



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Vocational Nurse License Number 171604 §
issued to ROSEMARY NUNN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ROSEMARY NUNN, Vocational Nurse License Number 171604, 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)(1),(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 September 27, 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 vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Phoenix Union High School, Phoenix, Arizona, on February 1, 1976. Respondent was licensed to practice vocational nursing in the State of Texas on March 31, 1999.
5. Respondent's nursing employment history includes:

12/80 - 06/94	LVN	St. Joseph's Hospital Phoenix, Arizona
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Respondent's nursing employment history continued:

07/94 - 11/94	Unknown	
12/94 - 07/95	LVN	Community Justice for Children Phoenix, Arizona
08/95 - 10/98	LVN	Children's Medical Center Phoenix, Arizona
11/98 - 02/99	Unknown	
03/99 - 10/05	LVN	Texas Children's Pediatric Associates Cypress, Texas
11/05 - 07/07	Unknown	
08/07 - 12/07	LVN	Children's Medical Group Phoenix, Arizona
01/08 - 04/08	Unknown	
05/08 - 03/12	LVN	Nursing Solutions Phoenix, Arizona
Unknown - Present	LVN	Epic Health Services Unknown

6. On or about June 29, 2015, Respondent was issued the sanction of REMEDIAL EDUCATION WITH A FINE, through an Agreed Order by the Board. Respondent has not successfully completed the terms of the Order. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated June 29, 2017, is attached and incorporated, by reference, as part of this Order.
7. On or about October 8, 2015, the Voluntary Surrender of Respondent's Arizona practical nurse license was accepted by the Arizona State Board of Nursing, Phoenix, Arizona. A copy of the Arizona State Board of Nursing's Consent for Entry of Voluntary Surrender Order dated October 8, 2015, is attached and incorporated, by reference, as part of this Order.
8. On or about June 30, 2016, Respondent became noncompliant with the Agreed Order issued to her by the Texas Board of Nursing on June 29, 2015. Noncompliance is the result of Respondent's failure to complete a course in Texas nursing jurisprudence and ethics within one (1) year of the effective date of the Agreed Order. A copy of the Findings of Fact,

Conclusions of Law, and Agreed Order dated June 29, 2015, is attached and incorporated, by reference, as part of this Order.

9. On or about June 30, 2016, Respondent became noncompliant with the Agreed Order issued to her by the Texas Board of Nursing on June 29, 2015. Noncompliance is the result of Respondent's failure to complete the course "Sharpening Critical Thinking Skills" within one (1) year of the effective date of the Agreed Order. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated June 29, 2015, is attached and incorporated, by reference, as part of this Order.
10. On or about July 13, 2017, Respondent presented for a chemical dependency evaluation by Kit W. Harrison, Ph.D., Houston, Texas. Dr. Harrison states testing indicated a low probability of having a Substance Use Disorder. He states results are inconclusive with regards to the issues of a current substance use disorder. In terms of her immediate psychological status, Dr. Harrison states there is nothing evident which would preclude her from practicing nursing at this time.
11. 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 chemical dependency.
12. Formal Charges were filed on January 21, 2016.
13. Formal Charges were mailed to Respondent on January 25, 2016.
14. First Amended Formal Charges were filed on August 31, 2016.
15. First Amended Formal Charges were mailed to Respondent on September 5, 2016.

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(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1),(8) & (10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 171604, heretofore issued to ROSEMARY NUNN.

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 **REPRIMAND WITH STIPULATIONS AND A FINE** 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. SUPERCEDING ORDER

IT IS FURTHER AGREED and ORDERED that the sanction and conditions of this Order SHALL supercede all previous stipulations required by any Order entered by the Texas Board of Nursing.

IV. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders," which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

V. 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 **"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.

VI. MONETARY FINE

RESPONDENT SHALL **pay a monetary fine in the amount of two hundred fifty dollars (\$250.00) 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.

VII. 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 clinical healthcare setting, for a minimum of sixty-four (64) hours per month for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as a nurse 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, 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. **Incident Reporting:** 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.
- D. **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 individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

VIII. DRUG AND ALCOHOL RELATED REQUIREMENTS

- A. While under the terms of this Order, RESPONDENT SHALL abstain from the use of alcohol, nalbuphine, propofol and all controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.
- B. While working as a nurse under the terms of this Order, RESPONDENT SHALL submit to random periodic screens for alcohol, nalbuphine, propofol and controlled substances. The Board will provide instructions on how to enroll in the Board's drug and alcohol testing program following the entry of this Order and screening will begin when RESPONDENT obtains employment and submits the Notification of Employment form to the Board.
- For the first three (3) month [1st quarter] period RESPONDENT works as a nurse under the terms of this Order, random screens shall be performed at least once per week.
 - For the next three (3) month [2nd quarter] period, random screens shall be performed at least twice per month.
 - For the next six (6) month period [3rd & 4th quarters], random screens

shall be performed at least once per month.

- For the remainder of the probation period, if any, random screens shall be performed at least once every three (3) month quarterly period.

All random screens SHALL BE conducted through urinalysis. Any test result for a period of time in which the RESPONDENT is not working as a nurse under the terms of this Order will not count towards satisfaction of this requirement. All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation/probation period.

Specimens shall be screened for any or all of the following substances and/or their metabolites:

Amphetamine	Methamphetamine	MDMA
MDA	Alprazolam	Diazepam
Alpha-o-alprazolam	Alpha-Hydroxytriazolam	Clonazepam
Desmethyldiazepam	Lorazepam	Midazolam
Oxazepam	Temazepam	Amobarbital
Butobarbital	Butalbital	Pentobarbital
Phenobarbital	Secobarbital	Codeine
Hydrocodone	Hydromorphone	Methadone
Morphine	Opiates	Oxycodone
Oxymorphone	Propoxyphene	Cannabinoids
Cocaine	Phencyclidine	Ethanol
Heroin	Fentanyl	Tramadol
Meperidine	Carisoprodol	Butorphanol
Nalbuphine	Ketamine	Propofol

Upon enrollment in the Board's drug and alcohol testing program, **RESPONDENT SHALL, on a daily basis, call or login online to the Board's designated drug and alcohol testing vendor to determine whether or not RESPONDENT has been selected to produce a specimen for screening that day** and SHALL, if selected, produce a specimen for screening that same day at an approved testing location and/or comply with any additional instructions from the vendor or Board staff. Further, **a Board representative may appear** at the RESPONDENT'S place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

Consequences of Positive or Missed Screens. Any positive result for which RESPONDENT does not have a valid prescription or refusal to submit to a

drug or alcohol screen may subject RESPONDENT to 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. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

IX. RESTORATION OF UNENCUMBERED LICENSE(S)

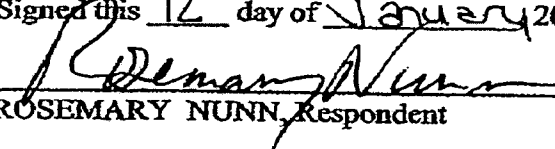
Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.


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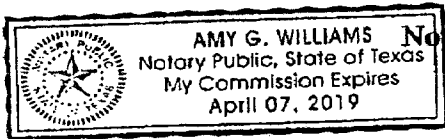
RESPONDENT'S CERTIFICATION

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 12th day of January 2018.

 ROSEMARY NUNN, Respondent

Sworn to and subscribed before me this 12th day of January, 2018.


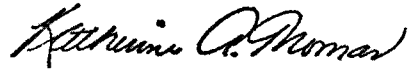
SEAL



Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 12th day of January, 2018, by ROSEMARY NUNN, Vocational Nurse License Number 171604, and said Order is final.

Effective this 13th day of February, 2018.

A handwritten signature in black ink, 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 § AGREED
Vocational Nurse License Number 171604 §
issued to ROSEMARY NUNN § ORDER

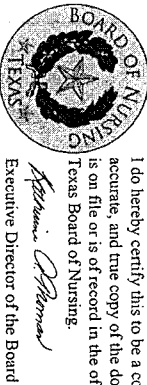
On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of ROSEMARY NUNN, Vocational Nurse License Number 171604, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(2) & (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 20, 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 delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Phoenix Union High School, Phoenix, Arizona, on February 1, 1976. Respondent was licensed to practice vocational nursing in the State of Texas on March 31, 1999.
5. Respondent's nursing employment history includes:

12/80 - 06/94	LVN	St. Joseph's Hospital Phoenix, Arizona
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Respondent's nursing employment history continued:

07/94 - 11/94	Unknown	
12/94 - 07/95	LVN	Community Justice for Children Phoenix, Arizona
08/95 - 10/98	LVN	Children's Medical Center Phoenix, Arizona
11/98 - 02/99	Unknown	
03/99 - 10/05	LVN	Texas Children's Pediatric Associates Cypress, Texas
11/05 - 07/07	Unknown	
08/07 - 12/07	LVN	Children's Medical Group Phoenix, Arizona
01/08 - 04/08	Unknown	
05/08 - 03/12	LVN	Nursing Solutions Phoenix, Arizona
Unknown - Present	LVN	Epic Health Services Unknown

6. On or about September 26, 2012, Respondent submitted a renewal application to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "no" to the following question:

"Are you currently the target of subject of a grand jury or governmental agency investigation?"

Respondent failed to disclose that she was under investigation by the Arizona Board of Nursing. Respondent's conduct was misleading and could have affected the Texas Board of Nursing's decision to renew her license to practice vocational nursing.

7. Regarding the conduct outlined in Finding of Fact Number Six (6), Respondent "emphatically" denies and explains that the terms 'grand jury' and 'governmental agency' have only ever brought to mind judicial or law enforcement agencies, and she is only now fully aware of Boards of Nursing being classified as a 'governmental agency.'

Respondent adds that at the time she submitted her application, she was awaiting a response from the Arizona Board of Nursing to correspondence she mailed to them on July 26, 2012.

8. Formal Charges were filed on March 26, 2015.
9. Formal Charges were mailed to Respondent on March 30, 2015.

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(6)(I).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2) & (10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 171604, heretofore issued to ROSEMARY NUNN.
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, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of **REMEDIAL EDUCATION WITH A FINE** 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 **"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.*

IV. MONETARY FINE

RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00) 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.

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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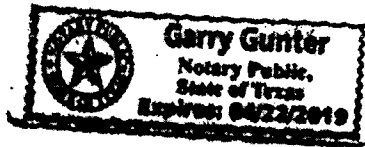
RESPONDENT'S CERTIFICATION

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 19th day of June, 2015.
Rosemary Nunn
ROSEMARY NUNN, Respondent

Sworn to and subscribed before me this 19 day of June, 2015.
Garry Gunter
Notary Public in and for the State of Texas

SEAL



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, 2015, by ROSEMARY NUNN, Vocational Nurse License Number 171604, and said Order is final.

Effective this 29th day of June, 2015.



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

Doug Ducey
Governor



Joey Ridenour
Executive Director

Arizona State Board of Nursing

4747 North 7th Street, Suite 200
Phoenix AZ 85014-3655
Phone (602) 771-7800 Fax (602) 771-7888
E-Mail: arizona@azbn.gov
Home Page: <http://www.azbn.gov>

AFFIDAVIT OF CUSTODIAN OF RECORDS

STATE OF ARIZONA

COUNTY OF MARICOPA

I, Joey Ridenour, Executive Director for the Arizona State Board of Nursing, County of Maricopa, State of Arizona, do hereby certify that I am the officer having the legal custody for the records hereto attached in the office of the Arizona State Board of Nursing, County of Maricopa, State of Arizona, a public office of said State. The attached copies are true copies of the records on **ROSEMARY NUNN**. Personnel of the Arizona State Board of Nursing prepared the records during the ordinary course of business.

Witness my hand and the seal of the Arizona State Board of Nursing at 4747 N. 7th Street, Suite 200, Phoenix, Arizona 85014-3655 on October 8, 2015.

SEAL

Joey Ridenour R.N. M.N. F.A.A.N.

Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

1 ARIZONA STATE BOARD OF NURSING
2 4747 North 7th Street, Suite 200
3 Phoenix, Arizona 85014-3655
4 602-771-7800

4 IN THE MATTER OF THE PRACTICAL
5 NURSE LICENSE NO. LP010051
6 ISSUED TO:

6 ROSEMARY NUNN

7 RESPONDENT

CONSENT FOR ENTRY OF
VOLUNTARY SURRENDER
ORDER NO. 1203025

8
9 A complaint charging Rosemary Nunn ("Respondent") with violation of the Nurse Practice Act
10 has been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and
11 speedy settlement of the above-captioned matter, consistent with the public interest, statutory
12 requirements, and the responsibilities of the Board, and pursuant to A.R.S. § 32-1605.01(D),
13 Respondent voluntarily surrenders her license for a minimum of 5 years.
14

15 Based on the evidence before it, the Board makes the following Findings of Fact, Conclusions
16 of Law:

17
18 **FINDINGS OF FACT**

- 19 1. Respondent holds Board issued practical nurse license no. LP010051 issued on January
20 2, 1977.
- 21 2. The Board received a complaint on March 9, 2012 from Nursing Solutions Phoenix,
22 Az. that included documentation of counseling reports on Respondent's quality of care and tardiness.
23 In addition, Nursing Solutions provided positive results of a "for cause" drug test in which
24 Respondent tested positive for Methamphetamine and Amphetamines on or about February 17, 2012.
25 Respondent failed to follow up with the Medical Review Officer about the drug test results and was
26 terminated. Based on this information, the Board conducted an investigation.
27
28
29

1 3. The following are standards of practice referenced in this Consent Agreement for the
2 voluntary surrender of Respondent's practical nurse license:

3 A. Standard of Practice #1: The standard of practice requires a licensed nurse to use wound
4 care cleaning liquid or a mild liquid soap when cleaning wounds.
5

6 B. Standard of Practice #2: The standard of practice requires a licensed nurse to follow
7 physician's orders when providing wound care, or communicate to the physician if there is a change
8 in the wound status that might necessitate revised orders.
9

10 C. Standard of Practice #3: The standard of practice requires a licensed nurse to wear
11 gloves when treating patients with open wounds, or any time they may be exposed to bodily fluids.
12

13 4. On or about September 26, 2011 a letter addressing concerns about Respondent's
14 patient care was sent from Patient A's family to Respondent's employer, Nursing Solutions Phoenix,
15 AZ. The letter addressed multiple concerns involving the quality of care Respondent was providing.
16 During a follow up counseling with the Director of Nursing, Respondent admitted to using bar soap
17 and dish soap on Patient A's wounds. This violates Standard of Practice #1. Respondent also failed to
18 dress wounds as ordered by the physician, claiming the wound no longer needed the dressing;
19 however she failed to communicate to the physician a change in Patient A's condition, a violation of
20 Standard of Practice #2; Additionally, Respondent failed to wear gloves when caring for Patient A's
21 wounds, a violation of Standard of Practice #3.
22

23 5. On or about February 17, 2012 Respondent tested positive for Methamphetamine and
24 Amphetamines on a for cause drug test while employed as an LPN for Nursing Solutions, Phoenix,
25 AZ.
26

27 6. On or about April 26, 2012, Board staff mailed Respondent a questionnaire to
28 Respondent's address of record requesting Respondent complete and return it to the Board. The
29

1 questionnaire was returned on May 7, 2012, marked as non-deliverable. On June 13, 2012, a second
2 questionnaire was mailed to a Glendale, AZ address found in Respondent's file. On or about July 30,
3 2012 the Board received Respondent's request for a copy of the complaint. (Envelope had a return
4 address of Hempstead, TX.) On or about August 2, 2012 a copy of the complaint was mailed to
5 Hempstead, TX address. On April 2, 2013 a third questionnaire was mailed to the Hempstead, TX
6 address. On April 9, 2013, Respondent submitted a request for copy of the complaint via fax. On April
7 12, 2013, a second copy of the complaint was mailed to Respondent's address in Hempstead, TX. In
8 December, 2014 Board staff attempted to reach Respondent at her telephone number of record and
9 over email without success. Respondent failed to notify Board staff of change in address within 30
10 days, as required. Respondent failed to furnish in writing a full and complete explanation of the
11 allegations, as required. Respondent has failed to respond to the Investigative Questionnaire.

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15 7. On or about January 21, 2015 the Board received a copy of Respondent's entire license
16 renewal form from the Texas Board of Nursing. This document was signed by Respondent and dated
17 September 26, 2012. On page two of the form, Respondent failed to disclose that her license was
18 under investigation by answering "no" to the question "Are you currently the target or subject of a
19 grand jury or governmental agency investigation?" Respondent was aware of the Board's pending
20 investigation, as evidenced by her July 30, 2012 request for a copy of the complaint, which followed
21 the Board's June 13, 2012 correspondence regarding the investigation (see paragraph #6 above).
22 Nevertheless, Respondent failed to disclose her pending investigation by the Board to the Texas
23 Board.
24
25

26 8. On or about August 4, 2015, Respondent requested to voluntary surrender her license.
27
28

29 **CONCLUSIONS OF LAW**

1 Pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664, the Board has subject matter and
2 personal jurisdiction in this matter.

3
4 The conduct and circumstances described in the Findings of Fact constitute a violation of
5 A.R.S. § 32-1601 (18) and as defined in A.R.S. § 32-1601 (22) "Unprofessional conduct" includes the
6 following whether occurring in this state or elsewhere: (a) Committing fraud or deceit in obtaining,
7 attempting to obtain or renewing a license or a certificate issued pursuant to this chapter, (d) any
8 conduct or practice that is or might be harmful or dangerous to the health of a patient or the public, (h)
9 committing an act that deceives, defrauds or harms the public, and (j) violating a rule that is adopted
10 by the board pursuant to this chapter (effective September 30, 2009 and August 2, 2012); and Arizona
11 Administrative Code Rule(s) 4-19-308 (B) A licensee or applicant shall notify the Board in writing or
12 electronically through the Board website of any change in mailing address within 30 days and 4-19-
13 403 For purposes of A.R.S. § 32-1601 any conduct or practice that is or might be harmful or
14 dangerous to the health of a patient or the public includes one or more of the following: (9) failing to
15 take appropriate action to safeguard a patient's welfare or follow policies and procedures of the nurse's
16 employer designed to safeguard the patient; (18) obtaining, possessing, administering, or using any
17 narcotic, controlled substance, or illegal drug in violation of any federal or state criminal law, or in
18 violation of the policy of any health care facility, school, institution, or other work location at which
19 the nurse practices; (20) Engaging in fraud, misrepresentation, or deceit in taking a licensing
20 examination or on an initial or renewal application for a license or certificate. (25) failing to: a)
21 furnish in writing a full and complete explanation of a matter reported pursuant to A.R.S. § 32-1664 ,
22 (31) practicing in any other manner that give the Board reasonable cause to believe the health of a
23 patient or the public may be harmed. (effective January 31, 2009).

24
25 The conduct and circumstances described in the Findings of Fact constitute sufficient cause
26
27
28
29

1 pursuant to A.R.S. §§ 32-1605.01(D) and 32-1664(N) to take disciplinary action against Respondent's
2 license to practice as a practical nurse in the State of Arizona.

3 Respondent admits the Board's Findings of Fact, Conclusions of Law.

4
5 In lieu of a formal hearing on these issues, Respondent agrees to issuance of the attached Order
6 and waives all rights to a hearing, rehearing, appeal or judicial review relating to this matter.

7 Respondent further waives any and all claims or causes of action, whether known or unknown, that
8 Respondent may have against the State of Arizona, the Board, its members, offices, employees and/or
9 agents arising out of this matter.
10

11 Respondent understands that all investigative materials prepared or received by the Board
12 concerning these violations and all notices and pleadings relating thereto may be retained in the
13 Board's file concerning this matter.
14

15 Respondent understands that the admissions in the Findings of Fact are conclusive evidence of
16 a violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any
17 future disciplinary matter.
18

19 Respondent understands the right to consult legal counsel prior to entering into the Consent
20 Agreement and such consultation has either been obtained or is waived.

21 Respondent understands that this voluntary surrender is effective upon its acceptance by the
22 Executive Director or the Board and by Respondent as evidenced by the respective signatures thereto.

23 Respondent's signature obtained via facsimile shall have the same effect as an original signature.

24 Once signed by Respondent, the agreement cannot be withdrawn without the Executive Director or
25 the Board's approval or by stipulation between Respondent and the Executive Director or the Board.
26

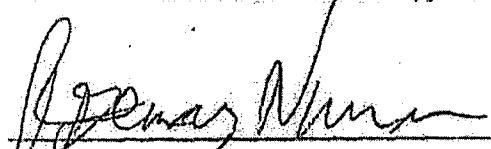
27 The effective date of this Order is the date the Voluntary Surrender is signed by Respondent and
28 accepted by the Executive Director or the Board. If the Voluntary Surrender is signed on a different
29


1 date, the later date is the effective date.

2 Respondent understands that Voluntary Surrender constitutes disciplinary action. Respondent
3 also understands that she may not reapply for re-issuance during the period of Voluntary Surrender.
4

5 Respondent agrees that she may apply for re-issuance after the period of voluntary surrender
6 under the following conditions, and must comply with current law at the time of their application for
7 re-issuance:

8 The application for re-issuance must be in writing and shall contain therein or have attached
9 thereto substantial evidence that the basis for the voluntary surrender has been removed and that the
10 re-issuance of the license does not constitute a threat to the public's health, safety and welfare. The
11 Board may require physical, psychological, or psychiatric evaluations, reports and affidavits regarding
12 Respondent as it deems necessary. These conditions shall be met before the application for re-
13 issuance is considered.
14
15

16 
17 Rosemary Nunn
18 Date: 9-30-15
19

20
21 
22 Joey Ridenour, R.N., M.N., F.A.A.N.
23 Executive Director
24 ARIZONA STATE BOARD OF NURSING
25 Acceptance Date: 10/8/2015
26

21 SEAL
22 RECEIVED ASB
23 15 SEP 30 PM 1:37
24

27 **ORDER**

28 Pursuant to A.R.S. § 32-1605.01(D) the Board hereby accepts the Voluntary Surrender of
29

1 practical nurse license number LP010051 issued to Rosemary Nunn. This Order of Voluntary
2 Surrender hereby entered shall be filed with the Board and shall be made public upon the effective
3 date of this Consent Agreement. Respondent shall not practice in Arizona under the privilege of a
4 multistate license.
5

6 IT IS FURTHER ORDERED that Respondent may apply for re-issuance of said license after a
7 period of 5 years.
8

9 SEAL

ARIZONA STATE BOARD OF NURSING

10
11 
12 _____
13 Joey Ridenour, R.N., M.N., F.A.A.N.
14 Executive Director

15 Acceptance Date: 10/8/2015

16 JR/ts

17 COPY mailed this 8th day of OCTOBER, 2015, by First Class Mail to:

18
19 Robert S. Chelle, Esq.
20 CHELLE LAW PLC
21 11811 N Tatum Blvd, Ste 3031
22 Phoenix, AZ 85028
23 Attorney for Respondent

24 AND

25 Rosemary Nunn
26 39390 WEST DR
27 Hempstead, TX 77445

28 By: TRINA SMITH
29 _____
Legal Secretary