



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	§	AGREED
JEANIE NICHOLE ELLIS,	§	
a/k/a JEANIE NICHOLE ASBURY,	§	ELIGIBILITY ORDER
PETITIONER for Eligibility for Licensure	§	

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, considered the Endorsement Application, which has been processed as a Petition for Declaratory Order, hereinafter referred to as the Petition, pursuant to 22 TEX. ADMIN. CODE §217.5(f) and §213.30, and supporting documents filed by JEANIE NICHOLE ELLIS, a/k/a JEANIE NICHOLE ASBURY, hereinafter referred to as PETITIONER, requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(f) and §213.30, together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that PETITIONER may be ineligible for licensure pursuant to Sections 301.452(b)(8),(9),(10)&(12) and 301.453, Texas Occupations Code.

PETITIONER waived notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on April 21, 2017.

### FINDINGS OF FACT

1. On or about February 7, 2017, Petitioner submitted the Petition requesting a determination of eligibility for licensure.
2. Petitioner received a Certificate in Vocational Nursing from Great Plains Technology, Lawton, Oklahoma, on February 1, 2010.

3. Petitioner completed the Petition and answered "Yes" to the question which reads as follows:  
*"For any criminal offense, including those pending appeal, have you:*
- A. been convicted of a misdemeanor?*
  - B. been convicted of a felony?*
  - C. pled nolo contendere, no contest, or guilty?*
  - D. received deferred adjudication?*
  - E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?*
  - F. been sentenced to serve jail or prison time? court-ordered confinement?*
  - G. been granted pre-trial diversion?*
  - H. been arrested or have any pending criminal charges?*
  - I. been cited or charged with any violation of the law?*
  - J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?*
- (You may only exclude Class C misdemeanor traffic violations.)"*

4. Petitioner disclosed the following criminal history, to wit:

On or about August 2, 2006, Petitioner was arrested by the South Comanche County Sheriff's Office, Lawton, Oklahoma, for DUI - LIQUOR OR DRUGS/APCV a misdemeanor offense.

On or about May 29, 2007, Petitioner entered a plea of Guilty to and was convicted of DUI, a misdemeanor offense committed on August 2, 2006, in the District Court of Comanche county, State of Oklahoma, under Cause No. CM-2006-1141. As a result of the conviction, Petitioner was sentenced to confinement in the Comanche County Facilities Authority for a period of one (1) year, however, imposition of the sentence of confinement was suspended and Petitioner was placed on probation for a period of one (1) year.

On or about May 29, 2007, Petitioner entered a plea of Guilty to and was convicted of ASSAULT ON A POLICE OFFICER, a misdemeanor offense committed on August 2, 2006, in the District Court of Comanche county, State of Oklahoma, under Cause No. CM-2006-1142. As a result of the conviction, Petitioner was sentenced to confinement in the Comanche County Facilities Authority for a period of six (6) months, however, imposition of the sentence of confinement was suspended and Petitioner was placed on probation for a period of one (1) year.

5. There is no evidence of any subsequent criminal conduct.
6. Petitioner completed the Petition and answered "Yes" to the question which reads as follows: *"Has any licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to*

*renew a professional license, certificate or multi-state privilege held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"*

7. On May 25, 2010, Petitioner was issued a Stipulation, Settlement, and Order by the Oklahoma Board of Nursing. A copy of the May 25, 2010, Stipulation, Settlement, and Order is attached and incorporated, by reference, as part of this Order.
8. After considering the action taken by the Oklahoma Board of Nursing, along with Petitioner's subsequent conduct, the Executive Director is satisfied that Petitioner should be able to meet the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
9. Petitioner completed the Petition and answered "Yes" to the question which reads as follows: *"Within the past five (5) years have you been addicted to and/or treated for the use of alcohol or any other drug?"*
10. Petitioner provided documentation of treatment to the Board from the following:
  - Petitioner submitted a certificate of completion dated May 23, 2013, from Roadback, Inc., stating Petitioner successfully completed outpatient treatment.
  - Petitioner submitted Alcoholics Anonymous attendance from November 12, 2012, to April 25, 2013.
  - Petitioner submitted a certificate of completion from the Oklahoma Department of Mental Health and Substance Abuse Services, completing 12 weeks outpatient counseling and twelve weeks self help group.
  - A letter was submitted by New Hope of Mangum, Chemical Dependency Unit, stating that Petitioner attended 12 Group Counseling sessions.
11. Petitioner completed the Petition and answered "Yes" to the question which reads: *"Within the past five (5) years have you been diagnosed with, treated, or hospitalized for schizophrenia and/or psychotic disorders, bipolar disorder, paranoid personality disorder, antisocial personality disorder, or borderline personality disorder?"*
12. A letter was submitted by Dan Horton, M.D., stating that Petitioner is under his care for a mental health disorder. Petitioner's prognosis is good and has been stable for four years.
13. The safety of patients and the public requires that all persons licensed to practice nursing be fit, sober, and able to consistently practice nursing in autonomous roles under demanding and stressful conditions.

14. Petitioner has sworn that, with the exception of matters disclosed in connection with the Petition, her past behavior conforms to the Board's professional character requirements at 22 TEX. ADMIN. CODE §213.27.
15. The Executive Director considered evidence of Petitioner's past behavior in light of the character factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character.
16. The Executive Director considered evidence of Petitioner's past criminal conduct in light of the considerations and criteria provided in 22 TEX. ADMIN. CODE §§213.28 & 213.33, and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
17. The Executive Director considered evidence of Petitioner's substance use disorder, and subsequent rehabilitation as provided in 22 TEX. ADMIN. CODE §213.29 and in accordance with 22 TEX. ADMIN. CODE §213.33.
18. The Executive Director considered evidence of Petitioner's mental illness and subsequent treatment as provided in 22 TEX. ADMIN. CODE §213.29 and in accordance with 22 TEX. ADMIN. CODE §213.33.
19. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
20. Petitioner has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.
21. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

#### CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Sections 301.452 and 301.453, Texas Occupations Code.
2. On or about February 7, 2017, Petitioner submitted the Petition requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(f) and §213.30.
3. Petitioner's history reflects conduct which may constitute grounds for denial of a license under Section 301.452(b)(8),(9),(10)&(12), Texas Occupations Code.

4. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
5. 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 TEX. ADMIN. CODE §213.28 and evaluating the direct relationship to nursing according to 22 TEX. ADMIN. CODE §213.28 and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
6. The Board may license an individual who has a history of mental illness and substance use disorder after consideration of the criteria set out in 22 TEX. ADMIN. CODE §213.29 if the Board determines the individual does not pose a direct threat to the health and safety of patients or the public.
7. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, 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.
8. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

### **TERMS OF ORDER**

#### **I. ELIGIBILITY FOR LICENSURE**

IT IS THEREFORE AGREED and ORDERED that the application of PETITIONER is hereby **GRANTED**, and upon payment of any required fees and meeting all other applicable requirements, PETITIONER SHALL be issued the applicable license to practice nursing in the State of Texas in accordance with the terms of this Order.

#### **II. COMPLIANCE WITH LAW AND APPLICABILITY**

While under the terms of this Order, PETITIONER 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. Until successfully completed, any and all licenses issued to Petitioner shall be subject to the terms of this Order.
- B. This Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. As a result of this Order, PETITIONER'S license will be designated "single state" and PETITIONER 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 PETITIONER wishes to work.

### III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, Petitioner SHALL successfully complete the following remedial education course(s) **within one (1) year of licensure, 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 **"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), Petitioner 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. Petitioner 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. RESTORATION OF UNENCUMBERED LICENSE(S)**

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

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PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past conduct which could constitute grounds for licensure ineligibility, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing 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 application/petition, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past conduct 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 application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.27, 213.28, 213.29, and 213.30. 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 Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

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) and nurse licensure compact privileges, if any, to practice 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 by counsel, notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

Signed this 6th day of June, 2017.

Jeanie Nichole Ellis / Jeanie Nichole Asbury  
JEANIE NICHOLE ELLIS, a/k/a JEANIE NICHOLE ASBURY,  
PETITIONER

Sworn to and subscribed before me this 6 day of June, 2017



[Signature]  
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 Agreed Eligibility Order that was signed on the 6<sup>th</sup> day of June, 2017, by JEANIE NICHOLE ELLIS, a/k/a JEANIE NICHOLE ASBURY, PETITIONER for Eligibility for Licensure, and said Order is final.

Effective this 6<sup>th</sup> day of June, 2017.

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

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

## **BEFORE THE OKLAHOMA BOARD OF NURSING**

**IN THE MATTER OF JEANIE NICHOLE ASBURY ELLIS  
NCLEX-L.P.N. APPLICANT**

### **STIPULATION, SETTLEMENT AND ORDER**

This matter comes on for hearing before the Oklahoma Board of Nursing on the 25th day of May, 2010, at the Wyndham Garden Hotel Conference Center, 2101 South Meridian Avenue, Oklahoma City, Oklahoma.

Jan Sinclair, R.N., a Nurse Investigator with the Board, and Jeanie Nichole Asbury Ellis, (hereinafter, "Applicant") participated in an investigative telephonic conference on April 20, 2010, and subsequently consented to this Order.

### **STIPULATION**

Applicant and the Board hereby stipulate and agree to the following joint stipulation and proposed Order of the Board incorporating this stipulation and agreement in the above-styled matter.

1. On or about August 2, 2006, Information was filed in the District Court of the Fifth Judicial District of the State of Oklahoma Sitting in and for Comanche County, Case No. CM-2006-1141, charging the Applicant with Count 1: Driving a Motor Vehicle Under the Influence Alcohol Aggravated, a misdemeanor. On May 29, 2007, the Applicant entered a Misdemeanor Plea of Guilty Summary of Facts. On June 4, 2007, Judgment and Sentence were filed and Applicant was sentenced to Term of Imprisonment with Execution of Sentence Suspended; Count 1: Sentenced to a term of one (1) year in the Comanche County Facilities Authority; fines, costs, 40 hours of community service and file a drug and alcohol assessment in compliance with the court clerks office.

The Information, Affidavit, Misdemeanor Plea of Guilty Summary of Facts and Judgment and Sentence are attached as Exhibit "A" and made a part hereof.

2. On or about August 2, 2006, Information was filed in the District Court of the Fifth Judicial District of the State of Oklahoma Sitting in and For Comanche County, Case No. CM-2006-1142, charging the Applicant with Count 1: Assault on Police Officer, a misdemeanor. On May 29, 2007, the Applicant entered a Misdemeanor Plea of Guilty Summary of Facts and received a one (1) year deferred sentence, fines, costs & assessments, 40 hours of community service to run concurrent with CM-2006-1141. The Information is attached as Exhibit "B" and made a part hereof.

3. On or about February 24, 2010, the Applicant submitted a completed Application for Licensure by Examination ("Application"). The Application is attached as Exhibit "C" and made a part hereof.

4. No formal complaint has been filed as of the date of this stipulation charging Respondent with a violation of the Oklahoma Nursing Practice Act. Respondent understands that Respondent has a right to require that a formal complaint be filed and the right to a formal hearing before the Board at which time Respondent could confront the witnesses against Respondent, cross-examine those witnesses, and present evidence in Respondent's own behalf. Respondent understands that by signing and agreeing to this stipulation Respondent is waiving those rights.

5. This stipulation is executed by the Applicant for the purpose of avoiding further administrative action with respect to this cause. In this regard, Applicant authorizes the Board to review and examine all investigative file materials concerning Applicant prior to or in conjunction with consideration of this stipulation. Furthermore, should this joint stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this stipulation and other

documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

6. Applicant fully understands and agrees that this joint stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board against Applicant for acts or omissions not specifically made a part of this stipulation.

7. Applicant expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this joint stipulation of facts, conclusions of law and imposition of discipline, and the Final Order of the Board incorporating said stipulation.

8. It is expressly understood that this stipulation is subject to approval of the Board and has no force and effect until approved and Ordered by the Board.

9. This Stipulation, Settlement, and Order does constitute formal disciplinary action.

### **STIPULATED DISPOSITION AND ORDER**

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that the Application for Licensure by Examination for license practical nursing filed herein by Applicant be, and the same is hereby granted, upon the following terms and conditions:

1. Applicant shall, within **ninety (90) days** from the Applicant's receipt of license, successfully complete a course on **Nursing Jurisprudence**. Applicant shall obtain Board approval of the course prior to enrollment. Home study courses, Internet and video programs will not be approved. In order for the course to be approved, the target audience must include licensed nurses. It must be a minimum of four (4) contact hours in length. The course must include an

examination of the scope of nursing practice from the Oklahoma Nursing Practice Act and Rules of the Board, other laws, policies, and accreditation guidelines that govern the practice of nursing, the role of delegation and supervision, and an exploration of the ethical basis of nursing practice. Courses focusing on malpractice issues will not be accepted. The course description must indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Applicant shall cause the sponsoring institution to submit verification of Applicant's successful completion of the course to the Board office.

IT IS FURTHER ORDERED that any failure to comply with submission of the administrative penalty or written documentation by the due date, including but not limited to self-assessment reports, support group attendance reports, and proof of successful completion of educational courses, will result in a three (3) month suspension of license. At the completion of the three month suspension, any application for reinstatement may be submitted for processing by Board Staff for approval in accordance to the agency approval process or for referral to the Board. The terms of the previous Order will be extended for three (3) months, as applicable. An Administrative penalty of \$500 for each violation of Applicant's Board Order shall be paid by certified check, money order, or cash prior to reinstatement pursuant to statute, 59 O.S. §567.8.J.1. and 2, and §485:10-11-2(d) of the Rules promulgated by the Board.

IT IS FURTHER ORDERED that the parties agree that both (all) parties have participated in the drafting of this Stipulation, Settlement and Order and that no presumption or construction against any party as the drafter of this **Stipulation, Settlement and Order**, shall apply

or be applied in the event of a claim of ambiguity of the document or a provision thereof.

IT IS FURTHER ORDERED that this stipulation shall not be effective until the fully executed Order is received in the Board office.

IT IS FURTHER ORDERED that upon successful completion of all of the terms and conditions of this Order, no further Order of the Board shall be deemed necessary.

IT IS FURTHER ORDERED that this Order constitutes disciplinary action by the Board and may be used in any subsequent hearings by the Board. In the event other misconduct is reported to the Board, this Order may be used as evidence against Applicant to establish a pattern of behavior and for the purpose of proving additional acts of misconduct.

Jeanni Ellis  
Applicant

Approved and ordered this 25<sup>th</sup> day of May, 2010.

**OKLAHOMA BOARD OF NURSING**

By: Janene Westbury  
President

JS:ad