



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § REINSTATEMENT
Registered Nurse License Number 675525 § AGREED ORDER
issued to CHEKESHA J. PORTER §
§

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 Registered Nurse License Number 675525, held by CHEKESHA J. PORTER, 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 April 16, 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 Baccalaureate Degree in Nursing from University of Southwestern Louisiana, Lafayette, Louisiana, on December 7, 2000. Petitioner was licensed to practice professional nursing in the State of Texas on February 20, 2001. Petitioner was licensed to practice professional nursing in the State of New York on August 13, 2005.
4. Petitioner's nursing employment history includes:

2/2001 – 5/2004	Staff RN	Memorial Hermann Hospital Houston, Texas
11/2002 – 7/2003	RN Care Case Manager	Amerigroup Corp Houston, Texas
3/2004 – 3/2008	RN (PRN)	Supplemental Health Care Houston, Texas

Petitioner's nursing employment history continued:

3/2005 – 3/2006	Travel RN	Beth Israel Medical Center New York, NY
1/2006 – Present	RN (PRN)	Rad Link Staffing Houston, Texas
3/2008 – 6/2014	Staff RN	Harris Health System Houston, Texas
9/2014 – 1/2015	Staff RN	University of Texas Medical Branch Galveston, Texas
12/2014 – 3/2016	Agency Nurse	Parallon Workforce Solutions Houston, Texas
5/2015 – 8/2015	Staff RN	Bay Area Regional Medical Center Houston, Texas
4/2016 – Present		Not employed in nursing

5. On or about October 7, 2015, Petitioner was required to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) through an Order of the Board. A copy of the October 7, 2015, Order is attached and incorporated herein by reference as part of this Reinstatement Agreed Order.
6. On or about March 4, 2016, the Board accepted the Voluntary Surrender of Petitioner's license to practice nursing in the State of Texas through an Order of the Board. A copy of the March 4, 2016, Order is attached and incorporated herein by reference as part of this Reinstatement Agreed Order.
7. On or about June 21, 2016, Petitioner's application for licensure through endorsement in the State of Louisiana was delayed based upon the Voluntary Surrender of Petitioner's Texas license and Petitioner's failure to disclose the Texas disciplinary action. A copy of the June 21, 2016, State of Louisiana action is attached and incorporated herein by reference as part of this Order.
8. On or about April 9, 2019, Petitioner's license to practice professional nursing in the State of New York was Suspended through a Consent Order by the New York Board of Nursing. A copy of the New York Consent Order, dated April 9, 2019, is attached and incorporated herein by reference as part of this Order.
9. On or about March 3, 2020, Petitioner submitted a Petition for Reinstatement of License to practice nursing in the State of Texas.

10. Petitioner presented the following in support of said petition:
 - A. Letter of support from Marshall Coco, RN, Adult Nurse Practitioner, which states Mr. Coco has worked with Petitioner since March 2019 at Cardiovascular Institute of the South in Lafayette, Louisiana. Petitioner is currently employed in the Virtual Care Center as a telemetry technician, and she is an asset to the team and would be a valuable addition to any healthcare organization.
 - B. Letter of support, dated July 25, 2018, from Cierra Gonzales, RN, Family Nurse Practitioner, who states she is a personal family member. Ms. Gonzales gives Petitioner her highest endorsement and states Petitioner has always taken her role as a registered nurse seriously and is passionate about patient care.
 - C. Letter of support, dated July 27, 2018, from Shearro Jacob, RN, Head Nurse, Iberia Parish School Board, New Iberia, Louisiana. Mrs. Jacob states she has known Petitioner for 20+ years and they completed nursing school together. Mrs. Jacob gives Petitioner her highest recommendation.
 - D. Documentation of the required continuing education contact hours.
11. On or about March 24, 2020, Roger L. Wortham, MD, submitted a letter to the Board as Petitioner's treating Psychiatrist. Dr. Wortham states, "It is my opinion that with ongoing psychiatric treatment, (Petitioner's) excellent function will continue and that she will perform well and safely in practicing nursing."
12. 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.
13. The Executive Director considered evidence of Petitioner's mental illness and subsequent treatment as provided in 22 TEX. ADMIN. CODE §213.29 and in accordance with 22 TEX. ADMIN. CODE §213.33.
14. 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.
15. 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. The Board may license an individual who has a history of mental illness after consideration of the criteria set out in 22 TEX. ADMIN. CODE §213.29 if the Board determines the individual does not pose a direct threat to the health and safety of patients or the public.
5. 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).
6. 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 CHEKESHA J PORTER for reinstatement of license to practice nursing in the State of Texas be **GRANTED** and Registered Nurse License Number 675525 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 REFRESHER COURSE, EXTENSIVE ORIENTATION, OR NURSING PROGRAM OF STUDY IN PROFESSIONAL REGISTERED NURSING

Prior to practicing as a registered 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 Professional Registered Nursing** for the limited purpose of completing a refresher course, extensive orientation, or nursing program of study in professional registered 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. 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 professional registered nursing.
- B. **Successfully complete a Board approved refresher course, extensive orientation, or nursing program of study for professional registered 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, the target audience shall include registered nurses and the course's content shall, at a minimum, include: 1) Review of NPA, Rules, Position Statements; 2) Determination of Individual Scope of Practice and role in patient safety; 3) Review of the nursing process to include assessment, planning, implementation, and evaluation; 4) Pharmacology review; 5) Medication administration; 6) Documentation, quality assurance, and legal implication for nursing practice; and, 7) Documentation of current CPR certification prior to beginning precepted clinical learning experience. The course must contain no less than a total of 80 hours of clinical practice providing direct patient care supervised by a qualified registered nurse instructor who meets or exceeds the Board's minimum criteria for eligibility as an instructor. 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 professional registered 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 supervised 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 Registered Nurses, which is available on the Board's website (*www.bon.texas.gov*) under Forms / Applications / Renewals / Reactivation Renewal. 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 registered 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 five hundred dollars (\$500.00) 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 eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as a nurse have elapsed. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** 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 eight (8) quarters [two (2) years] of employment as a nurse.

VII. DRUG AND ALCOHOL RELATED REQUIREMENTS

- A. While under the terms of this Order, 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. THERAPY REPORTS

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

IX. 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.

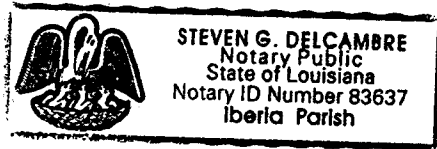
Signed this 11th day of May, 2020.
Chekesha J. Porter
CHEKESHA J PORTER, PETITIONER

Sworn to and subscribed before me this 11 day of MAY, 2020.

SEAL

St. A. Delcambre

Notary Public in and for the State of LOUISIANA
Expires at death



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 11th day of May, 2020, by CHEKESHA J PORTER, Registered Nurse License Number 675525, and said Reinstatement Agreed Order is final.

Effective this 9th day of June, 2020.



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § CONFIDENTIAL
Registered Nurse License Number 675525 § AGREED ORDER FOR
issued to CHEKESHA J. PORTER § PEER ASSISTANCE PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CHEKESHA J. PORTER, Registered Nurse License Number 675525, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on July 30, 2015.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from the University of Southwestern Louisiana, Lafayette, Louisiana, on December 7, 2000. Respondent was licensed to practice professional nursing in the State of Texas on February 20, 2001.
5. Respondent's nursing employment history includes:

12/00 - 5/04	Staff RN	Memorial Hermann Hospital Houston, Texas
11/02 - 07/03	RN Care Case Manager	Amerigroup Corp Houston, Texas

Respondent's nursing employment history continued:

03/04 - 03/08	RN (PRN)	Supplemental Health Care Houston, Texas
03/05 - 03/06	Travel RN	Beth Israel Medical Center New York, NY
01/06 - Present	RN (PRN)	Rad Link Staffing Houston, Texas
03/08 - 06/14	Staff RN	Harris Health System Houston, Texas
09/14 - 01/15	Staff RN	UTMB Galveston, Texas
12/14 - Present	RN (PRN)	Parallon Workforce Solutions Houston, Texas
05/15 - Present	Staff RN	Bay Area Regional Medical Center Houston, Texas

6. At the time of the incident, Respondent was employed as a Registered Nurse with University of Texas Medical Branch (UTMB), Galveston, Texas, and had been in that position for four (4) months.
7. On or about January 17, 2015, while employed as a Registered Nurse with the University of Texas Medical Branch, Galveston, Texas, and assigned to the Emergency Department, Respondent withdrew two (2) 100 milliliter bottles of Propofol from the Medication Dispensing System for patients, without valid physicians' orders. Respondent's conduct was likely to injure the patients, in that the administration of medications without a valid physician's order could result in the patient suffering from adverse reactions, and Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
8. On or about January 17, 2015, while employed as a Registered Nurse with the University of Texas Medical Branch, Galveston, Texas, and assigned to the Emergency Department, Respondent withdrew two (2) 100 milliliter bottles of Propofol from the Medication Dispensing System for patients, but failed to document, or accurately and completely document, the administration of the medications in the patients' Medication Administration Record (MAR) and/or Nurse's Notes. Respondent's conduct was likely to injure the patients, in that subsequent care givers would rely on her documentation to further medicate the patients, which could result in an overdose. Furthermore, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

9. On or about January 17, 2015, while employed as a Registered Nurse with the University of Texas Medical Branch, Galveston, Texas, and assigned to the Emergency Department, Respondent withdrew two (2) 100 milliliter bottles of Propofol from the Medication Dispensing System for patients, but failed to follow the hospital's policy and procedure for wastage of the unused portions of the medications. Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy, and placed the pharmacy in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
10. On or about January 17, 2015, while employed as a Registered Nurse with the University of Texas Medical Branch, Galveston, Texas, and assigned to the Emergency Department, Respondent misappropriated two (2) 100 milliliter bottles of Propofol, two (2) sets of intravenous (IV) tubing, and three (3) IV start kits, belonging to the hospital and patients, thereof, for her own personal use. Subsequently, when questioned by Campus Police, Respondent admitted to taking two bottles of Propofol for her own personal use. Respondent's conduct was likely to defraud the facility and patients, thereof, of the cost of the medications, and is a violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.
11. In response to Findings of Fact Numbers Seven (7) through Number Ten (10), Respondent admits on January 17, 2015, she removed two (2) 100ml bottles of Propofol from the Pyxis System without a physician's order. Respondent states she decided to terminate her employment that day due to her poor emotional state. Respondent admits that in addition to taking the Propofol, she also took two (2) sets of IV tubing and three (3) IV start kits with the intention of ending her life that night. Respondent states since that fleeting dark emotional period in her life, she has successfully worked through those emotions and deeply regrets her actions on that day.
12. Respondent's conduct as described in the preceding Finding(s) of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
13. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's mental disorder.
14. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE

§217.11(1)(A),(1)(B),(1)(C),(1)(D)&(3) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B), (1)(C), (4),(6)(G),(8),(10)(C),(10)(E)&(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 675525, heretofore issued to CHEKESHA J PORTER.
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.
6. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

TERMS OF ORDER

I. PEER ASSISTANCE PROGRAM REQUIREMENTS

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

- A. Within forty-five (45) days following the date of entry of this Order, RESPONDENT SHALL apply to TPAPN;
- B. Within ninety (90) days following the date of entry of this Order, RESPONDENT SHALL sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee payable to TPAPN in the amount of five hundred dollars (\$500.00);
- C. Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing;
- D. RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current; and
- E. RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

II. COMPLIANCE WITH LAW AND APPLICABILITY

While under the terms of this Order, RESPONDENT agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Order.

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

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) within one (1) year of entry of this Order:

A Board-approved course in Texas nursing jurisprudence and ethics that shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. Home study courses and video programs will not be approved.

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*

IV. CONFIDENTIALITY REQUIREMENTS

While RESPONDENT remains in compliance with the terms of this Order, this Order shall remain confidential in accordance with the authority outlined in Section 301.466(d), Texas Occupations Code. However, should Respondent fail to successfully complete the terms of this Order or should Respondent commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action and will become public information.

V. EFFECT OF NONCOMPLIANCE

SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in 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.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

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

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RESPONDENT'S CERTIFICATION

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

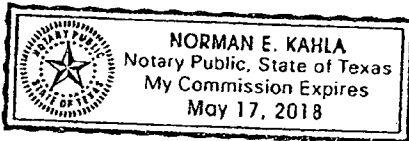
I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the entry of this Order and all conditions of said Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 5th day of October, 2015.

C. Porter
CHEKESHA J PORTER, Respondent

Sworn to and subscribed before me this 5th day of October, 2015.

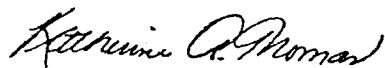
SEAL



Norman E. Kahla
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 and enter the Confidential Agreed Order for Peer Assistance Program that was signed on the 5th day of October, 2015, by CHEKESHA J PORTER, Registered Nurse License Number 675525, and said Order is final.

Effective this 7th day of October, 2015.



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.
Patricia A. Sherman
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 675525 §
issued to CHEKESHA J. PORTER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CHEKESHA J. PORTER, Registered Nurse License Number 675525, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived 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 served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from University of Southwestern Louisiana, Lafayette, Louisiana, on December 7, 2000. Respondent was licensed to practice professional nursing in the State of Texas on February 20, 2001.
5. Respondent's nursing employment history includes:

12/00 - 5/04	Staff RN	Memorial Hermann Hospital Houston, Texas
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11/02 - 07/03	RN Care Case Manager	Amerigroup Corp Houston, Texas
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Respondent's nursing employment history continued:

03/04 - 03/08	RN (PRN)	Supplemental Health Care Houston, Texas
03/05 - 03/06	Travel RN	Beth Israel Medical Center New York, NY
01/06 - Present	RN (PRN)	Rad Link Staffing Houston, Texas
03/08 - 06/14	Staff RN	Harris Health System Houston, Texas
09/14 - 01/15	Staff RN	UTMB Galveston, Texas
12/14 - Present	RN (PRN)	Parallon Workforce Solutions Houston, Texas
05/15 - Present	Staff RN	Bay Area Regional Medical Center Houston, Texas

6. On or about October 7, 2015, Respondent was issued a Confidential Agreed Order for Peer Assistance Program by the Texas Board of Nursing. Respondent did not successfully complete the terms of the order. A copy of the Findings of Fact, Conclusions of Law, and Order, dated October 7, 2015, is attached and incorporated, by reference, as part of this Order.
7. On or about January 7, 2016, Respondent became noncompliant with the Confidential Agreed Order for Peer Assistance Program issued to her by the Texas Board of Nursing on October 7, 2015. Noncompliance is the result of her failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) participation agreement. Specifically, Respondent failed to return the items necessary to initiate participation in the Texas Peer Assistance Program for Nurses (TPAPN) within the required time frame and she voluntarily withdrew from the program. Section I, Stipulation A and B of the Confidential Agreed Order for Peer Assistance Program, dated October 7, 2015, states:

“(A) Within forty-five (45) days following the date of entry of this Order, RESPONDENT SHALL apply to TPAPN.”

“(B) Within ninety (90) days following the date of entry of this Order, RESPONDENT SHALL sign and execute the TPAPN participation

agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee payable to TPAPN in the amount of five hundred dollars (\$500.00).”

On or about January 7, 2016, Respondent was dismissed from TPAPN and referred back to the Board.

8. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.

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(9)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 675525, heretofore issued to CHEKESHA J. PORTER, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.
6. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
7. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
8. 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.

TERMS OF ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY

SURRENDER of Registered Nurse License Number 675525, heretofore issued to CHEKESHA J. PORTER, 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 professional/registered nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered 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.
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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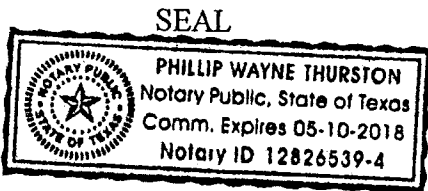
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that 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 2nd day of March, 2016.

C. Porter
CHEKESHA J. PORTER, Respondent

Sworn to and subscribed before me this 2nd day of March, 2016.



Phillip Wayne Thurston
Notary Public in and for the State of Texas

RECEIVED APR 11 2016

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept the voluntary surrender of Registered Nurse License Number 675525, previously issued to CHEKESHA J. PORTER.

Effective this 4th day of March, 2016.



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

Louisiana State Board of Nursing

17373 Perkins Road

Baton Rouge, LA 70810

Telephone: (225) 755-7500 Fax: (225) 755-7582

www.lsbns.state.la.us

By Regular and Certified Mail/Return Receipt Requested

Tracking No.: 7015 3010 0001 4768 9754

June 21, 2016

Ms. Chekesha Johari Porter
1118 Northwick Drive
Pearland, TX 77584

Re: Application, dated February 17, 2016, for Licensure as Registered Nurse (RN) by Endorsement

Dear Ms. Porter:

Reference is made to your ("Applicant") eligibility for licensure by endorsement. A review of your record indicates the following **FACTS**:

1. On or about October 7, 2015, Applicant entered into a Confidential Agreed Order for Peer Assistance Program with the Texas Board of Nursing after Applicant, on January 17, 2015, while employed as a Registered Nurse with the University of Texas Medical Branch in Galveston, Texas, and assigned to the Emergency Department, demonstrated the following narcotics discrepancies:
 - Applicant withdrew two (2) 100 milliliter bottles of Propofol from the Medication Dispensing Systems for patients without valid physicians' orders;
 - Applicant failed to document, or accurately and completely document, the administration of the medications in the patient's MAR and/or Nurse's Notes;
 - Applicant failed to follow the hospital's policy and procedures for wastage of the unused portions of the medications;
 - Applicant misappropriated two (2) 100 milliliter bottles of Propofol, two (2) sets of intravenous (IV) tubing, and three (3) IV start kits belonging to the hospital and patients, thereof, for her own personal use; and
 - Applicant admitted that on January 17, 2015, she removed two (2) 100 milliliter bottles of Propofol from the Pyxis System without a physician's order. Applicant admitted that in addition to taking the Propofol, she also took two (2) sets of IV tubing and three (3) IV start kits with the intentions of ending her life. Applicant resigned from her place of employment due to her poor emotional state.
2. On January 7, 2016, Applicant became noncompliant with the Confidential Agreed Order for Peer Assistance Program after she failed to return the items necessary to initial participation in the program within the required time frame and Applicant voluntarily withdrew from the program. Applicant was dismissed from the program and referred back to the Texas Board of Nursing.
3. On March 2, 2016, Applicant signed an Agreed Order with the Texas Board of Nursing and voluntarily surrendered her license to practice nursing in the State of Texas.

Louisiana State Board of Nursing
CHEKESHA JOHARI PORTER
Notice of Delay
June 21, 2016

4. On or about February 21, 2016, Applicant submitted a Louisiana State Board of Nursing Application for Licensure as Registered Nurse (RN) by Endorsement and failed to disclose her disciplinary action with the Texas Board of Nursing.

You are hereby advised that under LRS 37:920, LRS 37:921 and LAC 46:XLVII.3331, the Board has authority to deny approval to enter or progress in clinical nursing courses and licensure of a person who:

- Is not of good moral character.
- Is convicted of a crime or offense which reflects the inability of the nurse to practice nursing with due regard for the health and safety of clients or patients or enters a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding, including, but not limited to, expungement or nonadjudication.
- Is unfit or incompetent by reason of negligence, habit, or other cause.
- Has demonstrated actual or potential inability to practice nursing with reasonable skill and safety to individuals because of use of alcohol or drugs; or has demonstrated inability to practice nursing with reasonable skill and safety to individuals because of illness or as a result of any mental or physical condition.

In addition, the Louisiana Administrative Code 46:XLVII.3331.C.1.b states that:

- C. Delay of Licensure, Licensure by Endorsement, Reinstatement, or the Right to Practice Nursing as a Student Nurse
1. Applicants for licensure, licensure by endorsement, reinstatement, and for practice as a student nurse shall be delayed approval for licensure, for reinstatement, to receive a temporary working permit, to be eligible for NCLEX-RN, or to enter or progress into any clinical nursing course, if the applicant:
 - b. Has any pending disciplinary action or any restrictions of any form by any licensing/certifying board in any state.

After review of the above rules and based on the information you submitted and LAC 46:XLVII.3331.C1.b, the staff will recommend to the Board that **your application for the right to practice as a Registered Nurse by endorsement is delayed based upon the Voluntary Surrender of your Texas Registered Nurse license and your failure to disclose the disciplinary action taken by the Texas Board of Nursing.**

If you are able to show error in the staff's action, then you must so notify the Board in writing within ten (10) days of this date. If no staff error is found, the staff's action to delay the application by endorsement will be considered by the Board for ratification at the next Board meeting on July 13, 2016.

Please be advised that you are required to submit a new application for licensure as Registered Nurse by endorsement. At that time you would also have to present evidence that the cause for the delay no longer exists and that you are able to safely practice nursing. If approval is granted, a period of probation with stipulations may be required.

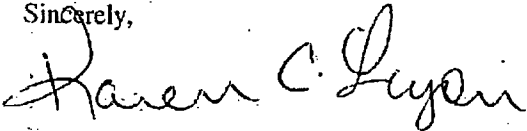
Furthermore, to ensure patient safety, prior to submitting a new application to be licensed, you are to complete the following:

Louisiana State Board of Nursing
CHEKESHA JOHARI PORTER
Notice of Delay
June 21, 2016

- Submit to comprehensive **inpatient** psychiatric, psychological, and substance abuse evaluation, at Applicant's expense, at a Board-recognized evaluation and treatment center; Shall authorize and cause a written report of the said evaluation to be submitted to the Board; Shall include the entire evaluation report including diagnosis, course of treatment, prescribed or recommended treatment, prognosis, and professional opinion as to Applicant's capability of practicing nursing with reasonable skill and safety to patients.
- Prior to start of the evaluation, present a copy of all pages of this letter to each evaluator.
- Immediately submit to all recommendations thereafter of the therapist, physician, or treatment team, and cause to have submitted evidence of continued compliance with all recommendations by the respective professionals until fully discharged by the respective professionals.
- Await board staff approval regarding your application to enroll or progress in a clinical nursing course.

Enclosed is a list of the inpatient Board-recognized evaluators from which you must choose.

Sincerely,



Karen C. Lyon, PhD, APRN, ACNS, NEA
Executive Director

KCL/WWM/lmt



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

OFFICE OF THE PROFESSIONS
DIVISION OF PROFESSIONAL LICENSING SERVICES
Public Information Unit
Tel. (518) 474-3817 EXT: 330
Fax (518) 473-0578
E-mail: DPLSDSU@NYSED.GOV

STATE OF NEW YORK)

SS:

COUNTY OF ALBANY)

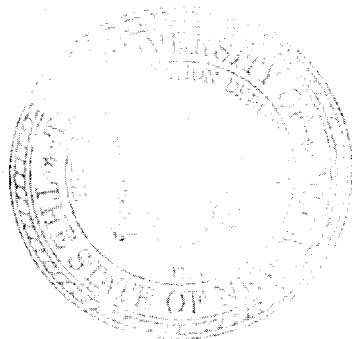
In accordance with the Civil Practice Law and Rules Article 45, I, Sandra Barsallo, Education Credentials Specialist 1 in the Division of Professional Licensing Services of the New York State Education Department, have caused this certificate to be prepared. I certify that I have legal custody of the official original records of the Division of Professional Licensing Services and I attest that the attached are true, complete and correct copies of the original documents in our files relating to the licensure of CHEKESHA J PORTER aka CHEKESHA PORTER-DAVIS.

Witness my hand and the seal of the New York State Education Department this 28 April, 2020.

Sandra Barsallo, Education Credentials Specialist I
Professional Licensing Services



DATED
04/28/2020





The University of the State of New York

IN THE MATTER

OF

CHEKESHA J. PORTER
(Registered Professional Nurse)

ORIGINAL
VOTE AND ORDER
NO. 30915

Upon the application of CHEKESHA J. PORTER, under Calendar No. 30915, which application is made a part hereof, and in accordance with the provisions of Title VIII of the Education Law, it was

VOTED, (April 9, 2019): That the application of CHEKESHA J. PORTER, respondent, for a consent order be granted; and that the Deputy Commissioner for the Professions be empowered to execute, for and on behalf of the Board of Regents, all orders necessary to carry out the terms of this vote;

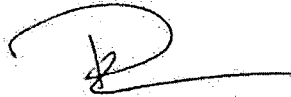
and it is

ORDERED: That, pursuant to the above vote of the Board of Regents, said vote and the provisions thereof are hereby adopted and **SO ORDERED**, and it is further

ORDERED that this order shall take effect as of the date of the personal service of this order upon the respondent or five days after mailing by certified mail.

CHEKESHA J. PORTER (30915)

IN WITNESS WHEREOF, I, Douglas E. Lentivech, Deputy Commissioner for the Professions, for and on behalf of the State Education Department and the Board of Regents, do hereunto set my hand, at the City of Albany, this 9th day of April, 2019.



DOUGLAS E. LENTIVECH
DEPUTY COMMISSIONER
FOR THE PROFESSIONS

VOTE AND ORDER

CHEKESHA J. PORTER

CALENDAR NO. 30915

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL DISCIPLINE
STATE BOARD FOR NURSING

-----X
A IN THE MATTER

of the

Disciplinary Proceeding

against

CHEKESHA J. PORTER

APPLICATION FOR
CONSENT ORDER

CAL. NO. 30915

who is currently licensed to practice as
a(n) registered professional nurse in
the State of New York.

-----X
w
CHEKESHA J. PORTER states:

That on or about August 13, 2005 I was licensed to practice as
a registered professional nurse in the State of New York, having
been issued license number 564466 by the New York State Education
Department.

I am not currently registered with the New York State Education
Department to practice as a registered professional nurse in the
State of New York. My current mailing address is: 1118 Northwick
Drive, Pearland, Texas 77584.

That I have been charged with one (1) specification of
professional misconduct, a copy of which is annexed hereto, made a
part hereof, and marked as Exhibit "A".

CHEKESHA J. PORTER

I do not contest the aforesaid specification of professional misconduct, charging me with committing unprofessional conduct (taking from hospital supplies the controlled substance Propofol and equipment for my own personal use).

I hereby agree to the penalty that my license to practice as a registered professional nurse in the State of New York be indefinitely actually suspended for not less than one (1) month, and until such time as I successfully participate in a course of therapy and treatment, if necessary, as follows, and as hereafter set forth:

1. That I shall submit myself for evaluation in regard to the use of drugs by a facility to be chosen by me and approved by the New York State Education Department, after obtaining prior written approval of the New York State Education Department, all at my own expense, and that I shall cooperate fully with the facility and participate in any program to which I am referred;
2. In the event that said facility determines that I am not in need of treatment and that I am fit to practice my profession, said facility shall forward said proof that I am fit to practice as a registered professional nurse in

CHEKESHA J. PORTER

the State of New York to the Director, Office of Professional Discipline, New York State Education Department, 1411 Broadway, 10th Floor, New York, New York 10018-4396 and said suspension shall continue until the Director is thereafter satisfied that I am fit to practice and I have served at least one (1) month of the suspension of my license imposed pursuant to the order to be issued in this matter, at which time said Director shall notify me of the termination of the suspension of my license and the effective date thereof; and

3. In the event that said facility determines that I am in need of treatment, then after receipt of proof from me of purported successful participation in the above program, and proof that I am fit to practice my profession, such proofs to be forwarded to the Director, Office of Professional Discipline, New York State Education Department, 1411 Broadway, 10th Floor, New York, New York 10018-3496 and in the event said Director is satisfied that I am successfully participating in said program, am fit to practice my profession, and that I have served at least one (1) month of the suspension of my license imposed pursuant

CHEKESHA J. PORTER

to the order to be issued in this matter, said Director shall notify me of the termination of the suspension of my license and the effective date thereof; and

I further agree that, upon termination of the aforementioned suspension, I shall be placed on probation for two (2) years, under the terms set forth in the exhibit annexed hereto, made a part hereof, and marked as Exhibit "B", said probation to commence upon my return to the practice of the profession of nursing as a registered professional nurse in the State of New York; and that I be fined the sum of five hundred dollars (\$500.00), said fine to be paid by certified or bank cashier's check, made payable to the order of the New York State Education Department, to be delivered to the Director, Office of Professional Discipline, New York State Education Department, 1411 Broadway, Tenth Floor, New York, New York 10018-3496, within thirty (30) days after the effective date of the service of the order to be issued in this matter.

I further agree to notify the New York State Education Department of my return to the practice of the profession of nursing as a registered professional nurse in the State of New York, by certified mail, return receipt requested, addressed to the Director, Office of Professional Discipline, as aforesaid, at least seven (7) days

CHEKESHA J. PORTER

prior to my return to the practice of the profession of nursing as a registered professional nurse in the State of New York.

I hereby make this application to the Board of Regents and request that it be granted.

I understand that in the event that the Board of Regents denies the application, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me. Such application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the disciplinary proceeding, and such denial by the Board of Regents shall be without prejudice to the continuance of the disciplinary proceeding and the final determination by the Board of Regents pursuant to the provisions of the Education Law.

I agree that in the event the Board of Regents grants my application, as set forth herein, an Order may be issued in accordance with the same. I understand that if and when the Board of Regents grants this application, the entire application shall become a matter of public record.

CHEKESHA J. PORTER

No promises of any kind were made to me. I am making this application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.


Respondent

EXHIBIT "A"

CHEKESHA J. PORTER

i: SPECIFICATION OF PROFESSIONAL MISCONDUCT

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Respondent is charged with committing unprofessional conduct, within the purview and meaning of New York Education Law section 6509(9), in specific violation of 8 N.Y.C.R.R. 29.1(b)(5) in that:

On or about January 17, 2015, while employed as a registered nurse with the University of Texas Medical Branch, Galveston, Texas, Respondent took, from hospital supplies, for her own personal use and without valid physicians' orders, two 100 milliliter bottles of the controlled substance Propofol, two sets of IV tubing and three IV start kits from the Medication Dispensing System for patients.

EXHIBIT "B"

TERMS OF PROBATION

CHEKESHA J. PORTER

CALENDAR NO. 30915

1. That respondent, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing respondent's profession;
2. That respondent shall submit written notification to the New York State Education Department, addressed to the Director, Office of Professional Discipline, New York State Education Department, 1411 Broadway - Tenth Floor, New York, New York 10018-3296, of any employment and/or practice, respondent's residence, telephone number, or mailing address, and of any change in respondent's employment, practice, residence, telephone number, or mailing address within or without the State of New York;
3. That respondent shall remain drug-free during the period of probation. Respondent shall submit herself for monitoring in regard to the use of drugs by a facility to be chosen by respondent and approved by the New York State Education Department, after obtaining prior written approval by the New York State Education Department, said facility to conduct an examination of respondent at least once every three (3) months during the period of probation, at such times as said facility may choose, at respondent's expense, said examination to include urine samples for the detection of any drug in respondent. Respondent shall submit or cause to be submitted a written report from and signed by an authorized person from said facility, once every three (3) months during the period of probation, in which said authorized person shall state whether the presence of any drug(s) has been detected by virtue of the said examination and shall also indicate the name of said drug(s). In the event any drug(s) is detected, the respondent shall submit a sworn affidavit explaining the use of said drug(s), as well as any other papers respondent wishes to submit in that regard. The said reports and affidavits, as well as any other papers, shall be forwarded to the New York State Education Department, addressed to the Director, Office of Professional Discipline, as aforesaid. If any information is

CHEKESHA J. PORTER
CALENDAR NO. 30915

received by the New York State Education Department indicating that respondent is not drug-free and/or not fit to practice her profession, such information shall be processed to the Board of Regents for its determination in a violation of probation proceeding initiated by the New York State Education Department and/or such other proceedings pursuant to the Education Law and/or Rules of the Board of Regents;

4. That respondent shall have quarterly performance reports submitted to the New York State Education Department, addressed to the Director, Office of Professional Discipline, as aforesaid, from respondent's employer, evaluating respondent's performance as a registered professional nurse in respondent's place of employment, said reports to be prepared by respondent's supervisor or employer;
5. That respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that respondent has paid all registration fees due and owing to the NYSED and respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by respondent to the NYSED, addressed to the Director, Office of Professional Discipline, as aforesaid, no later than the first three months of the period of probation;
6. That respondent shall submit written proof to the NYSED, addressed to the Director, Office of Professional Discipline, as aforesaid, that 1) respondent is currently registered with the NYSED, unless respondent submits written proof that respondent has advised DPLS, NYSED, that respondent is not engaging in the practice of respondent's profession in the State of New York and does not desire to register, and that 2) respondent has paid any fines which may have previously been imposed upon respondent by the Board of Regents, said proof of the above to be submitted no later than the first two months of the period of probation;
7. That respondent shall make quarterly visits to an employee of the Office of Professional Discipline, New York State Education Department, unless otherwise agreed to by said employee, for the purpose of said employee monitoring respondent's terms of

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probation to assure compliance therewith, and respondent shall cooperate with said employee, including the submission of information requested by said employee, regarding the aforesaid monitoring;

8. That upon receipt of evidence of noncompliance with or any other violation of any of the aforementioned terms of probation, the New York State Education Department may initiate a violation of probation proceeding and/or such other proceedings pursuant to the Education Law and/or Rules of the Board of Regents.

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL DISCIPLINE
STATE BOARD FOR NURSING

IN THE MATTER

of the

Disciplinary Proceeding

against

CHEKESHA J. PORTER

APPLICATION FOR
CONSENT ORDER

CAL. NO. 30915

who is currently licensed to practice as
a(n) registered professional nurse in
the State of New York.

The undersigned agree to the above statement and to the
proposed penalty based on the terms and conditions thereof.

Dated: August 8, 2018

C. Porter

Respondent

Dated: , 2018

**ATTORNEY SIGNATURE NOT REQUIRED;
RESPONDENT APPEARED PRO SE.**

Attorney for Respondent

Dated: October 4, 2018

Frances Anselmi

Member of the State Board
for Nursing

Dated: 11/13, 2018

[Signature]

Executive Director

Office of Professional Discipline

The undersigned, a member of the Board of Regents who has been
designated by the Chairman of the Regents Committee on Professional
Practice to review this Application for a Consent Order, has
reviewed said Application and recommends to the Board of Regents
that the Application be granted.

Dated: 12/12, 2018

J. Cottrill

Member, Board of Regents

/reh