

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	REINSTATEMENT
Vocational Nurse License Number 156318	§	AGREED ORDER
issued to DENISE LYNN HOLDER	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the Petition for Reinstatement, hereinafter referred to as the Petition, of Vocational Nurse License Number 156318, held by DENISE LYNN HOLDER, hereinafter referred to as Petitioner.

Petitioner waived notice and hearing and agreed to the entry of this Reinstatement Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on January 14, 2020.

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 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 agreed to the entry of this Reinstatement Agreed Order.
3. Petitioner received a Certificate in Vocational Nursing from San Jacinto College South, Houston, Texas, on December 20, 1995. Petitioner was licensed to practice vocational nursing in the State of Texas on February 9, 1996.
4. Petitioner's nursing employment history includes:

1996 - 1997	LVN	Dr. J Farnam
1997-1999	LVN	Vencor Hospital Houston, Texas
1999-2007	LVN	Dynamic Home Health Houston, Texas

Petitioner's nursing employment history continued:

2008 – 2009	LVN	Cornerstone Hospital Houston, Texas
2009 – 2012	LVN	Dynamic Home Health Houston, Texas
10/12 – Present	Not employed in nursing	

5. On or about October 25, 2012, the Board accepted the Voluntary Surrender of Petitioner's license(s) to practice nursing in the State of Texas through an Order of the Board. A copy of the October 25, 2012, Order is attached and incorporated herein by reference as part of this Reinstatement Agreed Order.
6. On or about October 21, 2014, Petitioner entered a plea of Guilty to and was convicted of DRIVING WHILE INTOXICATED W/CHILD UNDER 15YOA, a State Jail Felony offense committed on January 1, 2014, in the 412th Judicial District Court of Brazoria County, Texas, under Cause No. CAU:73117. As a result of the conviction, Petitioner was sentenced to confinement in the Brazoria County Jail for a period of two (2) years; however, imposition of the sentence of confinement was suspended, and Petitioner was placed on probation for a period of four (4) years and ordered to pay a fine and court costs. On October 23, 2018, Petitioner was discharged from probation.
7. On or about September 18, 2019, Petitioner submitted a Petition for Reinstatement of License to practice nursing in the State of Texas.
8. Petitioner presented the following in support of said petition:
 - A. Letter of support, dated November 9, 2018, from Clara De la Roche, Vice President, Copy Doctor Inc., which states Petitioner has been an outstanding Team Member since her hire date back in October 2017. Petitioner is both very caring and reliable, she has always arrived on time and lets the company know of any upcoming appointments that may interfere with her schedule. Customers' feedback has always been positive.
 - B. Letter of support, from Morgan Wyke, Copy Doctor, which states Petitioner came to work for her approximately 14 months ago. During this time, she became aware of Petitioner's past that led to the most recent arrest and probationary period. Petitioner possesses so many wonderful personality traits and is the epitome of kindness and strength. Petitioner is someone that cares for others because it is ingrained in her soul and because it is what her heart urges her to do without the thought or appeal of what she will receive in return. In the little time they have gotten to know each other Petitioner has taken responsibility for own her actions., This is an admirable trait as it is something many individuals struggle with.
 - C. Letter of support, from Laura Hodde, Petitioner's sister, which states that several years ago Petitioner made some poor choices in her life that resulted in her losing her nursing license. It has taken awhile, but Petitioner has finally straightened up her life. She has

been sober for two years now and has gone through training and counseling to stay sober. Petitioner is a warm and caring person that was not only a caretaker for her patients but also a friendly face to talk to when there was no one else to listen.

D. Documentation of more than 12 months of negative drug screens dated January 2017 through September 2018.

E. Documentation of the required continuing education contact hours.

9. On or about December 13, 2019, Petitioner underwent a Forensic Psychological Evaluation with polygraph component, with J. Ray Hays, PhD, JD. Dr. Hays states that Petitioner has reportedly been sober for 3 years, which, considering her history and length of legal problems and drug use, is a fairly short time. However, she is moving in the right direction in regaining stability in her life, with friends and family support. Given these facts, it is his opinion that she is less likely than before to engage in drug misuse or criminal and delinquent behavior. Petitioner is likely to follow Board rules and avoid behaviors that constitute unprofessional behavior. With the polygraph examination, and with her answers provided during the interview, she is certainly in recovery from alcohol and substance misuse. Petitioner has had a stable work history for the past two years and has had multiple jobs that show her eagerness and willingness to engage in productive pro-social behavior. Based on all the data obtained, it is his opinion that Petitioner is capable of being relicensed as a nurse in Texas.
10. The Executive Director considered evidence of Petitioner's past behavior in light of the factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for relicensure.
11. The Executive Director considered evidence of Petitioner's substance use disorder, and subsequent rehabilitation as provided in 22 TEX. ADMIN. CODE §213.29 and in accordance with 22 TEX. ADMIN. CODE §213.33.
12. Relicensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.
13. The Executive Director's review of Petitioner's eligibility for relicensure has been made on the basis of Petitioner's disclosures.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. This reinstatement is made pursuant to Sections 301.453(c) and 301.467, Texas Occupations Code and 22 TEX. ADMIN. CODE §213.26.

3. The Board may relicense an individual upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, if the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
4. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).
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. REINSTATEMENT OF LICENSURE AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that the petition of DENISE LYNN HOLDER for reinstatement of license to practice nursing in the State of Texas be **GRANTED** and Vocational Nurse License Number 156318 is/are hereby **REINSTATED** in accordance with the terms of this Order.

- A. Until successfully completed, this Order SHALL apply to any and all future licenses issued to PETITIONER to practice nursing in the State of Texas.
- B. Until successfully completed, this Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. As a result of this Order, PETITIONER'S license(s) will be designated "single state" and PETITIONER 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, PETITIONER 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 Reinstatement Agreed Order.

III. REQUIREMENTS FOR VOCATIONAL NURSING REFRESHER COURSE, EXTENSIVE ORIENTATION, OR NURSING PROGRAM OF STUDY IN VOCATIONAL NURSING

Prior to practicing as a vocational nurse in the State of Texas, PETITIONER SHALL:

- A. Apply for a Six Month Temporary Permit to Complete Refresher Course, Extensive Orientation, or Nursing Program of Study in Vocational Nursing for the limited purpose of completing a refresher course, extensive orientation, or nursing program of study in vocational nursing. The application for the Six Month Temporary Permit is available on the Board's website (www.bon.texas.gov) under Forms / Applications / Six Month Permits / LVN Six Month Limited Permit. PETITIONER SHALL NOT, in any way, attempt to use the temporary permit for any purpose other than completing the refresher course, extensive orientation, or nursing program of study in vocational nursing.
- B. Successfully complete a Board approved refresher course, extensive orientation, or nursing program of study for vocational nursing. Petitioner MUST obtain Board approval of the nursing refresher course, extensive orientation, or nursing program, as applicable, prior to enrollment. In order for the course to be approved:
 1. The target audience shall include vocational nurses;
 2. The course instructor must be a qualified registered nurse who meets or exceeds the Board's minimum criteria for eligibility as an instructor;
 3. The course's content shall, at a minimum, include:
 - o Review of NPA, Rules, and Position Statements;
 - o Determination of Individual Scope of Practice and role in patient safety;
 - o Review of the clinical problem solving process for the provision of individualized, goal directed nursing care to include: (i) Collecting data & performing focused nursing assessments; (ii) Participating in the planning of nursing care needs for clients; (iii) Participating in the development & modification of the comprehensive nursing care plan for assigned clients; (iv) Implementing appropriate aspects of care within the LVN's scope of practice; and (v) Assisting in the evaluation of the client's responses to nursing interventions and the identification of client needs;
 - o Pharmacology review;

- Medication administration;
 - Documentation, quality assurance, and legal implication for nursing practice; and
 - Documentation of current CPR certification prior to beginning precepted clinical learning experience; and
4. The course must contain no less than a total of 80 hours of clinical practice providing direct patient care precepted by a qualified registered or vocational nurse. Home study courses and video programs will not be approved.

C. **Upon completion of the refresher course, extensive orientation, or nursing program of study for vocational nursing,** PETITIONER SHALL return the temporary permit to the Board's office 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 80 hours of precepted clinical practice.

D. **Upon verification of successful completion of the conditions** as set out in Paragraphs A through C of this Section, PETITIONER SHALL submit a completed License Reactivation Form for Vocational Nurses, which is available on the Board's website (www.bon.texas.gov) under Forms / Applications / Renewals / LVN - Reactivation form for a Licensed Vocational Nurse. PETITIONER shall pay all re-registration fees and, subject to meeting all other requirements for licensure in Texas, shall be issued the applicable license to practice vocational nursing in the State of Texas, which shall be subject to the terms of this Order.

IV. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, PETITIONER SHALL successfully complete the following remedial education course(s) **within one (1) year of relicensure, 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), PETITIONER 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. PETITIONER SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

V. MONITORING FEE

PETITIONER SHALL pay a monitoring fee in the amount of three hundred fifty dollars (\$350.00) 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.

VI. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, PETITIONER 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:** PETITIONER 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, PETITIONER 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:** PETITIONER 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. PETITIONER 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, PETITIONER 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 PETITIONER is regularly assigned.
- D. **No Critical Care:** For the first year [four (4) quarters] of employment as a Nurse under this Order, PETITIONER 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, PETITIONER 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, PETITIONER 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 PETITIONER and immediately available to provide assistance and intervention. PETITIONER SHALL work only on 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.

- G. **Indirect Supervision:** For the remainder of the stipulation/probation period, PETITIONER 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 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 of 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.
- H. **Nursing Performance Evaluations:** 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 nursing. These reports shall be completed by the individual who supervises the PETITIONER 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.

VII. DRUG AND ALCOHOL RELATED REQUIREMENTS

- A. While under the terms of this Order, PETITIONER 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, 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 the prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and PETITIONER 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, PETITIONER 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 PETITIONER obtains employment and submits the Notification of Employment form to the Board.

- For the first three (3) month [1st quarter] period PETITIONER works as a nurse under the terms of this Order, random screens shall be performed at least once per week.
- For the next three (3) month [2nd quarter] period, random screens shall be performed at least twice per month.
- For the next six (6) month period [3rd & 4th quarters], random screens shall be performed at least once per month.
- For the remainder of the probation period, if any, random screens shall be performed at least once every three (3) month quarterly period.

All random screens SHALL BE conducted through urinalysis. Any test result for a period of time in which the PETITIONER 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. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation/probation period.

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

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

Upon enrollment in the Board's drug and alcohol testing program, **PETITIONER SHALL, on a daily basis, call or login online to the Board's designated drug and alcohol testing vendor to determine whether or not PETITIONER 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 PETITIONER'S place of employment at any time during the probation period and require PETITIONER to produce a specimen for screening.

Consequences of Positive or Missed Screens. Any positive result for which PETITIONER does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject PETITIONER to further disciplinary action, including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Petitioner'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, 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 quarterly period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

VIII. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Reinstatement Agreed Order, all encumbrances will be removed from PETITIONER'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, PETITIONER may be eligible for nurse licensure compact privileges, if any.

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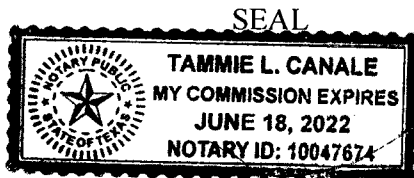
PETITIONER'S CERTIFICATION

I understand this Order is conditioned upon the accuracy and completeness of my petition and disclosures. I further understand that subsequently discovered discrepancies in my petition and/or disclosures will result in investigation and possible disciplinary action, up to revocation of my license(s).

I have reviewed this Order. I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. 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(s) to practice nursing in the state of Texas. 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 TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, and/or REVOCATION of my license(s) and/or nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 10 day of Feb., 2020.
Denise Lynn Holder
DENISE LYNN HOLDER, PETITIONER

Sworn to and subscribed before me this 10 day of February, 2020.
Tammie L. Canale
Notary Public in and for the State of TEXAS



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 10th day of February, 2020, by DENISE LYNN HOLDER, Vocational Nurse License Number 156318, and said Reinstatement Agreed Order is final.



Effective this 10th day of March, 2020.

Katherine A. Thomas

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

I certify this to be a true copy
of the records on file with the
Texas Board of Nursing
Date: 3/11/2020
Signed: mm?



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.
Patricia Coleman
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED
Vocational Nurse License Number 156318	§	
issued to DENISE LYNN HOLDER	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DENISE LYNN HOLDER, Vocational Nurse License Number 156318, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

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

FINDINGS OF FACT

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(s).
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from San Jacinto College, Houston, Texas, on December 20, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on February 9, 1996.
5. Respondent's nursing employment history is unknown.

6. On or about August 8, 2005, Respondent submitted a Texas Online Renewal Document Licensed Vocational Nurse to the Board of Nurse Examiners of the State of Texas, in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you been convicted, adjudicated guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrest (excluding minor traffic violations) since the last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUI's, DWI's, PI's must be reported and are not considered minor traffic violations. (One time minor in possession [MIP] or minor in consumption [MIC] do not need to be disclosed, therefore, you may answer "No". If you have two or more MIP's or MIC's, you must answer "Yes".)"

Respondent failed to disclose the following:

On or about March 30, 2004, Respondent pled Guilty to FORGERY COMMERCIAL INSTRUMENT, a State Jail Felony offense committed on September 30, 2003, in the 208th District Court of Harris County, Texas, under Cause No. 979514. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of four (4) years, and ordered to pay a fine and court costs.

On or about October 25, 2004, Respondent was arrested by the Stagecoach Police Department, Stagecoach, Texas, and subsequently charged under Cause No. 05202770 with DRIVING WHILE LICENSE INVALID, a misdemeanor offense. On or about February 28, 2008, Cause No. 05202770 was dismissed in the County Court at Law of Montgomery County, Texas, for the reason: Paid Restitution Clearance Letter. The criminal charge was still pending at the time Respondent submitted the renewal to the Board.

On or about January 5, 2005, the probation granted Respondent under Cause No. 979514 for FORGERY OF COMMERCIAL INSTRUMENT, a State Jail Felony offense was revoked in the 208th District Court of Harris County, Texas. As a result of the revocation, Respondent was sentenced to confinement in the State Jail Division of the Texas Department of Criminal Justice for a period of ten (10) months, and ordered to pay a fine and court costs.

7. On or about October 14, 2009, Respondent submitted a Texas Online Renewal Document Licensed Vocational Nurse to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

A. been convicted of a misdemeanor?

- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
- D. received deferred adjudication?
- E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

Respondent failed to disclose that on or about July 20, 2009, Respondent was arrested by the Friendswood Police Department, Friendswood, Texas, and subsequently charged under Cause No. 03-296076 with THEFT OF PROPERTY \$50-\$500, a Class B Misdemeanor. The criminal charge was still pending at the time that Respondent submitted the renewal to the Board.

8. On or about September 19, 2011, Respondent submitted a Texas Online Renewal Document Licensed Vocational Nurse to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

- A. been convicted of a misdemeanor?
- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
- D. received deferred adjudication?
- E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

Respondent failed to disclose the following:

On or about January 4, 2010, Respondent pled Nolo Contendere and was convicted of THEFT OF PROPERTY \$50-\$500, a Class B Misdemeanor offense committed on July 20, 2009, in the County Court at Law No. 3 of Galveston County, Texas, under Cause No. 03-0296076. As a result of the conviction, Respondent was ordered to pay a fine and court

costs.

On or about January 27, 2010, Respondent was arrested by the Webster Police Department, Webster, Texas, and subsequently charged under Cause No. 1334835 with POSSESSION OF CONTROLLED SUBSTANCE PG 1<1G, a State Jail Felony offense. The criminal charge was still pending at the time that Respondent submitted the renewal to the Board.

On or about June 21, 2010, Respondent pled Guilty and was convicted of THEFT- \$50-\$500, a Class B Misdemeanor offense committed on June 18, 2010, in the County Criminal Court at Law No. 14 of Harris County, Texas, under Cause No. 16884010. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of eight (8) days, and ordered to pay court costs.

On or about June 24, 2010, Respondent pled Guilty and was convicted of THEFT- \$50-\$500, a Class B misdemeanor offense committed on March 23, 2010, in the County Criminal Court at Law No. 5 of Harris County, Texas, under Cause No. 16891390. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of thirty (30) days, and ordered to pay court costs.

9. On or about March 14, 2012, Respondent pled Guilty and was convicted of POSSESSION OF COCAINE LESS THAN ONE GRAM, a State Jail Felony offense committed on January 27, 2012, in the 338th District Court of Harris County, Texas, under Cause No. 1334835. As a result of the conviction, Respondent was sentenced to confinement in the State Jail Division of the Texas Department of Criminal Justice for a period of two (2) years; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of two (2) years, and ordered to pay a fine and court costs.

On or about May 2, 2012, the probation granted Respondent under Cause No. 1334835 for POSSESSION OF COCAINE LESS THAN ONE GRAM, a State Jail Felony offense was revoked in the 338th District Court of Harris County, Texas. As result of the revocation, Respondent was sentenced to confinement in the State Jail Division of the Texas Department of Criminal Justice for a period of seven (7) months, and ordered to pay a fine and court costs.

10. On or about April 3, 2012, Respondent was arrested by the Houston Police Department, Houston, Texas, with THEFT OF PROPERTY<\$1500 2/MORE PREV CONVICTIONS, a State Jail Felony offense. On or about May 2, 2012, Respondent pled Guilty and was convicted of THEFT UNDER \$1500-3RD OFFENDER, a State Jail Felony offense committed on April 3, 2012, in the 338th District Court of Harris County, Texas, under Cause No. 1342632. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of seven (7) months, and ordered to pay a fine and court costs.

11. In response to Findings of Fact Numbers Six (6) through Ten (10), Respondent states, she is currently serving a seven (7) month sentence (they are being run concurrently) in the Henley State Jail due to her March 14, 2012 conviction (and subsequent probation revocation) for POSSESSION OF COCAINE LESS THAN ONE GRAM, a State Jail Felony Offense, as well as her May 2, 2012, conviction for THEFT UNDER \$1500- 3RD OFFENDER, a State Jail Felony offense. She is due to be released on October 29, 2012. She is truly sorry for not notifying the Nursing Board of any and all allegations. She had not familiarized herself with the Nursing Practice Act of Texas and was unaware that she was in violation. She will complete and provide any necessary requirements to maintain her vocational nurse license.
12. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.
13. 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.
14. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use, abuse, or misuse 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 violation(s) of 22 TEX. ADMIN. CODE §217.12(6)(I)&(13)(effective 12/1/2004) and 22 TEX. ADMIN. CODE §217.12(6)(I)&(13)
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2),(3)&(10), Texas Occupation Code, (effective 12/1/2004), Section 301.452(b)(2),(3),(4)&(10), Texas Occupations Code, and Ch. 53 of the Texas Occupation Code, to take disciplinary action against Vocational Nurse License Number 156318, heretofore issued to DENISE LYNN HOLDER, including revocation of Respondent's license(s) 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 Nurse License Number 156318, heretofore issued to DENISE LYNN HOLDER, 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 NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying 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.
2. 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.
3. 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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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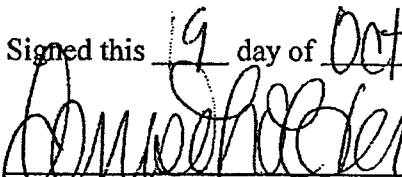
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RESPONDENT'S CERTIFICATION

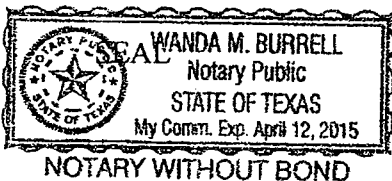
I understand that I have the right to legal counsel prior to signing this Agreed Order.


I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the 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 19 day of October, 2012.


DENISE LYNN HOLDER, Respondent

Sworn to and subscribed before me this 19 day of October, 2012.




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 156318, previously issued to DENISE LYNN HOLDER.

Effective this 25th day of October, 2012.

Katherine A. Thomas

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

