



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	§	AGREED
Vocational Nurse License Number 307898	§	
issued to LEAH CHANTE WINTERS	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LEAH CHANTE WINTERS, Vocational Nurse License Number 307898, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(8),(10)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on July 10, 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 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 Gulf Coast Community College, Gautier, Mississippi, on July 29, 2004. Respondent was licensed to practice vocational nursing in the State of Texas on June 28, 2012.
5. Respondent's nursing employment history includes:

06/12 - 02/13 Unknown

Respondent's nursing employment history continued:

02/13 - 10/14	LVN	Transition Home Health Houston, Texas
08/14 - 04/15	LVN	Total Home Health Houston, Texas
03/15 - 06/16	ADON	Wharton Nursing and Rehabilitation Wharton, Texas
06/16 - 05/17	LVN	Deaconess Home Health Gulfport, MS
07/16 - 02/17	LVN	Plaza Nursing and Rehabilitation Center Pascagoula, MS
03/17 - 08/17	LVN	Riverchase Village Gautier, MS
10/17 - Present	LVN	Driftwood Nursing Home Gulfport, MS

6. On or about June 19, 2012, Respondent was issued an Agreed Eligibility Order by the Texas Board of Nursing. Respondent successfully completed the terms of the Eligibility Order on July 3, 2013. A copy of the Findings of Fact, Conclusions of Law, and Order dated June 19, 2012, is attached and incorporated, by reference, as part of this Order.
7. At the time of the incident, Respondent was employed as a Staff Nurse with River Chase Village, Gautier, Mississippi, and had been in that position for five (5) months.
8. On or about August 30, 2017, while employed as a Staff Nurse with River Chase Village, Gautier, Mississippi, Respondent failed to follow the facility's policy and procedures for wastage of unused portions of medications. A clear cup with twenty (20) unlabeled and non-distributed pills, in which residents were actively taking, was found in the medication cart by the oncoming nurse. Subsequently, vital signs and physical assessments were performed on all residents to ensure safety. Respondent's conduct left medications unaccounted for, was likely to deceive the facility.
9. On or about July 24, 2018, Respondent was issued a Final Order of the Board by the State of Mississippi Board of Nursing, Ridgeland, Mississippi. A copy of the State of Mississippi Board of Nursing Order, dated July 24, 2018, is attached and incorporated, by reference, as part of this pleading.

10. In response to Findings of Fact Number Eight (8) through Nine (9), Respondent states every morning there are three patients whom all nursing staff leave about 3 to 5 meds per patient in a medicine cup. Respondent states these three patients are alert and oriented x4. Respondent states these ladies refuse to wake up and take their meds at 630 in the morning. Respondent states the night shift nurse which is only 1 nurse must pass meds to all 64 residents. Respondent states you have to chart on all medicare patients, along with infections, and incidents, and obtain vitals for all medicare patients. Respondent states due to this all med nurses must start passing meds at 5am. Respondent states the shift ends at 7am, therefore, all nurses in the facility sit the medications next to the bed side table and allow these three patients whom are very aware of life situations. Respondent states on that particular morning a patient fell on her shift, she forgot to go back and remind the patients to take their meds. Respondent states to please forgive her for her actions. Respondent states she knows that was not the right thing to do, but in crunch time, sometimes you have to do what you have to do. Respondent states she does not make leaving medications at the bedside a habit.
11. Formal Charges were filed on April 24, 2018.
12. Formal Charges were mailed to Respondent on April 25, 2018.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555 , the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(10)(C)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(8),(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 307898, heretofore issued to LEAH CHANTE WINTERS.
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 **WARNING WITH STIPULATIONS** 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. 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 Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Order.

III. 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.

IV. 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. **A Board-approved course in medication administration** with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the six (6) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The clinical component SHALL focus on tasks of medication administration only. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.
- C. The course **"Sharpening Critical Thinking Skills,"** a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board

approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

V. 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. **Indirect Supervision:** 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 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.

- 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.

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, 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.

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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 6 day of September 2018.
Leah Chante Winters
LEAH CHANTE WINTERS, Respondent

Sworn to and subscribed before me this 6th day of September, 2018.

SEAL

William David Register
Notary Public in and for the State of Mississippi



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 6th day of September, 2018, by LEAH CHANTE WINTERS, Vocational Nurse License Number 307898, and said Order is final.

Effective this 25th day of October, 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



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	§	AGREED
LEAH CHANTE WINTERS,	§	
PETITIONER for Eligibility for Licensure	§	ELIGIBILITY ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, considered the Endorsement Application, which has been processed as a Petition for Declaratory Order pursuant to 22 TEX. ADMIN. CODE §217.5(e) and §213.30, and supporting documents filed by LEAH CHANTE WINTERS, hereinafter referred to as PETITIONER, together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that PETITIONER may be ineligible for licensure pursuant to Sections 301.452(b)(2),(8)&(10) and 301.453, Texas Occupations Code.

PETITIONER waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered on April 13, 2012, by Katherine A. Thomas, MN, RN, FAAN, Executive Director.

FINDINGS OF FACT

1. On or about May 19, 2011, PETITIONER submitted an Endorsement Application requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(e) and §213.30.
2. PETITIONER waived representation by counsel, informal proceedings, notice and hearing, and consented to the entry of this Order.
3. PETITIONER received a Certificate in Vocational Nursing from Gulf Coast Community College, Jackson County, Gautier, Mississippi, on June 1, 2003.

4. PETITIONER completed the Endorsement Application and answered "No" to the question which reads as follows: *"Has any licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a professional license, certificate or multi-state privilege held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"*
5. On or about June 10, 2008, PETITIONER was issued an Agreed Order by the Mississippi Board of Nursing, Jacksonville, Mississippi, that required PETITIONER to complete a Documentation Course. A copy of the Agreed Order, dated June 10, 2008, is attached and incorporated, by reference, as part of this Order.
6. On or about June 12, 2011, PETITIONER's license to practice vocational nursing in the State of Mississippi was issued a Formal Reprimand by the Mississippi Board of Nursing, Jacksonville, Mississippi. A copy of the Formal Reprimand, dated June 12, 2011, is attached and incorporated, by reference, as part of this Order.
7. On July 5, 2011, PETITIONER satisfied all terms and conditions as set forth in the Agreed Order issued on June 10, 2008, by the Mississippi Board of Nursing.
8. After considering the action taken by the Mississippi Board of Nursing, along with PETITIONER'S subsequent conduct, the Executive Director is satisfied that PETITIONER should be able to meet the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
9. PETITIONER has sworn that, with the exception of matters disclosed in connection with the Endorsement Application, her past behavior conforms to the Board's professional character requirements at 22 TEX. ADMIN. CODE §213.27.
10. PETITIONER presented no evidence of behavior which is inconsistent with good professional character.
11. The Executive Director considered evidence of PETITIONER'S past behavior in light of the character factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that PETITIONER currently demonstrates the criteria required for good professional character.
12. Licensure of PETITIONER poses no direct threat to the health and safety of patients or the public provided PETITIONER complies with the stipulations outlined in this Order.
13. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of PETITIONER'S disclosures.
14. PETITIONER has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will

be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

15. PETITIONER shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Sections 301.452 and 301.453, Texas Occupations Code.
2. On or about May 19, 2011, PETITIONER submitted an Endorsement Application requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(e) and §213.30.
3. PETITIONER'S history reflects conduct which may constitute grounds for denial of a license under Section 301.452(b)(2),(8)&(10), Texas Occupations Code.
4. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
5. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
6. This Order is conditioned upon the accuracy and completeness of PETITIONER'S disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of PETITIONER'S license(s).

ORDER

NOW, THEREFORE, IT IS AGREED that the application of PETITIONER is hereby GRANTED, and upon payment of the required fees, PETITIONER SHALL be issued the applicable license to practice nursing in the State of Texas, which shall be subject to the following stipulations:

PETITIONER SHALL obtain and read the Texas Nursing Practice Act and the Rules

and Regulations Relating to Nurse Education, Licensure, and Practice.

PETITIONER SHALL 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.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas:

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

(1) PETITIONER SHALL, within one (1) year of licensure, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER 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) 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. PETITIONER 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 PETITIONER'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 at the following Board website address:*
<http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

(2) PETITIONER SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00). PETITIONER SHALL pay this fine within forty-five (45) days of licensure. 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.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from PETITIONER'S license to practice nursing in the State of Texas and PETITIONER shall be eligible for nurse licensure compact privileges, if any.

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PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past conduct which could constitute grounds for licensure ineligibility, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my application, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past conduct in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.27, 213.28, 213.29, and 213.30. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

Signed this 13 day of June, 2012

Leah Winters
LEAH CHANTE WINTERS, PETITIONER

Sworn to and subscribed before me this 13 day of June, 2012

SEAL

[Signature]
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Eligibility Order that was signed on the 13th day of June, 2012, by LEAH CHANTE WINTERS, PETITIONER for Eligibility for Licensure, and said Order is final.

Effective this 19th day of June, 2012.



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



BOARD OF NURSING

1935 Lakeland Drive, Suite B
Jackson, MS 39216-5014
Telephone: (601) 987-4188
Fax: (601) 384-2352



August 11, 2008

CERTIFIED MAIL 91 7108 2133 3935 4706 8712
RESTRICTED DELIVERY
RETURN RECEIPT REQUESTED

Leah Winters
4719 King Street
Moss Point, MS 39563

Dear Ms. Winters:

Enclosed is the Final Order of the Board regarding the Agreed Order the Board ratified on July 25, 2008.

Sincerely,

FOR THE MISSISSIPPI BOARD OF NURSING

Melinda E Rush, DSN, FNP
Executive Director

Enclosures: Order Approving and Accepting Agreed Order
Copy of Agreed Order

STATE OF MISSISSIPPI

BOARD OF NURSING

IN THE MATTER OF MISSISSIPPI
LICENSE NO. P-320285, issued to:

Leah Winters
4719 King Street
Moss Point, MS 39563

Respondent

DOB: 11/25/1977

FINAL ORDER

The attached document designated AGREED ORDER was ratified by the Mississippi Board of Nursing on July 25, 2008.

A copy of this Order shall be served upon the Respondent by Certified Mail, Return Receipt Requested.

Entered this the 17 day of August, 2008.

FOR THE MISSISSIPPI BOARD OF NURSING

By

Melinda E. Rush

Melinda E Rush
Executive Director

BOARD SEAL

STATE OF MISSISSIPPI
BOARD OF NURSING

IN THE MATTER OF MISSISSIPPI
LICENSE NO. P-320285, issued to:

DOCUMENTATION COURSE

LEAH WINTERS
6407 STAMPLEY ROAD
FAYETTE, MS 39069
and
4110 SCOVEL ROAD
PASCAGOULA, MS 39581
Respondent

DOB: 11/25/1977

AGREED ORDER

WHEREAS, RESPONDENT, LEAH WINTERS, has been vested with the right and privilege to practice nursing in the State of Mississippi by virtue of License No. P-320285, issued by the Mississippi Board of Nursing; and

WHEREAS, RESPONDENT, LEAH WINTERS, has consented to enter into an AGREED ORDER without the necessity of a disciplinary hearing by said Board;

IT IS, THEREFORE, STIPULATED AS FOLLOWS:

1. That this AGREED ORDER is entered into freely, willingly and voluntarily by all parties without threats or promises, and further, such AGREED ORDER is entered into in lieu of having a full administrative hearing before the Mississippi Board of Nursing.

2. That RESPONDENT hereby voluntarily, willingly and freely waives all her due process rights including, but not limited to, the right to a hearing whereby she could:

- (a) appear either personally or by counsel or both,
- (b) cross-examine any witnesses who may testify against her,
- (c) present testimony, evidence, and witnesses in her behalf, and
- (d) have subpoenas issued by the Board on her behalf.

3. That RESPONDENT violated Miss. Code Ann. Section 73-15-29 (1)(g) in that she has falsified or in a repeatedly negligent manner made incorrect entries or failed to make essential entries on records while working for Nursing Management, Inc., Hattiesburg, Mississippi. Specifically,

On or about 06/12/2005, 06/21/2005, 06/22/2005, 06/23/2005, 06/25/2005, and 06/26/2005, RESPONDENT turned in Nurse's Notes on Patient RB that appear to have dates altered. RESPONDENT stated that the errors on the notes were brought to her attention, that she drew a line through the errors and made the corrections and initialed said corrections.

4. That upon execution of this AGREED ORDER, RESPONDENT agrees to accept the following penalties which are authorized by Miss. Code Ann. Section 73-15-29 (2)(1972):

DOCUMENTATION COURSE. Within ninety (90) calendar days from the date RESPONDENT executes this AGREED ORDER, RESPONDENT shall have received in the Board's office official, written verification that she has successfully completed a Board-approved workshop/course on documentation.

5. That this AGREED ORDER shall be subject to approval by the Board. If the Board fails to approve the AGREED ORDER, it shall have no force or effect on the parties.

6. That it is understood and agreed that the purpose of this AGREED ORDER is to avoid a hearing before the Board. In this regard, RESPONDENT authorizes the Board to review and examine any documentary evidence or information concerning RESPONDENT prior to or in conjunction with its consideration of this AGREED ORDER.

7. That should the AGREED ORDER not be accepted by the Board, the presentation to and consideration of this AGREED ORDER and the documentary evidence by the Board shall not unfairly or illegally prejudice the Board or any of its members from participation in hearings or proceedings pertaining to these or other matters regarding RESPONDENT.

8. That RESPONDENT acknowledges that her license/privilege to practice nursing are being granted on the condition of full compliance with this AGREED ORDER and that failure to adhere to any of the terms of this AGREED ORDER may result in further disciplinary action.

9. That RESPONDENT agrees that in the event she fails to comply with the terms of this AGREED ORDER, the Board shall have access to her entire investigative file in subsequent proceedings.

10. That RESPONDENT does hereby fully, completely and finally release the Board of Nursing and its agents, servants, or employees from any and all claims, charges, demands, damages, costs, expenses, actions and causes of action of every kind and whatsoever nature which RESPONDENT may now or hereafter have which are in any manner whatsoever related to this AGREED ORDER between RESPONDENT and the Board of Nursing. The Mississippi Board of Nursing admits no liability in any way related to this AGREED ORDER.

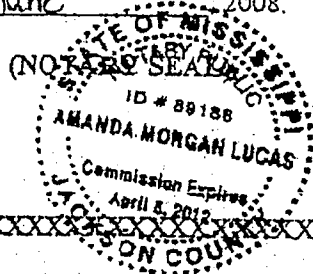
JUN 11 2005

11. That this document will be considered to be a public record entered as the final disposition of disciplinary proceedings presently pending against RESPONDENT and that this action shall be considered to be and may be recorded as a FINAL ORDER of the Board. This discipline will be reported in accordance with the provisions of the Health Insurance Portability and Accountability Act of 1996, as amended.

EXECUTED this the 10th day of June, 2008.

Leah Winters
LEAH WINTERS

Subscribed and sworn before me, in my presence, this 10th day of June, 2008.



Amanda Morgan Lucas
NOTARY PUBLIC

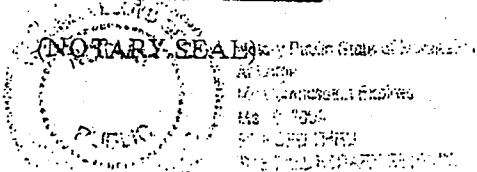
APPROVED AND ACCEPTED by the MISSISSIPPI BOARD OF NURSING on this the 25 day of July, 2008.

MISSISSIPPI BOARD OF NURSING

(BOARD SEAL)

By G. Dwayne Self
G. Dwayne Self, RN, CRNA, President

Subscribed and sworn before me, in my presence, this 25 day of July, 2008.



Vanessa D. King
NOTARY PUBLIC

**AFFIDAVIT AND
FORMAL REPRIMAND**

NAME: Leah Winters
LICENSE NO.: P-320285

I, the undersigned, acknowledge that I have violated Miss. Code Ann. Section 73-15-29 (1)(f) in that I have negligently or willfully violated an order rule or regulation of the Board pertaining to nursing practice or licensure.

Specifically, I failed to submit to the Board's office official, written verification that I have successfully completed a Board-approved workshop or in-service on Documentation. Said verification should have been received in the Board's office within (90) calendar day from the day I executed my Agreed Order. Said Verification has not been received as of May 10, 2011.

The above instance constitutes a violation of my Agreed Order dated June 10, 2008.

I waive my right to a formal hearing before the Mississippi Board of Nursing and agree to accept this Formal Reprimand and a \$400.00 fine. I understand that this disciplinary action will become a permanent part of my nursing licensure file, is public information and is reportable to all other Boards of nursing.

I understand that this **AFFIDAVIT & FORMAL REPRIMAND** shall be subject to approval by the Board. If the Board fails to approve the **AFFIDAVIT & FORMAL REPRIMAND**, it shall have no force or effect on the parties.

I understand that my prior Board Order remains in full force and effect and is not altered by this additional agreement.

All fines must be paid within thirty (30) days of the date I sign this affidavit. I understand that failure to pay the fine within thirty (30) days of today's date will result in this matter being forwarded to the Board for further action.

EXECUTED this the 12 day of June, 2011.



Signature

Address

Leah C. Winters
7506 Harpers Glen Ln
Houston Tx 77072
2514214884 (Telephone #)

State of Texas County Fort Bend

Being duly sworn, the aforementioned affiant says that he/she is the person referred to in the foregoing Affidavit; that he/she has knowledge of the facts set forth in this Affidavit; that the statements herein contained are true to the best of his/her knowledge and belief; and that he/she has read and understands this Affidavit.

Sworn to and ascribed before me on this 12 day of June, 2011.

Notary Public

RECEIVED

JUN 15 2011

MISSISSIPPI BOARD OF NURSING

MISSISSIPPI

BOARD OF NURSING

1080 River Oaks Drive
Ste. A-100
Flowood, MS 39232
Telephone: (601) 664-9303
Fax: (601) 664-9304



July 5, 2011

Leah Winters
2634 Ridgeway Drive
Gautier, MS 39553-5534

Re: Fulfillment of Agreed Order Requirements

Dear Ms. Winters:

This is to confirm that you have fulfilled all of the following requirements as outlined in your Agreed Order dated and signed June 10, 2008:

1) *Documentation Course*

Thank you for your cooperation with this matter. Should you have any question or concerns, please do not hesitate to contact the Board of Nursing at 601-664-9329.

Sincerely,
Brett B. Thompson
Brett B. Thompson
Senior Attorney

BBT/vr

STATE OF MISSISSIPPI
BOARD OF NURSING

Certified by
MS Board of Nursing

IN THE MATTER OF MISSISSIPPI
LICENSE NO. P-320285, Issued to:

LEAH WINTERS

Respondent

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Case No. 2017-5955

FINAL ORDER

THIS MATTER came before the Hearing Panel of the Mississippi Board of Nursing, pursuant to Section 73-15-31 Miss Code Ann. (Rev. 2012), on July 24, 2018, for consideration of allegations of violation(s) of the Mississippi Nursing Practice Law by Leah Winters ("Respondent") in the above referenced case and the Agreed Settlement Proposal entered into by Westley Mutziger, Attorney, and Leah Winters.

Upon consideration of the Agreed Settlement Proposal, and the presentation of the parties, and being otherwise fully advised of the premises, **IT IS HEREBY ORDERED:**

1. The Agreed Settlement Proposal is hereby approved and adopted. A copy of the Agreed Settlement Proposal is attached hereto as Exhibit "A" and incorporated herein.
2. The Respondent shall adhere to and abide by all the terms and conditions of the Agreed Settlement Proposal.
3. Failure to comply with any term of the Agreed Settlement Proposal shall cause the Respondent to be subject to further discipline.
4. The burden of proof shall be on the Respondent to demonstrate compliance with all of the terms and conditions of this Final Order.
5. That this document will be considered to be a public record entered as the final disposition of disciplinary proceedings presently pending against the **RESPONDENT** and that this action shall be considered to be and may be recorded as a **FINAL ORDER** of the Board. This discipline will be reported to all federally mandated data banks and in accordance with the provisions of the Health Insurance Portability and Accountability Act of 1996, as amended. This Final Order shall be placed in and become a part of the Respondent's official records and shall become effective on July 24, 2018.

This, the 24th day of July 2018.

(BOARD SEAL)



MISSISSIPPI BOARD OF NURSING

BY:


Hearing Panel Chair


Hearing Panel Member


Hearing Panel Member

**STATE OF MISSISSIPPI
BOARD OF NURSING**

**IN THE MATTER OF MISSISSIPPI
LICENSE NO. P-320285, issued to:**

**FORMAL REPRIMAND/ FINE/
LEGAL ASPECTS OF NURSING
COURSE/ ETHICS COURSE/
MEDICATION ADMIN.
COURSE**

**LEAH WINTERS
3801 LANIER ST, C
PASCAGOULA, MS 39581**

CASE NO. 2017-5955

AGREED SETTLEMENT PROPOSAL

WHEREAS, RESPONDENT, LEAH WINTERS, has been vested with the right and privilege to practice nursing in the State of Mississippi by virtue of License No. P-320285 issued by the Mississippi State Board of Nursing;

WHEREAS, RESPONDENT, LEAH WINTERS has consented to enter into an AGREED SETTLEMENT PROPOSAL without the necessity of a disciplinary hearing before the Mississippi Board of Nursing;

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. That **RESPONDENT** agrees to, offers no defense to, and that sufficient evidence exists to constitute a violation of Miss. Code Ann. Section 73-15-29 (1) (e) in that **RESPONDENT** has negligently or willfully practiced nursing in a manner that fails to meet generally accepted standards of such nursing practice.
2. That **RESPONDENT** agrees to, offers no defense to, and that sufficient evidence exists to constitute a violation of Miss. Code Ann. Section 73-15-29 (1) (f) in that **RESPONDENT** has engaged in any unprofessional conduct as identified by the Board in its rules; namely, that **RESPONDENT** violated 30 Miss. Admin. Code Pt. 2820, R. 1.2 (C) in that **RESPONDENT** has engaged in misrepresentation, deception or failed to disclose information as requested on any licensure or board of nursing document when attempting to secure or obtain a nursing license.
3. That while practicing at River Chase Village in Gautier, MS, on her Multistate privilege to practice, afforded to her by Texas Nursing License (PN 307898), **RESPONDENT** failed to properly administer medication to patients. On or about August 30th, 2017, facility personnel discovered between eight (8) and twenty (20) pills in an unlabeled clear plastic cup atop a medication cart. Upon investigation, the facility discovered

RESPONDENT was improperly administering medications. **RESPONDENT** admitted in her statement to the Board dated October 05th, 2017, to placing medications at patients' bedside, exiting without witnessing administration, proceeding to deliver medication to other patients, and returning later to determine whether patients administered medications. Further, **RESPONDENT** admitted that on August 30th, 2017, she forgot to remind and/or ensure two (2) patients administered medications.

4. That **RESPONDENT'S** Mississippi Multistate license expired December 31st, 2009. **RESPONDENT** applied for reinstatement of her Mississippi Multistate license approximately February 07th, 2018.
5. On her February 07th, 2018 application for reinstatement, **RESPONDENT** checked, "Yes," to the question, "Since your last application submission to the Board, have you been denied licensure/certification, had disciplinary action or is action pending against you by a Board of Nursing or any other regulatory agency or certification organization in any state or jurisdiction?" When asked on her application to submit a certified copy of disciplinary actions taken by other Boards of Nursing, **RESPONDENT** failed to disclose that approximately June 19th, 2012, she entered into an Agreed Eligibility Order with the Texas Board of Nursing, wherein **RESPONDENT** was disciplined for failing to disclose her June 10th, 2008 Mississippi Board of Nursing Board Order on her Texas license endorsement application.

IT IS, THEREFORE, STIPULATED AS FOLLOWS:

1. That this **AGREED SETTLEMENT PROPOSAL** is entered into freely, willingly and voluntarily by all the parties without threats or promises, and further, such **AGREED SETTLEMENT PROPOSAL** is entered into in lieu of having a full administrative hearing before the Mississippi Board of Nursing.
2. That **RESPONDENT** hereby voluntarily, willingly and freely waives all **RESPONDENT'S** due process rights including, but not limited to, the right to a hearing whereby **RESPONDENT** could:
 - a. Appear either personally or by counsel or both,
 - b. Cross-examine any witnesses who may testify against **RESPONDENT**,
 - c. Present testimony, evidence, and witnesses on **RESPONDENT'S** behalf, and
 - d. Have subpoenas issued by the Board on **RESPONDENT'S** behalf.
3. The Mississippi Board of Nursing is established pursuant to the Mississippi Nursing Practice Law, Title 73, Chapter 15 of the Mississippi Code of 1972, as amended, and is charged with the duty of licensing and regulating the practice of nursing in the State of Mississippi. The Respondent is the holder/applicant of a license issued by the Board and is, therefore, subject to the Mississippi Nursing Practice Law.

4. The Mississippi Board of Nursing and the Board Hearing Panel have jurisdiction in this matter pursuant to Miss. Code Ann. Sections 73-15-17, 73-15-29, 73-15-31, and 30 Miss. Admin. Code Pt 2825 R. 1.5. Venue is likewise properly placed before the Board Hearing Panel to hear this matter in Madison County, Mississippi.
5. That it is understood and agreed that the purpose of this **AGREED SETTLEMENT PROPOSAL** is to avoid a hearing before the Board Hearing Panel. As such, **RESPONDENT** authorizes the Board Hearing Panel to review and examine any documentary evidence or information concerning **RESPONDENT** prior to or in conjunction with its consideration of the **AGREED SETTLEMENT PROPOSAL**.
6. That this **AGREED SETTLEMENT PROPOSAL** shall be subject to approval by the Board Hearing Panel. If the Board Hearing Panel fails to approve the **AGREED SETTLEMENT PROPOSAL**, it shall have no force or effect on the parties.
7. That should this **AGREED SETTLEMENT PROPOSAL** not be approved by the Board Hearing Panel, it is agreed that the following shall not unfairly or illegally prejudice the Board or any of its members from participation in hearings or other proceedings pertaining to these or other matters regarding **RESPONDENT**: presentation of this **AGREED SETTLEMENT PROPOSAL** to the Board; consideration of this **AGREED SETTLEMENT PROPOSAL** by the Board Hearing Panel; consideration of the documentary evidence and any other information by the Board.
8. **PENALTIES.** That upon acceptance, approval and execution of an Order by the Board's Hearing Panel incorporating the terms of this **AGREED SETTLEMENT PROPOSAL**, **RESPONDENT** agrees to the following penalties which are authorized by Miss Code Ann. Section 73-15-29 (2) as a condition to being licensed/privileged as a nurse in the State of Mississippi:
 - a. **FORMAL REPRIMAND.** **RESPONDENT** agrees to accept a **FORMAL REPRIMAND** which will become a permanent part of **RESPONDENT'S** nursing record.
 - b. **FINE.** **RESPONDENT** agrees to pay a fine of \$250.00, which must be received in the Board's office within sixty (60) calendar days from the date the Board's Hearing Panel executes an Order incorporating this **AGREED SETTLEMENT PROPOSAL**. Failure to pay the fine according to the terms of this **AGREED SETTLEMENT PROPOSAL** may result in further disciplinary action.
 - c. **LEGAL ASPECTS OF NURSING COURSE.** That within ninety (90) calendar days from the date the Board's Hearing Panel executes an Order incorporating this **AGREED SETTLEMENT PROPOSAL**, **RESPONDENT** shall have written verification received in the Board's office indicating **RESPONDENT** has successfully completed a Board-approved course/workshop on Ethics.

- d. **ETHICS COURSE.** That within ninety (30) calendar days from the date the Board's Hearing Panel executes an Order incorporating this **AGREED SETTLEMENT PROPOSAL**, **RESPONDENT** shall have written verification received in the Board's office indicating **RESPONDENT** has successfully completed a Board-approved course/workshop on Ethics.
 - e. **MEDICATION ADMINISTRATION COURSE.** That within ninety (30) calendar days from the date the Board's Hearing Panel executes an Order incorporating this **AGREED SETTLEMENT PROPOSAL**, **RESPONDENT** shall have written verification received in the Board's office indicating **RESPONDENT** has successfully completed a Board-approved course/workshop on Medication Administration.
9. **REINSTATEMENT.** That upon completion of all terms in this **AGREED SETTLEMENT PROPOSAL**, **RESPONDENT** shall be allowed to proceed with the Reinstatement process of her Mississippi Practical Nursing License. **RESPONDENT** must comply with all statutes and rules pertaining to the Reinstatement of her license.
10. That **RESPONDENT** accepts the above penalties and acknowledges that **RESPONDENT'S** license/privilege is being granted on condition of full compliance with these terms. Failure to adhere to any of the terms of this **AGREED SETTLEMENT PROPOSAL** may result in further disciplinary action against **RESPONDENT'S** nursing license/privilege.
11. That **NON-COMPLIANCE** shall include, but is not limited to:
- a. Non-Receipt of verification as having successfully completed all required educational courses and/or workshops on or before the due date;
 - b. Failure to adhere to any of the terms of this **AGREED SETTLEMENT PROPOSAL**;
 - c. Any violation of the Nursing Practice Law (Miss. Code Ann. Section 73-15-1, et seq.); and
 - d. Any violation of the Miss. Admin. Code, Pt. 2820
12. That the **RESPONDENT** does hereby fully, completely and finally release the Board of Nursing and its agents, servants or employees from any and all claims, charges, demands, damages, costs, expenses, actions and causes of action of every kind and nature which the **RESPONDENT** may now or hereafter have related to this **AGREED SETTLEMENT PROPOSAL** between the **RESPONDENT** and the Board of Nursing. The Mississippi Board of Nursing admits no liability in any way related to this **AGREED SETTLEMENT PROPOSAL**.
13. That this document is a public record and will be entered as a **FINAL ORDER** of the Board. This discipline will be reported to all federally mandated data banks and in accordance with the provisions of the Health Insurance Portability and Accountability Act of 1996, as amended.

EXECUTED this the 24th day of July, 2018.

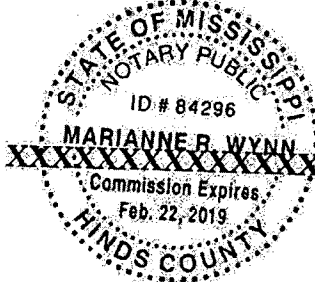
Leah Winters
LEAH WINTERS

Subscribed and sworn to before me, in my presence, this the 24 day of

July, 2018.

(NOTARY SEAL)

Marianne R Wynn
Notary Public



Approved as to Form and Substance;

W. Westley Mutziger

W. Westley Mutziger
Attorney
MS Board of Nursing