

# BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED ORDER
Vocational Nurse License Number 175816	§	
issued to AMY LYNN AGUIRRE	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of AMY LYNN AGUIRRE, Vocational Nurse License Number 175816, 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),(9),(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 November 25, 2019.

## 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 Northeast Texas Community College, Mt Pleasant, Texas, on August 13, 1999. Respondent was licensed to practice vocational nursing in the State of Texas on April 11, 2000.
5. Respondent's nursing employment history includes:

2000 – 2005

LVN

ETMC – Quitman  
Quitman, Texas

Respondent's nursing employment history continued:

2005 – 2008	LVN	Excel Staffing Tyler, Texas
2008-2016	Not employed in Nursing	
2/8/2016 - Present	LVN	UT Health East Texas Grand Saline, Texas

6. On or about April 23, 2008, the Board accepted the Voluntary Surrender of Respondent's license(s) to practice nursing in the State of Texas through an Order of the Board. A copy of the April 23, 2008, Order is attached and incorporated herein by reference as part of this Agreed Order.
7. On or about February 10, 2015, Respondent's license(s) to practice nursing in the State of Texas was Reinstated through an Order of the Board. A copy of the February 10, 2015, Order is attached and incorporated herein by reference as part of this Agreed Order.
8. On or about November 29, 2018, Respondent became noncompliant with the Reinstatement Order issued to you by the Texas Board of Nursing on February 15, 2015. Noncompliance is the result of your failure to abstain from the consumption of alcohol (ethanol). Respondent produced a urine specimen for a random drug screen that resulted positive for Ethyl Glucuronide (EtG) and Ethyl Sulfate (EtS), which are metabolites of alcohol (ethanol). Stipulation Number Seventeen (17), of the Agreed Order dated February 15, 2015, states, in pertinent part:

(17) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substance, except as prescribed by a licensed practitioner for a legitimate purpose.

9. On or about October 11, 2019, Respondent was arrested by the Wood County Sheriff's Office, Quitman, Texas for DRIVING WHILE INTOXICATED 3RD OR MORE, a 3rd degree felony offense.

#### 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),(9)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 175816, heretofore issued to AMY LYNN AGUIRRE.
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 175816, previously issued to AMY LYNN AGUIRRE, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **ENFORCED** until RESPONDENT:

- A. Completes an appropriate treatment program approved by the Board;
- B. Provides documentation of successful completion; and
- C. Obtains twelve (12) consecutive months of sobriety, which may be demonstrated by monthly urine drug screens consistent with the "DRUG AND ALCOHOL RELATED REQUIREMENTS" of this Order.

**Any relapse prior to the completion of the required twelve (12) consecutive months of sobriety will result in revocation or, at a minimum, an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.**

IT IS FURTHER AGREED, upon verification of successful completion of the above requirements, the Suspension will be **STAYED**, and RESPONDENT will be placed on **PROBATION** for a minimum of three (3) years **AND** until RESPONDENT fulfills the additional requirements of this Order.

- D. RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.
- E. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- F. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- G. 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 suspension being stayed, 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.
- B. The course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at [www.bon.texas.gov/compliance](http://www.bon.texas.gov/compliance).*

**VI. MONETARY FINE**

RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00) within forty-five (45) days of the suspension being stayed. Payment

is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

## **VII. EMPLOYMENT REQUIREMENTS**

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for twelve (12) quarterly periods [three (3) years] of employment. This requirement will not be satisfied until twelve (12) 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. **No Night or Rotating Shifts, Overtime, or On-Call:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which RESPONDENT is regularly assigned.
- D. **No Critical Care:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL NOT practice as a nurse in any critical

care area. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

- E. **No Administration of Controlled Medications:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, Propofol, or other synthetic opiates.
- F. **Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this order, RESPONDENT SHALL be directly 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. Direct supervision requires another nurse, as applicable, 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). 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.
- G. **Indirect Supervision:** For the remainder of the stipulation/probation period, 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.
- H. **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 twelve (12) quarters [three (3) years] of employment as a nurse.

## VIII. DRUG AND ALCOHOL RELATED REQUIREMENTS

- A. While under the terms of this Order, RESPONDENT SHALL **abstain from the use of alcohol, nalbuphine, propofol and all controlled substances**, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that 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 three (3) month [1<sup>st</sup> quarter] period RESPONDENT works as a nurse under the terms of this Order, random screens shall be performed at least once per week.
  - For the next three (3) month [2<sup>nd</sup> quarter] period, random screens shall be performed at least twice per month.
  - For the next six (6) month period [3<sup>rd</sup> & 4<sup>th</sup> quarters], random screens shall be performed at least once per month.
  - For the remainder of the probation period, if any, random screens shall be performed at least once every three (3) month quarterly period.

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

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

Amphetamine  
MDA

Methamphetamine  
Alprazolam

MDMA  
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.

- C. **While under the terms of this Order, RESPONDENT SHALL attend at least two (2) support group meetings each week,** one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. RESPONDENT SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month quarterly period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

**IX. PROBATION REPORTS**

RESPONDENT SHALL CAUSE his/her probation officer to submit written reports on forms provided to the RESPONDENT by the Board. The reports shall indicate the RESPONDENT'S compliance with the court ordered probation. The reports shall be furnished each and every three (3) month period until RESPONDENT is released from probation.

**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) and/or privilege(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 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 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.

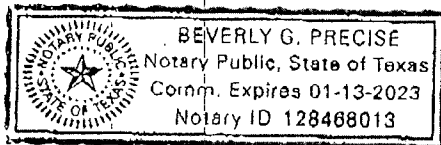
Signed this 30 day of December, 2019.

Amy Lynn Aguirre  
AMY LYNN AGUIRRE, RESPONDENT

Sworn to and subscribed before me this 30 day of December, 2019.

SEAL

Beverly G. Precise  
Notary Public in and for the State of TX



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 30th day of December, 2019, by AMY LYNN AGUIRRE, Vocational Nurse License Number 175816, and said Agreed Order is final.

Effective this 11th day of February, 2020.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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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.  
*Helen C. Hudson*  
Executive Director of the Board

## BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	REINSTATEMENT
License Number 175816	§	
issued to AMY LYNN AGUIRRE	§	AGREED ORDER

On this day came to be considered by the Texas Board of Nursing, hereinafter referred as the Board, the Petition for Reinstatement of Vocational Nurse License Number 175816, held by AMY LYNN AGUIRRE, hereinafter referred to as Petitioner.

An informal conference was held on December 16, 2014, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was represented by Dan Lype, Attorney at Law. In attendance were Denise Benbow, MSN, RN - Consultant for Nursing Practice, Executive Director's Designee; Kyle Hensley, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Elena Wolfe, Investigator; and Carolyn Hudson, Investigator.

### FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Petitioner waived notice and hearing, and consented to the entry of this Order.
3. Petitioner received a Certificate in Vocational Nursing from Northeast Texas Community College, Mt. Pleasant, Texas, on August 13, 1999. Petitioner was originally licensed to practice vocational nursing in the State of Texas on April 11, 2000.

4. Petitioner's nursing employment history includes:

2000 - 2005	LVN	ETMC - Quitman Quitman, Texas
2005 - 2008	LVN	Excel Staffing Tyler, Texas
2008 - present	Not employed in nursing	

5. On December 6, 1999, Petitioner was issued an Eligibility Agreed Order by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the December 6, 1999, Eligibility Agreed Order, is attached and incorporated, by reference, as part of this Order.

6. On December 4, 2000, Petitioner's license to practice vocational nursing in the State of Texas was Suspended by the Board of Vocational Nurse Examiners for the State of Texas. The suspension was stayed, and Petitioner was placed on probation for two (2) years. A copy of the December 4, 2000, Agreed Order is attached and incorporated, by reference, as a part of this Order.

7. On April 23, 2008, the Board accepted the voluntary surrender of Petitioner's license to practice vocational nursing in the State of Texas. A copy of the April 23, 2008, Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.

8. On or about June 10, 2014, Petitioner submitted a Petition for Reinstatement of License to practice vocational nursing in the State of Texas.

9. Petitioner presented the following in support of her petition:

9.1. Letter of support, dated May 27, 2014, from Virgie M. Weaver, RN, Community Care Center, Mineola, Texas, states that she is one of Petitioner's supervisors while Petitioner is employed as a CNA at Community Care Center, Mineola, Texas. Ms. Weaver states that she and Petitioner worked together at East Texas Medical Center while Petitioner was employed as an LVN. Petitioner strives to be a thorough caregiver and adheres to policies and procedures. Ms. Weaver states that Petitioner continues to attend support group meetings, and she has worked hard to change her habits and her lifestyle. Ms. Weaver recommends reinstatement of Petitioner's nursing license.

9.2. Letter of support, dated March 7, 2014, from Georgina Lewis, RN, DON, Community Care Center, Mineola, Texas, states that Petitioner has been employed with Community Care Center, Mineola, Texas, since September 2013, as a CNA. Petitioner performs her duties well and she is kind and caring to the residents. Ms. Lewis states that Petitioner has been an asset to the facility and she would make an excellent nurse.

- 9.3. Letter of support, dated May 24, 2014, from Brenda Peterson, RN, Community Care Center, Mineola, Texas. Ms. Peterson states that Petitioner has been under her supervision as a CNA, and she is punctual, attentive, and compassionate with residents and other employees. Ms. Peterson states that Petitioner is willing and eager to accept assignments without hesitation and offers to assist others if needed.
- 9.4. Letter of support, from Alana M. Coburn, Retired LVN, states that she has known Petitioner for ten years, professionally and socially. Petitioner was employed at ETMC-Quitman and she had the confidence and respect of her co-workers. Petitioner displayed knowledgeable nursing skills, and set high standards for the performance of her duties. Ms. Coburn states that Petitioner has demonstrated a total change in her lifestyle.
- 9.5. Letter of support, from Marci McDougold, LVN, states that she has worked with Petitioner, and she is a good employee. Ms. McDougold states that Petitioner is a very hard worker, and she is very dedicated to her patients.
- 9.6. Verification of successful completion of twenty (20) Type I Continuing Education Contact Hours.
- 9.7. Documentation of negative drug screens from June 19, 2014, through September 11, 2014.
- 9.8. Documentation of support group meeting attendance from June 7, 2014, through December 13, 2014.
10. Petitioner gives November 1, 2009, as her date of sobriety.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of AMY LYNN AGUIRRE, Vocational Nurse License Number 175816, to practice nursing in the state of Texas, be and the same is hereby GRANTED, AND SUBJECT TO THE FOLLOWING STIPULATIONS SO LONG AS THE PETITIONER complies 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 the stipulations contained in this~~ Order:

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Petitioner to practice nursing in the State of Texas.

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(s) is/are 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 State of Texas and the Board of Nursing in the party state where Petitioner wishes to work.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has completed the following pre-licensure conditions and obtained a license to practice vocational nursing from the Board.

(2) PETITIONER SHALL apply for a "Six-Month Clinical Permit" for the limited purpose of completing a refresher course. PETITIONER SHALL NOT, in any way, attempt to use this clinical permit for any purpose other than attending this course.



(3) PETITIONER SHALL successfully complete a nursing refresher course prior to returning to the practice of vocational nursing in the State of Texas. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The course's content shall include: 1) the role and scope of the vocational nurse; 2) a review of the nursing process to include focused assessment, planning, implementation and evaluation; 3) Pharmacology review; 4) medication administration review for all standard routes of administration; 5) documentation, ethical and legal implications for nursing practice; and 6) current CPR certification. This course shall include a minimum of the clinical components, providing direct patient care supervised by another nurse, as stated on the Board's website, <http://www.bon.texas.gov/olv/pdfs/6mth-lvn.pdf>.

(4) Upon completion of the refresher course, PETITIONER SHALL return the clinical permit to the office of the Board, and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required clinical component.

(5) Upon verification of successful completion of the agreed pre-licensure probation conditions of reinstatement, as set out in this Order, PETITIONER SHALL pay all re-registration fees and be issued a license to practice vocational nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to AMY LYNN AGUIRRE, shall be subject to the following agreed post-licensure probation conditions:

(6) PETITIONER SHALL pay a monetary fine in the amount of three hundred (\$350.00) dollars. PETITIONER SHALL pay this fine within forty-five (45) days of relicensure. 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.

(7) PETITIONER SHALL, within one (1) year of relicensure, 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>

(8) PETITIONER SHALL, within one (1) year of relicensure, successfully complete 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 program, PETITIONER SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. 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 at the following Board website address:*  
<http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>

IT IS FURTHER AGREED, SHOULD PETITIONER CHOOSE TO WORK AS A NURSE IN TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATION PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS 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 STIPULATION PERIOD:

(9) PETITIONER SHALL notify all future employers in vocational nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER 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.

(10) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Petitioner by the Board, to the Board's office within five (5) days of employment as a vocational nurse.

(11) For the first year of employment as a vocational nurse under this Order, PETITIONER 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 PETITIONER and immediately available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). The PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(12) For the remainder of the stipulation period, PETITIONER 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 PETITIONER, 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 Petitioner is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s).

~~PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency,~~ hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(13) PETITIONER SHALL NOT practice as a vocational nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Petitioner is regularly assigned for one (1) year of employment as a vocational nurse.

(14) PETITIONER SHALL NOT practice as a vocational nurse in any critical care area for one (1) year of employment as a vocational nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(15) PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a vocational nurse.

(16) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the Petitioner by the Board, periodic reports as to Petitioner's capability to practice vocational nursing. These reports shall be completed by the Registered Nurse or Licensed Vocational Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for three (3) years of employment as a vocational nurse.

(17) PETITIONER 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, PETITIONER 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 PETITIONER 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.**

(18) PETITIONER 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 twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis is the sole method accepted by the Board.

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 PETITIONER's place of employment at any time during the stipulation period and require PETITIONER 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. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Petitioner's license and multistate licensure privileges, if any, to practice nursing in the State of Texas.

(19) PETITIONER SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by PETITIONER. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

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

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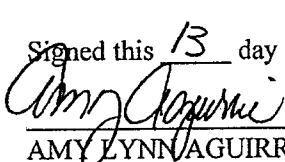
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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

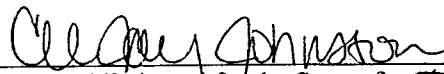
I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice vocational nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license(s) to practice nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 13 day of January, 2015.  
  
AMY LYNN AGUIRRE, Petitioner

Sworn to and subscribed before me this 13 day of January, 2015.

SEAL



  
Notary Public in and for the State of TX

Approved as to form and substance.

  
Dan Lype, Attorney for Petitioner

Signed this 14 day of July, 2015.



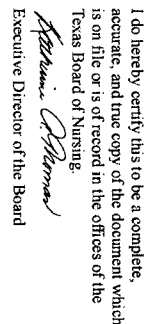
WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 13th day of January, 2015, by AMY LYNN AGUIRRE, Vocational Nurse License Number 175816, and said Order is final.

Effective this 10th day of February, 2015.



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



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On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 175816, issued to AMY LYNN AGUIRRE, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

**The Board makes the following Findings of Fact and Conclusions of Law.**

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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, notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice vocational nursing in the State of Texas is currently in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Northeast Texas Community College, Mount Pleasant, Texas, on August 13, 1999. Respondent was licensed to practice vocational nursing in the State of Texas on April 11, 2000.
5. Respondent's complete vocational nursing employment history is unknown.
6. On or about December 6, 1999, Respondent was issued an Agreed Order by the Board of Vocational Nurse Examiners for the State of Texas. The Order allowed her to take the examination for licensure, and upon obtaining a passing score, be issued a license to practice

vocational nursing in the State of Texas. Respondent's license was then suspended, with said suspension stayed, and placed on probation for a period of three (3) years. A copy of the Agreed Order dated December 6, 1999, is attached and incorporated, by reference, as part of this Order.

7. On or about December 4, 2000, Respondent was issued an Agreed Order by the Board of Vocational Nurse Examiners for the State of Texas, suspending her license to practice vocational nursing, with said suspension stayed, and placing her license on probation for a period of two (2) years. The Order was based in part, on Respondent violating the terms of her Agreed Order dated December 6, 1999, in that she failed to submit required documentation and received unfavorable reports from her alcohol and drug abuse counselor. A copy of the Agreed Order dated December 4, 2000, is attached and incorporated, by reference, as part of this Order.
8. On or about December 2, 1988, Respondent was convicted of "Driving While Intoxicated," a Class A Misdemeanor, committed on June 27, 1988, in the County Court at Law of Gregg County, Longview, Texas, Cause No. 64,549. Respondent was sentenced to one hundred eighty (180) days confinement. The imposition of the sentence was suspended, and Respondent was placed on probation for a period of two (2) years, and assessed a fine in the amount of four hundred fifty dollars (\$450.00). A Motion to Revoke Probation was filed and dismissed on July 11, 1995. The Respondent was discharged from probation on that day.
9. On or about July 22, 1992, Respondent was convicted of "Driving While Intoxicated-2nd Offense," a Misdemeanor, committed on September 22, 1990, in the County Court of Kaufman County, Kaufman, Texas, Cause No. 91-856. Respondent was sentenced to fifteen (15) days confinement, and assessed a fine in the amount of one thousand dollars (\$1,000.00).
10. On or about July 20, 1999, Respondent submitted an Application for Licensure by Exam to the Texas Board of Vocational Nurse Examiners, in which she provided false, deceptive, and/or misleading information, in that she failed to completely disclose her criminal history when answering the following question:

*"Have you ever been convicted of a misdemeanor other than a minor traffic violation? (If yes, attach certified copies of the complaint/indictment; judgment of conviction; sentence/probation and your explanation of the circumstances.)"*

On or about December 2, 1988, Respondent was convicted of "Driving While Intoxicated," a Class A Misdemeanor, committed on June 27, 1988, in the County Court at Law of Gregg County, Longview, Texas, Cause No. 64,549. On or about July 22, 1992, Respondent was convicted of "Driving While Intoxicated-2nd Offense," a Misdemeanor, committed on September 22, 1990, in the County Court of Kaufman County, Kaufman, Texas, Cause No. 91-856.

11. On or about March 3, 2006, Respondent was convicted of "Driving While Intoxicated-Third Offense or More," a 3rd Degree Felony, committed on October 15, 2005, in the 402nd Judicial District Court of Wood County, Quitman, Texas, Cause No. 19,114-2005. Respondent was sentenced to ten (10) years confinement in the Institutional Division of the Texas Department of Criminal Justice. Confinement portion of the sentence was suspended, and Respondent was placed on probation for five (5) years, and assessed a fine in the amount of two thousand dollars (\$2,000.00).
12. On or about May 16, 2007, Respondent pled Guilty to "Driving While License Invalid," a Misdemeanor, committed on June 3, 2006, in the County Court at Law of Wood County, Quitman, Texas, Cause No. 31982. Proceedings were deferred without entering an adjudication of guilt, and Respondent was placed on probation for ninety (90) days, and assessed a fine of five hundred dollars (\$500.00).
13. On or about August 28, 2007, Respondent submitted a renewal application to the Texas Board of Nurse Examiners, in which she provided false, deceptive, and/or misleading information, in that she failed to completely disclose her criminal history when answering the following question:

*"Have you ever been convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, or received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests whether or not on appeal (excluding minor Class C traffic violations)? This includes expunged offenses and deferred adjudications with or without a finding of guilty."*

On or about December 2, 1988, Respondent was convicted of "Driving While Intoxicated," a Class A Misdemeanor, committed on June 27, 1988, in the County Court at Law of Gregg County, Longview, Texas, Cause No. 64,549. On or about July 22, 1992, Respondent was convicted of "Driving While Intoxicated-2nd Offense," a Misdemeanor, committed on September 22, 1990, in the County Court of Kaufman County, Kaufman, Texas, Cause No. 91-856. On or about May 16, 2007, Respondent pled Guilty to "Driving While License Invalid," a Misdemeanor, committed on June 3, 2006, in the County Court at Law of Wood County, Quitman, Texas, Cause No. 31982.

14. On or about August 28, 2007, Respondent submitted a renewal application to the Texas Board of Nurse Examiners, and answered "Yes" to the Question, which reads as follows:

*"In the past 5 years, have you been addicted or treated for the use of alcohol or any other drug? (You may answer "no" if you have completed and/or are in compliance with TPAPN)"*

On February 14, 2006, Respondent was evaluated by the Northeast Texas Council on Alcohol and Drug Abuse, Sulphur Springs, Texas. The evaluation indicated and led to a diagnosis of Alcohol Dependency. It also indicated that Respondent needs treatment for Alcohol and Drug Abuse.

15. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
16. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
17. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

#### 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 violations of Article 4528c, Sec. 10(a)(2) & (9), TEX. REV. CIV. STAT. ANN., Section 301.452(b)(2),(3)&(10), Texas Occupations Code, TEX. ADMIN. CODE §§239.11(8) & (29)(A), and 217.12(6)(H)(I)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.453(d), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 175816, heretofore issued to AMY LYNN AGUIRRE, including revocation of Respondent's license to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational License Number 175816, heretofore issued to AMY LYNN AGUIRRE, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing.

In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-sized license, heretofore issued to AMY LYNN AGUIRRE, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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

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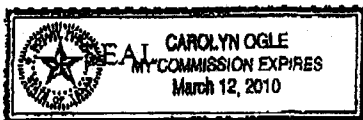
RESPONDENT'S CERTIFICATION

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 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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 7<sup>th</sup> day of Dec., 2007.

Amy Aguirre  
AMY LYNN AGUIRRE, Respondent

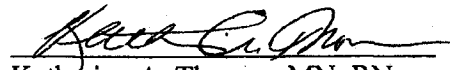
Sworn to and subscribed before me this 7 day of Dec, 2007.



Carolyn Ogle  
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 accept the voluntary surrender of Vocational Nurse License Number 175816, previously issued to AMY LYNN AGUIRRE.

Effective this 23rd day of April, 2008.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas", is written over a horizontal line.

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



BOARD OF VOCATIONAL NURSE EXAMINERS

\* STATE OF TEXAS

VS.

AMY LYNN AGUIRRE

\*  
\*  
\*  
\*  
\* COUNTY OF TRAVIS

**AGREED BOARD ORDER**

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of AMY LYNN AGUIRRE, an Applicant for Licensure by, examination hereinafter called Applicant.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Applicant of its intent to take disciplinary action with respect to said Application for Licensure, as a result of a subsequent investigation. Said investigation produced evidence indicating that Applicant has been convicted of a crime of the grade of a misdemeanor that involves moral turpitude, in violation of the Health Occupations Code, Chapter 302, Section 302.402 (a) (3) (B), in the following manner:

a. On or about July 20, 1999, Applicant submitted her Application for Licensure by Examination to the Board of Vocational Nurse Examiners for the State of Texas. On said Application, Applicant answered "yes" to the question(s) asking: "Have you ever been convicted of a misdemeanor other than a minor traffic violation?".

b. On or about August 16, 1999, Applicant was convicted of the Misdemeanor offense of: DRIVING WHILE INTOXICATED 2<sup>nd</sup> in the County Court of Franklin County, Texas, under cause Number 08031. As a result of said conviction, Applicant was assessed a fine and issued 30 days jail time.

c. Applicant has been convicted of a crime, which the Board considers to be directly related to the duties and responsibilities of a Licensed Vocational Nurse. Said conviction is inconsistent with the basic duties and responsibilities inherent in the occupation of vocational nursing in that said occupation requires knowledge and familiarity of drugs, and compliance with drug laws.

AGREED BOARD ORDER  
RE: AMY LYNN AGUIRRE, EXAM APPLICANT  
PAGE 2

By Applicant's signature on this Order, Applicant neither admits nor denies the truth of the matters previously set out in this Order with respect to the above mentioned investigation. By Applicant's signature on this Order, Applicant acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

By their notarized signature on this Order, Applicant does hereby waive the right to a formal Complaint, Notice of Hearing, and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

**ORDER OF THE BOARD**

NOW THEREFORE, IT IS ORDERED, that AMY LYNN AGUIRRE is hereby allowed to take 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, with said 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 is Applicant's place of employment, name, address or telephone number changes, Applicant is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said notification shall be in the form of a written letter or report.
2. That Applicant shall comply with Federal, State, and local laws, and all the provisions of the Vocational Nurse Act and Rules and Regulations of the Board.
3. That by copy of this Board Order Applicant shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.
4. That Applicant shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a monthly basis for the first six (6) months of probation. Thereafter, and throughout the remainder of said probation, Applicant shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a quarterly basis.

AGREED BOARD ORDER  
RE: AMY LYNN AGUIRRE, EXAM APPLICANT  
PAGE 3

5. That any period(s) of nursing unemployment must be documented in writing by Applicant and submitted to the Board office, as provided in Stipulation No. four (4).
6. That Applicant shall work only under the supervision of a licensed medical professional (M.D., R.N., L.V.N.) who is physically present on the work premises during Applicant's shift assignment(s), throughout the term of probation.
7. That Applicant shall not be employed by a nurse registry, temporary nurse employment agency, home health agency, or as a private duty nurse, throughout the term of probation.
8. That Applicant shall attend weekly meetings of Alcoholics Anonymous (AA), and shall be responsible for causing his/her program sponsor to submit satisfactory reports directly to the Board office on a monthly basis for the first six (6) months of probation. Thereafter, and throughout the remainder of said probation, Applicant shall be responsible for causing his/her program sponsor to submit satisfactory reports directly to the Board office on a quarterly basis.
9. That Applicant shall and hereby agrees to remain free of alcohol and all unprescribed controlled substances. Any controlled or legend medication must be prescribed by a physician knowledgeable about the disease of addiction, as well as Applicant's history, and it is incumbent upon Applicant to insure such physician knowledge. In all such cases, the prescribed drugs must be verified in writing to the Board by the prescribing physician.
10. That Applicant shall submit to monthly blood alcohol screen(s) upon demand of the Board staff for the first six (6) months of probation. Thereafter, and throughout the remainder of said probation, Applicant shall submit to random periodic blood alcohol urine drug screen(s) upon demand of the Board staff throughout the term of probation. Applicant shall submit to a drug screening panel consisting of the following: Alcohol, Amphetamines, Barbiturates, Benzodiazepines, Cannabinoids, Cocaine, Hydrocodone, Meperidine, Opiates, Propoxyphene, PCP, Morphine, Codeine, Methadone, and Methaqualone. Said screen(s) shall be properly monitored with adherence to chain of custody procedures. A positive result shall be legally confirmed by Gas Liquid Chromatography/Mass Spectrometry (GCMS). The results of said screen(s) shall be borne by Respondent. The report of a positive drug screen shall be considered a violation of probation.
11. That Applicant shall provide the Board a telephone number by which Applicant may be contacted between the hours of 8:00 a.m. and 5:00 p.m. on weekdays. Applicant must maintain with the Board, during the term of this probation, a current telephone number in order for the Board to request random blood alcohol and urine drug screens, as provided in Stipulations No. ten (10). An inability to contact Respondent by telephone to request said required drug screens shall be considered a violation of probation.
12. That Applicant shall obtain counseling (LCDC) and shall be responsible for causing his/her counselor to submit satisfactory reports directly to the Board office on a monthly basis for the first six (6) months of probation. Thereafter, and throughout the remainder of said probation, Applicant shall obtain counseling and be responsible for causing his/her counselor to submit satisfactory reports directly to the Board office on a quarterly basis. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.

AGREED BOARD ORDER  
RE: AMY LYNN AGUIRRE, EXAM APPLICANT  
PAGE 4

13. That if Applicant is discharged from court ordered probation, prior to the completion of this probationary term, Applicant shall be responsible for causing his/her probation officer to submit a final satisfactory report directly to the Board office.

14. That Respondent shall pay a Probation Monitoring fee in the amount of thirty (\$30.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said fee shall be paid quarterly, due on the 15th of each quarter, commencing the quarter following the date of the Board's endorsement of the Order, and continuing thereafter until the successful completion of Respondent's probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners, 333 Guadalupe, Suite 3-400, Austin, TX 78701". Failure by Respondent to make any quarterly payment on time shall constitute a violation of probation.

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.

Dated this the 21 day of October, 1999.

Amy Aguirre

Signature of Applicant

205 Knight

Current Address

Winnsboro, Texas 75494

City, State and Zip

903 342-6098

Area Code and Telephone Number

AGREED BOARD ORDER  
RE: AMY LYNN AGUIRRE, EXAM APPLICANT  
PAGE 5

The State of Texas  
County of Camp

Before me, the undersigned authority, on this day personally appeared AMY LYNN AGUIRRE, 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.

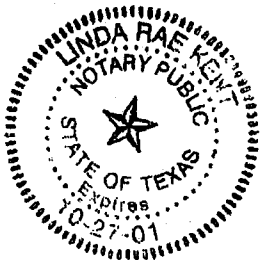
SWORN TO AND SUBSCRIBED before me this the 21 day of October, 19 99.



Karla Strickland  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS  
My Commission Expires 08-22-03

Mary M. Strange  
Mary M. Strange, RN  
Agent for the Board of  
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 21<sup>st</sup> day of October, 19 99.



Linda Rae Kent  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

AGREED BOARD ORDER  
RE: AMY LYNN AGUIRRE, EXAM APPLICANT  
PAGE: 6

WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse  
Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed  
on the 21st day of October, 1999 by Amy Lynn Aguirre, Exam Applicant and that Said Order is  
Final.

Effective this 6<sup>th</sup> day of December, 1999.

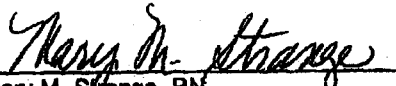
  
\_\_\_\_\_  
Mary M. Strange, RN  
Executive Director  
On Behalf of Said Board

AGREED BOARD ORDER  
RE: AMY LYNN AGUIRRE, EXAM APPLICANT  
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CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of December, 1999, a true and correct copy of the foregoing  
BOARD ORDER was served by placement in the U.S. Mail, first class, and addressed to the  
following person(s):

AMY LYNN AGUIRRE  
205 KNIGHT  
WINNSBORO, TX 75494

  
Mary M. Strange, RN  
Executive Director  
Agent for the Board of Vocational Nurse Examiners

BOARD OF VOCATIONAL NURSE  
EXAMINERS

VS.

AMY AGUIRRE

STATE OF TEXAS

COUNTY OF TRAVIS

**COMPLAINT**

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Carolyn Hudson, who after being by me duly sworn, did depose and say:

As an Investigator for the Board of Vocational Nurse Examiners, I, Carolyn Hudson, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against AMY AGUIRRE, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 175816, hereinafter called Respondent.

I.

a. On December 6, 1999, the Board of Vocational Nurse Examiners endorsed an Agreed Board Order in which Respondent's license to practice Vocational Nursing in the State of Texas was suspended, with said suspension stayed and placed on probation for a period of three (3) years.

b. Said Order stipulated, in part, that Respondent shall attend weekly meetings of Alcoholics Anonymous (AA) and be responsible for causing her program sponsor to submit satisfactory, required reports directly to the Board office on a monthly basis for the first six (6) months of probation. Thereafter, and throughout the remainder of said probation, Respondent shall be responsible for causing her program sponsor to submit satisfactory reports directly to the Board office on a quarterly basis.

c. Said Order also stipulated, in part, that Respondent shall be responsible for causing her counselor to submit satisfactory reports directly to the Board office on a monthly basis for the first six (6) months of probation. Thereafter, and throughout the remainder of said probation, Respondent shall be responsible for causing her counselor to submit satisfactory reports directly to the Board office on a quarterly basis.

d. Said Order further stipulated, in part, that the receipt of an unfavorable and/or untimely report shall be considered a violation of probation.

e. On July 5, 2000, July 20, 2000, July 24, 2000, and August 8, 2000, the Board office received unfavorable Counselor reports from the Northeast Texas Council on Alcohol and Drug Abuse.

f. Respondent has failed to cause her AA program sponsor to submit satisfactory, required, monthly reports to the Board office on or before the due dates of May 18, 2000, June 18, 2000, and July 18, 2000.



COMPLAINT  
RE: AMY AGUIRRE, LVN #175816  
PAGE 2

g. Respondent has failed to cause her counselor to submit a satisfactory, required, monthly report to the Board office on or before the due date of July 18, 2000.

h. By said conduct Respondent has violated the terms of her probation.

II.

Respondent has violated the Texas Occupations Code, a rule or order issued under this code, contrary to the Texas Occupations Code, Chapter 302, Section 302.402 (a) (1).

III.

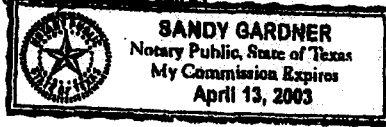
The foregoing acts constitute grounds for the Board of Vocational Nurse Examiners to take disciplinary action as provided under the Texas Occupations Code Chapter 302, Licensed Vocational Nurse, Section 302.403 and Section 302.451, relief such as revocation, suspension, suspension with probation, reprimand, warning, denial of licensure and/or imposition of administrative penalties (fines), may be recommended by the Board. Pursuant to Board Rule 239.19 the Board may assess penalties (fines), in the minimum amount of two hundred fifty dollars (\$250.00), not to exceed two thousand dollars (\$2,000.00).

WHEREFORE, PREMISES CONSIDERED, I, Carolyn Hudson, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against AMY AGUIRRE, LVN # 175816, in accordance with the provisions of the laws of the State of Texas.

Carolyn Hudson  
AFFIANT

COMPLAINT  
RE: AMY AGUIRRE, LVN #175816  
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SUBSCRIBED AND SWORN TO BEFORE ME by the said Carolyn Hudson, on this the 28th day  
of September 2000.



*Sandy Gardner*  
\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

Filed with the Board of Vocational Nurse Examiners on the 28th day of September 2000.

*Mary M. Strange*  
\_\_\_\_\_  
Mary M. Strange, BSN, RN, CNA  
Executive Director  
Board of Vocational Nurse Examiners

BOARD OF VOCATIONAL  
NURSE EXAMINERS

VS.

AMY AGUIRRE

\* STATE OF TEXAS  
\*  
\*  
\*  
\*  
\* 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 vocational nurse license number 175816, held by AMY AGUIRRE herein, after called Respondent.

A sworn Complaint has been filed and served on the Respondent, which alleges violations of the Texas Occupations Code, Chapter 302, and grounds to take disciplinary action against Respondent.

An informal conference was held on October 30, 2000, at the office of the Board of Vocational Nurse Examiners. The conference was conducted by Mary M. Strange, RN., Executive Director of the Board, assisted by Geneva Harvey, member of the Board of Vocational Nurse Examiners. Respondent was present and was not represented by counsel.

The conference was attended by Carolyn Hudson, Investigator for the Board, and Joseph Pitner, Assistant Attorney General. By their notarized signature on this Order, Respondent 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: AMY AGUIRRE, LVN #175816  
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After reviewing the Complaint and information provided at the informal conference, Respondent agrees to the entry of an Order dispensing with the need for further proceedings on the Complaint. By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the allegations stated in the Complaint. By Respondent's signature on this Order, Respondent acknowledges that they have read and understood this Order and have 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**

NOW THEREFORE, IT IS ORDERED, that license number 175816, heretofore issued to AMY AGUIRRE to practice vocational nursing in the State of Texas be, and the same is hereby Suspended, with said suspension stayed and placed on probation for a period of two (2) years.

**The probation of said license is subject to the following stipulations, to wit:**

1. That if Respondent's place of employment, name, address or telephone number changes, Respondent is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said notification shall be in the form of a written letter or report.
2. That Respondent shall comply with Federal, State, and local laws, and all the provisions of the Texas Occupations Code and Rules and Regulations of the Board.
3. That by copy of this Board Order, Respondent shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.

AGREED BOARD ORDER  
RE: AMY AGUIRRE, LVN #175816  
PAGE 3

4. That Respondent shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a monthly basis for the first six (6) months of probation. Thereafter, and throughout the remainder of said probation, Respondent shall be responsible for causing his/her immediate nursing supervisor (s) to submit satisfactory reports directly to the Board office on a quarterly basis. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.
5. That any period(s) of nursing unemployment must be documented in writing by Respondent and submitted to the Board office, as provided in Stipulation No. four (4).
6. That Respondent shall work only under the supervision of a licensed medical professional (M.D., R.N., L.V.N.) who is physically present on the work premises during Respondent's shift assignment (s), throughout the term of probation.
7. That Respondent shall not be employed by a nurse registry, temporary nurse employment agency, home health agency, or as a private duty nurse throughout the term of probation.
8. That Respondent shall not work in the position of nurse supervisor throughout the term of probation.
9. That Respondent shall not be the only licensed medical professional in the facility throughout the term of probation.
10. That Respondent shall attend weekly meeting of Alcoholics Anonymous and shall be responsible for causing his/her program sponsor to submit satisfactory reports directly to the Board office on a monthly basis for the first six (6) months of probation. Thereafter, and throughout the remainder of said probation, Respondent shall be responsible for causing his/her program sponsor to submit satisfactory reports directly to the Board office on a quarterly basis. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.
11. That Respondent shall and hereby agrees to abstain from the consumption of Alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or use of unprescribed controlled substances. Any controlled or legend medication must be prescribed by a physician knowledgeable about the disease of addiction, as well as Respondent's history, and it is incumbent upon Respondent to ensure such physician knowledge. If prescribed medication, RESPONDENT SHALL CAUSE the attending physician to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the Board office by the prescribing physician, within ten (10) days of the date of the prescription.

AGREED BOARD ORDER  
RE: AMY AGUIRRE, LVN #175816  
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12. That Respondent shall through the Board's agent (DISA), submit to random blood alcohol drug screens.

13. That Respondent shall be responsible daily for telephoning DISA's Voice Response (DVR) at 1-800-580-1099. That said drug screen shall be administered through the policies and procedures of the Drug Intervention Services of America, Inc. (Disa), utilizing LabCorp facilities. That said drug-screening panel shall consist of the following:

Alcohol (Ethanol)	Cannabinoids	Methaqualone
Amphetamines	Cocaine	Opiates
Barbiturates	Meperidine	Phencyclidine
Benzodiazepines	Methadone	Propoxyphene

Said screen(s) shall be properly monitored with adherence to chain of custody procedures. A positive result shall be legally confirmed by Gas Liquid Chromatography/Mass Spectrometry (GCMS). The results of said screen(s) shall be submitted directly to the Board office by the laboratory. The expense of said screen(s) shall be borne by Respondent. Any report of failure to contact DISA and/or a positive drug screen for which the Respondent does not have a valid prescription, will be regarded as non-compliance with the terms of this order and may subject the Respondent to further disciplinary action by the Board.

14. That Respondent shall obtain LCDC counseling (licensed chemical dependency counselor) and shall be responsible for causing his/her counselor to submit satisfactory reports directly to the Board office on a monthly basis for the first six (6) months of probation. Thereafter, and throughout the remainder of said probation, Respondent shall be responsible for causing his/her LCDC counselor to submit satisfactory reports directly to the Board office on a quarterly basis. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.

15. That Respondent shall pay a Probation Monitoring fee in the amount of thirty (30.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said fee shall be paid quarterly, due on the 15th of each quarter commencing the quarter following the date of the Board's ratification of the Order, and continuing thereafter until the successful completion of Respondent's probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners", 333 Guadalupe, Suite 3-400, Austin, TX 78701. Failure by Respondent to make any quarterly payment on time shall constitute a violation of probation.

AGREED BOARD ORDER  
RE: AMY AGUIRRE, LVN #175816  
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This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until ratified by a majority of the Board present and voting, at its next regularly called session.

Dated this the 30<sup>th</sup> day of October, 2000.

Amy Aguirre  
Signature of Respondent

609 S. Mill  
Current Address

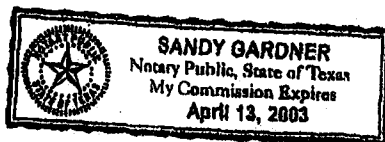
Winnboro, Tx. 75494  
City, State and Zip

903, 342-6098  
Area Code and Telephone Number

The State of Texas  
County of TRAVIS

Before me, the undersigned authority, on this day personally appeared AMY AGUIRRE 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 30<sup>th</sup> day of October, 2000.



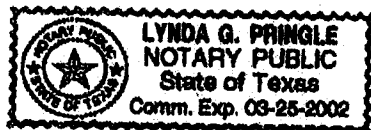
Sandy Gardner  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS  
My Commission Expires 4-13-03

AGREED BOARD ORDER  
RE: AMY AGUIRRE, LVN #175816  
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Mary M. Strange

Mary M. Strange, BSN, RN, CNA  
Agent for the Board of  
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 3rd  
day  
of November, 2000



Lynda G. Pringle


NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS



BOARD ORDER  
RE: AMY AGUIRRE, LVN #175816  
PAGE: 6

**WHEREFORE, PREMISES CONSIDERED,** the Board of Vocational Nurse  
Examiners for the State of Texas does hereby ratify and adopt the Agreed Board Order,  
notarized on the 30<sup>th</sup> day of October, 2000 by Respondent, license number 175816 and that  
Said Order is Final.

Effective this 4th day of December, 2000.

A handwritten signature in cursive script, reading "Mary M. Strange", is written over a horizontal line.

Mary M. Strange, BSN, RN, CNA  
Executive Director  
On Behalf of Said Board