



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
Registered Nurse License Number 736855	§	
issued to CYNTHIA ELLEN STURM	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CYNTHIA ELLEN STURM, Registered Nurse License Number 736855, 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)(8)&(10), 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 May 24, 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 invalid status.
4. Respondent received a Baccalaureate Degree in Nursing from Texas Woman's University, Denton, Texas, on December 16, 2006. Respondent was licensed to practice professional nursing in the State of Texas on January 18, 2007.
5. Respondent's nursing employment history is unknown.
6. On or about June 3, 2016, Respondent received an Order of Summary Suspension from the Virginia Board of Nursing, wherein her license to practice professional nursing was suspended. A copy of the Order of Summary Suspension dated June 3, 2016, is attached and incorporated by reference as part of this pleading.

7. On or about August 12, 2014, Respondent defaulted on her Texas Guaranteed Student Loans as provided in Section 57.491 of the Texas Education Code. Respondent's failure to repay a Texas Guaranteed Student Loan may have deprived other students of funds necessary for their educational programs.
8. In response to Findings of Fact Numbers Six (6) through Seven (7), Respondent states she surrendered her Virginia license, and she is in the process of consolidating her loans so that she can begin making payments.
9. Formal Charges were filed on April 28, 2017.
10. Formal Charges were mailed to Respondent on May 1, 2017.
11. 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.
12. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
13. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or substance use 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 §217.12(7).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(8)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 736855, heretofore issued to CYNTHIA ELLEN STURM, 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. 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. SANCTION AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 736855, previously issued to CYNTHIA ELLEN STURM, to practice nursing in Texas is hereby **SUSPENDED** and said suspension is **ENFORCED** until Respondent:

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- A. **Applies to, is accepted into, and completes enrollment in the Texas Peer Assistance Program for Nurses (TPAPN), including payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00); and**
  - B. **Waives confidentiality and provides a copy of the fully executed TPAPN participation agreement to the Board.**

IT IS FURTHER AGREED, upon verification of successful completion of the above requirements, the Suspension will be **STAYED**, and **RESPONDENT** will be placed on **PROBATION** for such a time as is required for **RESPONDENT** to successfully complete the **TPAPN AND** until Respondent fulfills the additional requirements of this Order.

- C. **RESPONDENT SHALL** pay all re-registration fees, if applicable, and **RESPONDENT'S** licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.
- 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.
- E. **RESPONDENT SHALL CAUSE** the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

- F. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- G. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- H. 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.

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## 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 suspension being stayed:

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 [www.bon.texas.gov/compliance](http://www.bon.texas.gov/compliance).*

**IV. TEXAS GUARANTEED STUDENT LOAN CORPORATION REQUIREMENTS**

RESPONDENT SHALL initiate contact with the Texas Guaranteed Student Loan Corporation and make arrangements to repay the student loan. Upon approval of a repayment contract with the Texas Guaranteed Student Loan Corporation, RESPONDENT SHALL CAUSE the Texas Guaranteed Student Loan Corporation to submit verification directly to the Board that the default status has been removed from Respondent's Texas Guaranteed Student Loan. In accordance with Section 57.491 of the Texas Education Code, RESPONDENT'S license(s) to practice nursing SHALL NOT be renewed in the event that RESPONDENT'S Texas Guaranteed Student Loan is in default status at the time of renewal.

**V. 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.

**VI. 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.

**VII. 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.

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,

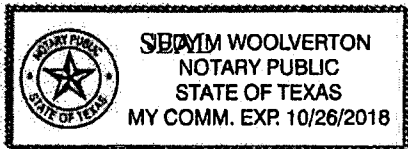
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as a consequence of my noncompliance.

Signed this 19<sup>th</sup> day of June, 2017.

C. Sturm  
CYNTHIA ELLEN STURM, Respondent

Sworn to and subscribed before me this 19<sup>th</sup> day of June, 2017.



Judy M. Woolverton  
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 ratify and adopt the Agreed Order that was signed on the 19th day of June, 20 17, by CYNTHIA ELLEN STURM, Registered Nurse License Number 736855, and said Order is final.

Effective this 21st day of June, 20 17.



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

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: CYNTHIA ELLEN BALLENGER STURM, R.N.  
License Number: 0001-226207  
Case Number: 172320

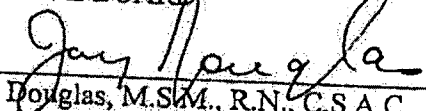
ORDER OF SUMMARY SUSPENSION

Pursuant to Virginia Code § 54.1-2408.1(A), a quorum of the Board of Nursing ("Board") met on May 17, 2016. The purpose of the meeting was to receive and act upon information indicating that Cynthia Ellen Ballenger Sturm, R.N., may have violated certain laws and regulations relating to the practice of professional nursing in the Commonwealth of Virginia, as more fully set forth in the attached Notice of Formal Administrative Hearing and Statement of Allegations, which is attached hereto and incorporated by reference herein.

WHEREUPON, pursuant to its authority under Virginia Code § 54.1-2408.1(A), the Board ~~concludes that a substantial danger to public health or safety warrants this action and~~ ORDERS that the license of Cynthia Ellen Ballenger Sturm, R.N. to practice professional nursing in the Commonwealth of Virginia is SUSPENDED. It is further ORDERED that a hearing be convened within a reasonable time of the date of entry of this Order to receive and act upon evidence in this matter.

Pursuant to Virginia Code § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection or copying on request.

FOR THE BOARD

  
Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.  
Executive Director  
Virginia Board of Nursing

ENTERED AND MAILED ON:

June 3<sup>RD</sup>, 2016

Certified True Copy

By   
Virginia Board Of Nursing

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:**           **CYNTHIA ELLEN BALLENGER STURM, R.N.**  
                  **A.K.A. Cynthia Ballenger; Cynde Ballenger; Cynde Sturm**  
                  **License Number:               0001-226207**  
                  **Issue Date:                   July 22, 2010**  
                  **Expiration Date:           June 30, 2017**  
                  **Case Number:               172320**

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**NOTICE OF FORMAL ADMINISTRATIVE HEARING  
AND STATEMENT OF ALLEGATIONS**

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You are hereby notified that a Formal Hearing has been scheduled before the Board of Nursing ("Board") regarding your license to practice professional nursing in the Commonwealth of Virginia.

<b>TYPE OF PROCEEDING:</b>	This is a formal administrative hearing before a panel of the Board of Nursing.
<b>DATE AND TIME:</b>	July 20, 2016 10:00 A.M.
<b>PLACE:</b>	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 <sup>nd</sup> Floor - Virginia Conference Center Henrico, Virginia 23233

**LEGAL AUTHORITY AND JURISDICTION:**

1. This formal hearing is being held pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.
2. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:
  - Exonerate you;
  - Reprimand you;
  - Require you to pay a monetary penalty;
  - Place you on probation and/or under terms and conditions;
  - Suspend your license;
  - Revoke your license.

**DEFAULT:**

If you fail to appear at the formal hearing, the Board may proceed to hear this matter in your absence and may take any of the actions outlined above.

**RESPONDENT'S LEGAL RIGHTS:**

You have the right to the information on which the Board will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

**COMMONWEALTH'S EXHIBIT:**

Enclosed is a copy of the documents that will be distributed to the members of the Board and will be considered by the Board when discussing any allegations with you and when deliberating on your case. These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the formal hearing.

**FILING DEADLINES:**

1. Deadline for filing exhibits: June 17, 2016. Submit 15 copies of all documents you want the Board to consider to Darlene Graham, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.
2. Deadline for filing motions, including motions for continuance or objections to exhibits, in writing, to Darlene Graham at the above address: June 17, 2016. NOTE: Failure to object to the distribution prior to the proceeding will not affect your right to contest any information contained in these documents at the proceeding.

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STATEMENT OF ALLEGATIONS


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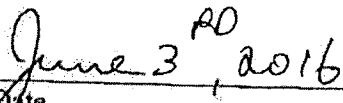
The Board of Nursing alleges that:

1. At all times relevant hereto, Cynthia Ellen Ballenger Sturm, R.N. was licensed to practice professional nursing in the Commonwealth of Virginia.

2. Cynthia Ellen Ballenger Sturm, R.N. violated Virginia Code § 54.1-3007(5) and (6) in that, on February 5, 2016, during the course of her employment with INOVA Fairfax Medical Center, Falls Church, Virginia, ("INOVA Fairfax"), she was observed to be lethargic, unable to articulate thoughts, exhibiting an unsteady gait and unable to stand or walk without assistance. In addition, Ms. Sturm was noted to have several open vials of Versed (midazolam, C-IV), one unopened vial of fentanyl (C-II) and syringes in her jacket pocket. By her own admission, Ms. Sturm was unfit to care for her patients on the date of the occurrence. A drug test administered by Ms. Sturm's employer was positive for fentanyl and midazolam.

3. Cynthia Ellen Sturm, R.N., violated Virginia Code § 54.1-3007(2), (5) and (6) and 18VAC90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing in that, by her own admission, between December 2015 and February 2016, she diverted controlled substances including fentanyl and Versed from INOVA Fairfax for her own personal and unauthorized use.

  
Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.  
Executive Director  
Virginia Board of Nursing

  
Date