



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

In the Matter of
Vocational Nurse License Number 130035
issued to RHONDA DIANE GRAHAM

§
§
§
§

AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of RHONDA DIANE GRAHAM, Vocational Nurse License Number 130035, 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)&(10), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on September 26, 2018.

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 Agreed 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 Alvin Community College, Alvin, Texas, on May 17, 1990. Respondent was licensed to practice vocational nursing in the State of Texas on November 28, 1990.
5. Respondent's nursing employment history includes:

| | | |
|-----------------|--------------|---|
| 11/990-11/2015 | Unknown | |
| 12/2015-Present | Charge Nurse | Bay Villa Healthcare Bay City, Texas |

6. On or about September 18, 1990, Respondent was issued an Agreed Board Order by the Board of Vocational Nurse Examiners. A copy of the Agreed Board Order dated September 18, 1990, is attached and incorporated herein by reference as part of this Order.
7. On or about August 9, 2005, Respondent's license to practice nursing in the State of Texas was Suspended with the Suspension stayed and Respondent was placed on probation through an Order of the Board. A copy of the August 9, 2005, Order is attached and incorporated herein by reference as part of this Agreed Order.
8. On or about February 9, 2016, Respondent's license to practice nursing in the State of Texas was Suspended with the Suspension stayed and Respondent was placed on probation through an Order of the Board. A copy of the February 9, 2016, Order is attached and incorporated herein by reference as part of this Agreed Order.
9. On or about June 9, 2016, Respondent became noncompliant with the Agreed Order issued to her by the Texas Board of Nursing on February 9, 2016. Noncompliance is the result of her failure to abstain from controlled substances. Respondent produced a urine specimen for a random drug screen that resulted positive for Amphetamines. Stipulation Number Ten (10) of the Agreed Order, dated August 9, 2005, which Respondent's February 9, 2016, Agreed Order required her to comply with, states in pertinent part:

“(10) RESPONDENT SHALL abstain from the...use of controlled substances...”

10. On or about September 16, 2017, through October 22, 2017, Respondent became noncompliant with the Agreed Order issued to her by the Texas Board of Nursing on February 9, 2016. Noncompliance is the result of her failure to call or login online to the Recovery Trek system to determine if she had been selected for screening on fifteen (15) occasions between these dates. Additionally, Respondent failed to call or login an additional two hundred and thirty-six (236) times since December 2015. Respondent's noncompliance prevented the Board from ensuring she was fit to practice nursing safely.
11. Formal charges were filed on March 30, 2017, and first amended formal charges were filed on June 20, 2018. A formal hearing was conducted before the State Office of Administrative Hearing on August 13, 2018, with the record closing on August 14, 2018. A proposal for decision was issued on August 31, 2018. Execution of this Agreed Order by Respondent and approval by the Board supersedes any consideration of the Proposal for Decision resulting from the formal hearing before SOAH.

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(10)(D)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 130035, heretofore issued to RHONDA DIANE GRAHAM.
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 Vocational Nurse License Number 130035, previously issued to RHONDA DIANE GRAHAM, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **STAYED** and RESPONDENT is hereby placed on **PROBATION** for a minimum of two (2) years **AND** until RESPONDENT fulfills the additional requirements 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. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state.

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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed Order.

III. SUPERSEDING ORDER

IT IS FURTHER AGREED and ORDERED that the sanction and conditions of this Agreed Order SHALL supersede 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 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.*

VI. 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 eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) 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: While employed as a Licensed Vocational Nurse with Bay Villa Healthcare, Bay City, Texas,** 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. **Indirect Supervision: Should Respondent's employment as a Licensed Vocational Nurse with Bay Villa Healthcare, Bay City, Texas, cease or change, the following terms will apply:** RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, **who is on the premises.** The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years of experience in the same or similar practice setting to which the RESPONDENT is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- E. **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 eight (8) quarters [two (2) years] of employment as a nurse.

VII. 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 the 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 all 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 year [4 quarterly periods] RESPONDENT works as a nurse under the terms of this Order, random screens shall be performed at least once per month.
- For the remainder of the probation period, 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 |
| Butabarbital | 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.

VIII. THERAPY REPORTS

While working as a nurse under the terms of this Order, RESPONDENT SHALL participate in therapy with a professional counselor with credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT'S progress in therapy, rehabilitation and capability to safely practice nursing. The report must indicate whether or not the RESPONDENT'S stability is sufficient to provide direct patient care safely. For the first three (3) month quarterly period RESPONDENT works as a nurse under the terms of this Order, reports are to be submitted to the Board each and every month. If therapy is recommended by the counselor for an additional period of time, the reports shall then be submitted to the Board at the end of each three (3) month quarterly period in which the RESPONDENT is working as a nurse under the terms of this Order, for the remainder of the term of the Order, or until RESPONDENT is dismissed from therapy, whichever is earlier.

IX. SUBSEQUENT CRIMINAL PROCEEDINGS

IT IS FURTHER AGREED, should the RESPONDENT'S conduct, as outlined in the findings of fact of this Agreed Order, result in subsequent judicial action, including a deferred disposition, RESPONDENT may be subject to further disciplinary action, up to, and including, revocation of RESPONDENT'S license(s) to practice nursing in the State of Texas.

X. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against 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.

XI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges if any.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

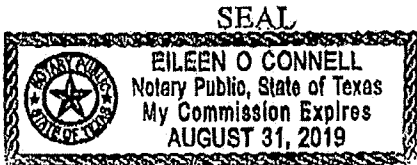
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this 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 this Order is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 2nd day of October, 2018.

Rhonda Diane Graham
RHONDA DIANE GRAHAM, Respondent

Sworn to and subscribed before me this 2nd day of October, 2018.



Eileen O Connell

Notary Public in and for the State of Texas

Approved as to form and substance.

William Hopkins
William Hopkins, Attorney for Respondent

Signed this 2nd day of October, 2018.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 2nd day of October, 2018, by RHONDA DIANE GRAHAM, Vocational Nurse License Number 130035, and said Agreed Order is final.

Effective this 25th day of October, 2018.



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 130035 | § | |
| issued to RHONDA DIANE GRAHAM | § | ORDER |

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of RHONDA DIANE GRAHAM, Vocational Nurse License Number 130035, 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)&(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 November 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 current status.
4. Respondent received a Certificate in Vocational Nursing from Alvin Community College, Alvin, Texas, on May 17, 1990. Respondent was licensed to practice vocational nursing in the State of Texas on November 28, 1990.
5. Respondent's nursing employment history is unknown.

6. On or about September 18, 1990, Respondent was issued the sanction of PROBATION by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated September 18, 1990, is attached and incorporated, by reference, as part of this Order.
7. On or about August 9, 2005, Respondent was issued the sanction of SUSPEND/PROBATE by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated August 9, 2005, is attached and incorporated, by reference, as part of this Order.
8. On or about August 19, 2014, while employed with Matagorda House, Bay City, Texas, Respondent failed to comply with the Order of SUSPEND/PROBATE, issued to her on August 9, 2005, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Six (6) of the Order which states, in pertinent part:

(6) RESPONDENT SHALL CAUSE each present employer in vocational nursing to submit the 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.
9. On or about November 19, 2014, February 19, 2015, May 19, 2015, while employed with Matagorda House, Bay City, Texas, Respondent failed to comply with the Order of SUSPEND/PROBATE, issued to her on August 9, 2005, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Nine (9) of the Order which states, in pertinent part:

(9) 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 vocational nursing.
10. In response to Findings of Fact Numbers Eight (8) and Nine (9), Respondent states she informed her DON about her order, and her DON in return informed her that she was familiar with Board Orders. Respondent gave copy of the Board Order to DON and assumed that DON would comply with the requirements of employers and submit periodic reports concerning Respondent's practice of nursing. Respondent relied on the DON's statements and trusted that the DON will keep her promises. Again, it comes as a shock to Respondent to find out that these reports were not submitted to the Board as promised. She accepts responsibility for her part in not following up with the DON to ensure that all necessary provision of the Board Order. This was not an intentional disregard but an unintentional omission that resulted from misplaced trust in the DON.

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)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 130035, heretofore issued to RHONDA DIANE GRAHAM, 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 AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Vocational Nurse License Number 130035, previously issued to RHONDA DIANE GRAHAM, to practice nursing in Texas is 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.

- 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. MONETARY FINE

RESPONDENT SHALL pay a monetary fine in the amount of seven hundred fifty dollars (\$750.00) 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.

IV. COMPLIANCE WITH PRIOR ORDER

The Order of the Board issued to RESPONDENT on August 9, 2005, is still in effect in its entirety and RESPONDENT SHALL be responsible for completing the terms of that Order.

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. 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

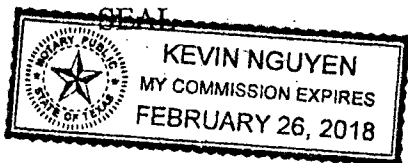
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary 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.

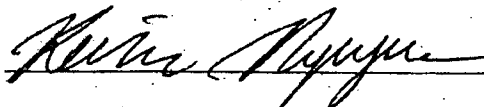
Signed this 9 day of Jan, 2016.



RHONDA DIANE GRAHAM, Respondent

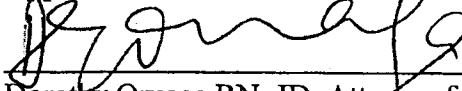
Sworn to and subscribed before me this 9 day of Jan, 2016.





Notary Public in and for the State of TX

Approved as to form and substance.



Dorothy Oruaga RN, JD, Attorney for Respondent

Signed this 11th day of January, 2016

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 9th day of January, 2016, by RHONDA DIANE GRAHAM, Vocational Nurse License Number 130035, and said Order is final.

Effective this 9th day of February, 2016.



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Vocational Nurse License Number 130035 § AGREED
issued to RHONDA DIANE GRAHAM § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of RHONDA DIANE GRAHAM, Vocational Nurse License Number 130035, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 302.402(a)(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on May 6, 2005, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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.
2. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Alvin Community College, Alvin, Texas, on May 17, 1990. Respondent was licensed to practice vocational nursing in the State of Texas on November 28, 1990.
5. Respondent's complete vocational nursing employment history is unknown.



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

6. On September 18, 1990, the Board of Vocational Nurse Examiners for the State of Texas endorsed an Agreed Board Order allowing Respondent to write the examination for licensure, and upon obtaining a passing score, be issued a license to practice vocational nursing in the State of Texas. Furthermore, the Order suspended Respondent's licensure, stayed the suspension, and placed the licensure on probation for a period of three (3) years with stipulations. A copy of the September 18, 1990 Agreed Board Order is attached and incorporated, by reference, as part of this Order.
7. On or about November 20, 2002, Respondent was convicted of DRIVING WHILE INTOXICATED (a Class B misdemeanor offense committed on April 2, 2002), in the County Court at Law No. 2 of Brazoria County, Texas, under Cause No. 1217465. As a result of the conviction, Respondent was placed on probation for a period of twelve (12) months and ordered to pay a four hundred dollar (\$400) fine, along with assessed fees. Furthermore, Respondent was ordered to perform twenty-four (24) hours of Community Service Restitution.
8. On February 3, 2005 and March 5, 2005, Respondent underwent a forensic psychological evaluation with a chemical dependency component conducted by Rion N. Hart, Ph.D., Clinical and Consulting Psychology and Psychoanalysis, Houston, Texas. Dr. Hart reported that Respondent presented herself as an alert and oriented, anxious woman who expressed great concern that she might lose her vocational nursing license. Her cognitive functions were grossly intact and there was no evidence of significant impairment in her thought, speech or affect. During the initial interview, Respondent portrayed herself as functioning well; but in the follow-up interview, she admitted symptoms of major depression involving fatigue, compromised cognitive functions and dysphoria. Respondent also reported that at times, it was difficult to make it to work, which is one of the reasons that she does agency nursing. She acknowledged having been placed on Prozac 20mg by her physician sometime around the beginning of 2005, and stated that the 20mg was increased to 40mg during March of 2005. Respondent also indicated having been treated with medication for depression at some point in time during 1989, when she was in nursing school. Prior to that, during October and November 1985, she had voluntarily been hospitalized at the Austin State Hospital due to depression and substance abuse involving cocaine. Respondent further reported that during 1996, she fell in the shower and broke some vertebrae and her right shoulder, resulting in her being in a back brace for nine (9) months. She was out of work for approximately one year and then returned to work, although she experiences significant pain. She stated that when she is in pain, she takes prescribed narcotics and does not work during those times. She said that on the night of the DWI in question, she had taken two (2) Soma.
9. Dr. Hart concluded that Respondent's test results were consistent with a woman who is suffering from a major depression with significant anxiety and a dependent personality disorder. Although she is struggling to maintain adequate functioning, this is tenuous. She is attempting to remain responsible by limiting her work to agency nursing so that she does not work on those days that she is functioning at a very low level. She also reports

continuing pain from her back injury. Dr. Hart also concluded that given Respondent's history of substance abuse and her current level of emotional distress, it is quite likely that she is misusing or abusing her narcotic analgesics in an attempt to relieve her overall suffering. Fortunately, she has begun treatment with a psychiatrist who has started her on a regimen of antidepressants that should more appropriately and effectively address her affective distress. The extent to which she may be misusing her pain medication was not able to be determined with any reliable specificity. Close monitoring through frequent drug screens would help ensure this does not occur at a level that would compromise her care giving. She may also find it helpful to engage in some counseling or psychotherapy aimed at alleviating her depression and addressing any substance use problems. Dr. Hart further concluded that, provided that Respondent complies with her psychiatric treatment and monitoring, it appears that she should be able to consistently behave in accordance with the Board's Rules and generally accepted nursing standards.

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 of Section 302.402(a)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(29)(A)(iv).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 130035, heretofore issued to RHONDA DIANE GRAHAM, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that Vocational Nurse License Number 130035, previously issued to RHONDA DIANE GRAHAM, to practice vocational nursing in Texas is hereby suspended for a period of two (2) years with the suspension stayed, and Respondent is hereby placed on probation for two (2) years with the following agreed terms of probation:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice vocational nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this order, the Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

(2) RESPONDENT SHALL deliver the wallet-sized license issued to RHONDA DIANE GRAHAM, to the office of the Board of Nurse Examiners within three weeks of the date of this Order for appropriate notation.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's

successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A LICENSED VOCATIONAL NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR TWO (2) YEAR(S) OF EMPLOYMENT.

THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(5) RESPONDENT SHALL notify each present employer in vocational nursing of this Order of the Board and the probation conditions on RESPONDENT's license. 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 within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in vocational nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in vocational nursing to submit the 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 to submit the 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 vocational nurse.

(7) For the first year of employment as a Licensed Vocational Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse or a Licensed Vocational Nurse. Direct supervision requires another professional or vocational nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention.

RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse or a Licensed Vocational Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) 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 vocational nursing. These reports shall be completed by the Registered Nurse or Licensed Vocational Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for two (2) year(s) of employment as a vocational nurse.

(10) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of 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 an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(11) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month period, random screens shall be performed at least once per month. For the remainder of the probation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

| | |
|---------------------------------|---------------|
| Amphetamines | Meperidine |
| Barbiturates | Methadone |
| Benzodiazepines | Methaqualone |
| Cannabinoids | Opiates |
| Cocaine | Phencyclidine |
| Ethanol | Propoxyphene |
| tramadol hydrochloride (Ultram) | |

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.

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 probation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board.

(12) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT's progress in therapy, rehabilitation and capability to safely practice vocational nursing. The report must indicate whether or not the RESPONDENT's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the probation period, or until RESPONDENT is dismissed from therapy.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

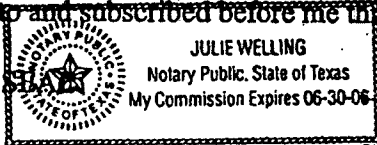
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, 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 to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 19 day of July, 2005.

Rhonda Diane Graham
RHONDA DIANE GRAHAM, Respondent

Sworn to and subscribed before me this

19 day of July, 2005.




Julie Welling

Notary Public in and for the State of 6/30/06

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 19th day of July, 2005, by RHONDA DIANE GRAHAM, Vocational Nurse License Number 130035, and said Order is final.

Effective this 9th day of August, 2005.


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

130035

| | | |
|---|---|------------------|
| BOARD OF VOCATIONAL NURSE EXAMINERS | * | STATE OF TEXAS |
| | * | |
| VS. | * | |
| | * | |
| RHONDA DIANE BUSHA, aka RHONDA TEMPLE, aka RHONDA BUSHA OLSON | * | COUNTY OF TRAVIS |

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the matter of RHONDA DIANE BUSHA, AKA RHONDA TEMPLE, AKA RHONDA BUSHA OLSON, an Applicant for Licensure by Examination, hereinafter called Applicant.

A sworn Complaint dated July 23, 1990 has been filed and served on the Applicant, which alleges violations of the Vocational Nurse Act, Texas Revised Civil Statutes Annotated, Article 4528c, and grounds to take disciplinary action against Applicant.

A prehearing conference was held on August 21, 1990, at the office of the Board of Vocational Nurse Examiners. The conference was conducted by Marjorie A. Bronk, R.N., Executive Director of the Board, assisted by Norma Jean Clark, LVN, member of the Board of Vocational Nurse Examiners. Applicant was present and was not represented by counsel.

The conference was attended by Patricia Cook, Investigator for the Board, and Susan Henricks, Attorney at Law. By her notarized signature on this Order, Applicant does hereby waive the right to Notice of Formal Hearing and a Formal Hearing of the Complaint before the Board, and to judicial review of this disciplinary action after this Order is endorsed by the Board.

AGREED BOARD ORDER

RE: RHONDA DIANE BUSHA, AKA RHONDA TEMPLE, AKA RHONDA BUSHA OLSON

PAGE 2

130035

After reviewing the Complaint and information provided at the prehearing conference, Applicant agrees to the entry of an Order dispensing with the need for further proceedings on the Complaint. By Applicant's signature on this Order, Applicant neither admits nor denies the truth of the allegations stated in the Complaint. By Applicant's signature on this Order, Applicant acknowledges that she has read and understood this Order and has approved it for consideration by the Board. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

THEREFORE, PREMISES CONSIDERED, The Board of Vocational Nurse Examiners does hereby order that RHONDA DIANE BUSHA, AKA RHONDA TEMPLE, AKA RHONDA BUSHA OLSON be allowed to write the examination for licensure and upon obtaining a passing score be issued a license to practice vocational nursing in the State of Texas. Said license shall be suspended, suspension stayed and placed on probation for a period of three (3) years. The probation of said license is subject to the following stipulations to wit:

1. That Applicant shall cause her nursing employer(s) to submit satisfactory reports to the Board office on a quarterly basis throughout the term of probation.
2. That Applicant shall not be employed by a nurse registry/temporary nurse agency or as a private duty nurse throughout the term of probation.
3. That Applicant shall work only under the direct supervision of a licensed medical professional throughout the term of probation.
4. That Applicant shall not work in an autonomous nursing position throughout the term of probation.

AGREED BOARD ORDER

RE: RHONDA DIANE BUSHAKA RHONDA TEMPLE, AKA RHONDA OLSON

PAGE 3

130035

5. That any period(s) of unemployment must be documented in writing by Applicant and submitted directly to the Board office on a quarterly basis throughout the term of probation.
6. That Applicant shall attend AA and/or NA and shall cause her program sponsor/counselor to submit satisfactory quarterly reports to the Board office throughout the term of probation.
7. That Applicant shall submit to random periodic urine drug screens upon demand of the Board staff. Said screens shall be properly monitored with adherence to chain of custody procedures. The results of said screens shall be submitted to the Board office by the laboratory. The expense of said screens shall be borne by Applicant.
8. That the Applicant must continue psychological/psychiatrist counseling, and cause her psychologist/psychiatrist counselor to submit satisfactory reports to the Board office on a quarterly basis throughout the term of probation. The expense of said counseling shall be borne by Applicant.
9. That if Applicant is released from counseling prior to the end of probation she shall cause her psychologist/psychiatrist to submit a final satisfactory report to the Board office.

Further, that if Applicant's place of employment, name, address or telephone number changes, Applicant is to notify the Board office immediately.

It is also ordered that RHONDA DIANE BUSHAKA, AKA RHONDA TEMPLE, AKA RHONDA BUSHAKA OLSON shall comply with all the provisions of Article 4528c, Revised Civil Statutes of Texas.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.

130035

Dated this the 21st day of August, 1990.

Rhonda Busha
Signature of Applicant

P.O. Box 522 2319 2nd Street
Current Address

Liverpool Tx. 77577
City, State and Zip

713 1585-5065
Area Code and Telephone Number

The State of Texas
County of Dallas

Before me, the undersigned authority, on this day personally appeared RHONDA DIANE BUSHA, AKA RHONDA TEMPLE, AKA RHONDA BUSH OLSON who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me this the 21st day of August, 1990.

Linda Rae Kent
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 10-24-93

Marjorie A. Bronk, R.N.
Marjorie A. Bronk, R.N.
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 21st day of August, 1990.

Linda Rae Kent
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
Linda Rae Kent
My Commission Expires 10-24-93

130035

ENDORSEMENT OF THE BOARD
To The Agreed Board Order
in the matter of RHONDA DIANE BUSH
EXAM APPLICANT

At its regularly called session, 18th day of September, 1990, came on to be considered the indicated Agreed Board Order pertaining to RHONDA DIANE BUSH. The Board having reviewed the contents of said Order, the Order should be, and is hereby, endorsed as an Order of the Board and made an official act of the Board of Vocational Nurse Examiners for the State of Texas.

Said Order is rendered this the 18th day of September, 1990.

Jessie C. Hester
Virginia M. Baumann
Nancy J. Cook
Adelia D. Miller, R.N.
Sharon L. Johnson

Sandra H. Knight, W.N.
Betty M. McLeod
Annice Mae Parkinson
Wynne L. Cohen
Lila Beart, L.N.

130035

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of September, 19 90,
a true and correct copy of the foregoing Order was served by placement in the
U.S. Mail, first class, and addressed to the following person(s):

Rhonda D. Busha
2405 Third Street
Liverpool, Texas 77577

Marjorie A. Bronk, R.N.

Marjorie A. Bronk, R.N.
Executive Director
Agent for the Board of Vocational Nurse Examiners