

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.  
*Michelle O'Hanrahan*  
Executive Director of the Board

**In the Matter of  
Permanent Registered Nurse  
License Number 547056 &  
Permanent Vocational Nurse  
License Number 106878  
Issued to LYNDA SUE CEARLEY,  
Respondent**

**§ BEFORE THE TEXAS  
§ BOARD OF NURSING  
§ ELIGIBILITY AND  
§ DISCIPLINARY COMMITTEE**

**ORDER OF THE BOARD**

TO: Lynda Cearley  
104 Live Oak Drive  
Pleasanton, TX 78064

During open meeting held in Austin, Texas, on November 12, 2019, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN. CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 547056, and Permanent Vocational Nurse License Number 106878, previously issued to LYNDA SUE CEARLEY to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 12<sup>th</sup> day of November, 2019

TEXAS BOARD OF NURSING

BY:   
\_\_\_\_\_

KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charges filed September 10, 2019

d17r(2019.10.07)

Re: Permanent Registered Nurse License Number 547056  
& Permanent Vocational Nurse License Number 106878  
Issued to LYNDA SUE CEARLEY  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 13<sup>th</sup> day of November, 2019, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested.  
Copy Via USPS First Class Mail

Lynda Cearley  
104 Live Oak Drive  
Pleasanton, TX 78064

BY: 

KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of	§	
Permanent Registered Nurse	§	BEFORE THE TEXAS
License Number 547056 &	§	
Permanent Vocational Nurse	§	
License Number 106878	§	BOARD OF NURSING
Issued to LYNDIA SUE CEARLEY,	§	
Respondent	§	

**FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, LYNDIA SUE CEARLEY, is a Registered Nurse holding license number 547056 which is in delinquent status at the time of this pleading. Further, Respondent is a Vocational Nurse holding license number 106878 which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

**CHARGE I.**

On or about December 12, 2018, Respondent failed to comply with the Agreed Order issued to her on December 12, 2017, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Section Number Three (III), Subsections (A), (B)&(C), of the order which reads, in pertinent part:

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.
- B. A Board-approved course in nursing documentation that shall be a minimum of six (6) hours in length.
- 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license(s) and/or privilege(s) to practice nursing

in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33.

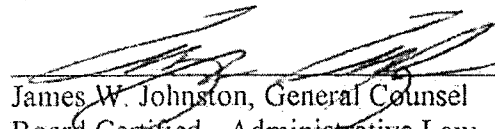
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order(s) of the Board dated December 12, 2017.

Filed this 10<sup>th</sup> day of September, 2019.

TEXAS BOARD OF NURSING

  
James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Jena Abel, Deputy General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 24036103

Helen Kelley, Assistant General Counsel  
State Bar No. 24086520

Skyler Landon Shafer, Assistant General Counsel  
State Bar No. 24081149

JoAnna Starr, Assistant General Counsel  
State Bar No. 24098463

Jacqueline A. Strashun, Assistant General Counsel  
State Bar No. 19358600

John Vanderford, Assistant General Counsel  
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-8657  
F: (512) 305-8101 or (512) 305-7401

Attachment(s): Order(s) of the Board dated December 12, 2017.

D(2019.08.27)



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 office 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  
Registered Nurse License Number 547056 §  
& Vocational Nurse License Number 106878 §  
issued to LYNDA SUE CEARLEY § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LYNDA SUE CEARLEY, Registered Nurse License Number 547056 and Vocational Nurse License Number 106878, 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)(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 November 2, 2017.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in delinquent status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Mercy Hospital School of Vocational Nursing, Laredo, Texas, on August 29, 1984; and Respondent received a Baccalaureate Degree in Nursing from the University of Texas Health Science Center, San Antonio, Texas, on May 1, 1988. Respondent was licensed to practice vocational nursing in the State of Texas on December 17, 1984; and Respondent was licensed to practice professional nursing in the State of Texas on September 1, 1988.

5. Respondent's nursing employment history includes:

12/84 - 03/90	Unknown	
04/90 - 01/00	RN Charge/ Intake Coordinator	UTMB - TX Dept of Criminal Justice Galveston, Texas
02/00 - 11/06	Unknown	
12/06 - 04/13	Transport RN	Quality Ambulance Service Pleasanton, Texas
09/07 - 11/07	RN Intake/ Case Manager	San Antonio Hospital San Antonio, Texas
05/13 - 10/13	Unknown	
11/13 - 03/16	RN Case Manager	Baptist Medical Center San Antonio, Texas
04/16 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a RN Case Manager with Baptist Medical Center, San Antonio, Texas, and had been in that position for two (2) years and three (3) months.
7. On or about February 29, 2016, while employed as a RN Case Manager in the Intensive Care Unit (ICU) at Baptist Medical Center, San Antonio, Texas, Respondent falsely documented a telephone physician's order for a long term acute care (LTAC) evaluation for Patient Number 1605100263, prior to communicating with the physician and without authorization. Respondent's conduct was deceptive and created an inaccurate medical record.
8. In response to Finding of Fact Number Seven (7), Respondent states that she was under a lot of pressure to discharge the patients and states the department was told that referrals could be made to other facilities without a physician's order. Regarding the patient in question, Respondent states she sent a text to the physician, wrote a nurse order, and placed it in the patient's file to follow up later that day. Respondent states that since she never got a response to her text, she approached the physician and asked her about the order. The patient's physician told Respondent that she would not sign the order and stated she was going to void the order.

### 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)&(D) and 217.12(1)(A),(1)(B),(1)(C),(4),(6)(A)&(6)(H).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 547056 and Vocational Nurse License Number 106878, heretofore issued to LYNDIA SUE CEARLEY.
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 AND A FINE** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

#### II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to comply in all respects



with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Order.

### III. 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 nursing documentation that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. Home study courses and video programs will not be approved.
- 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](http://www.bon.texas.gov/compliance).

IV. MONETARY FINE

RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00) within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

V. RESTORATION OF UNENCUMBERED LICENSE(S)

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

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 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 3<sup>rd</sup> day of November, 2017.  
Lynda Sue Cearley  
LYNDA SUE CEARLEY, Respondent

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_

Approved as to form and substance.

Marc M. Meyer  
Marc Meyer, Attorney for Respondent

Signed this 6th day of November, 2017.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 3rd day of November, 2017, by LYNDIA SUE CEARLEY, Registered Nurse License Number 547056 and Vocational Nurse License Number 106878, and said Order is final.

Effective this 12th day of December, 2017.



---

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