer, practice site and/or credentialing agency 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, practice site and/or credentialing agency in nursing within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers, practice sites and/or credentialing agencies in nursing and present a complete copy of this Order, including all attachments, if any, to each future employer, practice site and/or credentialing agency in nursing prior to accepting an offer of employment and/or assignment.

- B. Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer, practice site and/or credentialing agency in nursing to submit the Board's "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, practice site and/or credentialing agency in nursing to submit the Board's "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.
- C. Monitored Practice:** RESPONDENT'S advanced practice registered nursing must be monitored by a Physician or an Advanced Practice Registered Nurse in the same advanced role and population focus area as Respondent who has been approved by the Board. RESPONDENT MUST, within ten (10) days of entry of this Order or within (10) days of employment as an advanced practice registered nurse, provide to the Board a list of three (3) Advanced Practice Registered Nurses and/or three (3) Physicians from which the Board shall select an approved monitor. For each Advanced Practice Registered Nurse and Physician, the list must include name, license number or social security number, educational background and professional employment history. Monitoring shall commence no later than thirty (30) days following the date of Respondent's receipt of the name of the approved monitor selected by the Board. The monitor will offer guidance, advice and assistance to the RESPONDENT as necessary to ensure that deficiencies such as those set forth in this Order do not reoccur. RESPONDENT SHALL meet with the monitor at least twice a month, at least one (1) hour duration each. Meetings may be longer and more frequent if the monitor determines necessary. Multiple employers are prohibited.
- D. Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each supervising/monitoring Advanced Practice Registered Nurse or Physician 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 Advanced Practice Registered Nurse or Physician who supervises/monitors the RESPONDENT and these reports shall be submitted by the supervising/monitoring Advanced Practice Registered Nurse or Physician to the office of the Board at the end of each three (3) month quarterly period for eight (8) quarterly periods [two (2) years] of employment as a nurse.

**VI. FURTHER COMPLAINTS**

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

**VII. RESTORATION OF UNENCUMBERED LICENSE(S) AND/OR FULL PRESCRIBING AUTHORIZATION**

With the exception of RESPONDENT'S Prescription Authorization, upon full compliance with the terms of this Order, all other 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.

Upon full compliance with the terms of this Order, RESPONDENT'S Prescription Authorization shall remain **LIMITED and RESPONDENT SHALL NOT be authorized to prescribe or order any controlled substances** until such time that RESPONDENT petitions and obtains written authorization from the Board to prescribe controlled substances, subject to the following additional requirements:

- A. RESPONDENT shall not petition the Board for the authority to prescribe controlled substances until RESPONDENT has successfully completed all of the terms and requirements of this Order.
- B. Upon petitioning for reinstatement of authority to prescribe controlled substances, RESPONDENT SHALL satisfy all then existing requirements in addition to having completed ten (10) hours of continuing education (CE) approved by the Board that relates to diagnosis and treatment of chronic pain.



The topics covered by such CE must include: risk assessment, urine drug testing, addictions, evidence based conservative treatment options, care of patients with mental health co-morbidities and accidental lethal drug overdose.

- C. The Board may impose additional restrictions or stipulations to accompany the re-issuance of the RESPONDENT'S authority to prescribe controlled substances, as deemed appropriate and necessary by the Board.
- D. Respondent shall not re-register or otherwise obtain a DEA Controlled Substances Registration Certificate(s) and/or DPS Controlled Substances Registration Certificate(s) and/or any other government issued certificates or authorizations to prescribe controlled substances until Respondent obtains authorization in writing from the Board to prescribe controlled substances.

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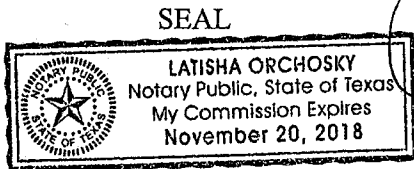
RESPONDENT'S CERTIFICATION

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 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 15 day of March, 2017.

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JOHNNIE S. WILSON, Respondent

Sworn to and subscribed before me this 15 day of March, 2017.



Latisha Orchosky  
\_\_\_\_\_  
Notary Public in and for the State of Texas

Approved as to form and substance.

William S. Mofian, Jr.  
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William S. Mofian, Jr., Attorney for Respondent

Signed this 15 day of March, 2017.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 15<sup>th</sup> day of March, 2017, by JOHNNIE S. WILSON, Advanced Practice Registered Nurse License Number AP107575 with Prescription Authorization Number 3025 and Registered Nurse License Number 535111, and said Order is final.

Effective this 20<sup>th</sup> day of April, 2017.



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