

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.

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § REINSTATEMENT
Registered Nurse License Number 768164 § AGREED ORDER
issued to MARCI ELIZABETH BURCHFIELD §

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considers the Petition for Reinstatement, hereinafter referred to as the Petition, of Registered Nurse License Number 768164, held by MARCI ELIZABETH BURCHFIELD, 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 March 25, 2021.

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 an Associate Degree in Nursing from College of St. Mary, Omaha, Nebraska, on May 18, 2003. Petitioner was licensed to practice professional nursing in the State of Texas on May 18, 2009.
4. Petitioner's nursing employment history includes:

Table with 3 columns: Dates (2003-2008, 2008-2012), Roles (RN/ICU), and Employers (Methodist Hospital Omaha, Nebraska; UMC Hospital Lubbock, Texas).

Petitioner's nursing employment history continued:

2012 – 2020	RN/ICU	Mercy Hospital Joplin, Missouri
10/2020 – Present	Travel RN COVID ICU	Barnes-Jewish Hospital St. Louis, Missouri

5. On or about August 27, 2013, 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 August 27, 2013, Order is attached and incorporated herein by reference as part of this Reinstatement Agreed Order.
6. On or about December 20, 2013, Petitioner was issued an Order by the Missouri State Board of Nursing wherein Petitioner's license to practice professional nursing in the State of Missouri was censured and Petitioner was placed back on the previously imposed probation. A copy of the Order issued by the Missouri State Board of Nursing, dated December 20, 2013, is attached and incorporated by reference as part of this Order.
7. On or about October 21, 2016, Petitioner's probation previously imposed through the December 20, 2013, Order by the Missouri State Board of Nursing was terminated through a Modification Order by the Missouri State Board of Nursing. A copy of the Modification Order issued by the Missouri State Board of Nursing, dated October 21, 2016, is attached and incorporated by reference as part of this Order.
8. On or about December 14, 2020, Petitioner submitted a Petition for Reinstatement of License to practice nursing in the State of Texas.
9. Petitioner presented the following in support of said petition:
 - A. Letter of support dated June 4, 2020, from Sandy Thorn, RN.
 - B. Letter of support dated May 23, 2020, from Jared Rabel, RN.
 - C. Letter of support dated May 22, 2020, from Vicki McCleary, BSN, RN, Director of Patient and Services, Mercy Hospital.
 - D. Letter of support dated December 7, 2020, from Amelia Mays. She states she is Petitioner's sponsor and has been working with Petitioner for the last 5 years. Petitioner already had about 3 years sobriety before she became her sponsor.
 - E. Documentation of 3 years of negative drug screens from January 8, 2013, through October 13, 2016.
 - F. Documentation of completion from The Ranch at Dove Tree, an inpatient facility, granted April 11, 2012.
 - G. Documentation of the required continuing education contact hours, part of which was satisfied through completing a Master's Degree in Nursing.

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. The Board may license an individual who has a history of substance use disorder 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 MARCI ELIZABETH BURCHFIELD for reinstatement of license to practice nursing in the State of Texas be **GRANTED** and Registered Nurse License Number 768164 is/are hereby **REINSTATED** in accordance with the terms of this Order.

- A. PETITIONER SHALL pay all re-registration fees, if applicable, and PETITIONER'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.
- B. Until successfully completed, this Order SHALL apply to any and all future licenses issued to PETITIONER to practice nursing in the State of Texas.
- C. 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.
- D. As a result of this Order, PETITIONER'S license(s) will be designated "single state" as applicable and PETITIONER may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

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. 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.*

IV. 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

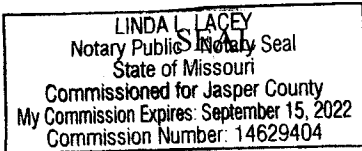
I understand this Order is conditioned upon the accuracy and completeness of my petition and disclosures. I further understand that subsequently discovered discrepancies in my petition and/or disclosures will result in investigation and possible disciplinary action, up to revocation of my license(s).

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 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 26th day of March, 2021.

Marci Elizabeth Burchfield
MARCI ELIZABETH BURCHFIELD, PETITIONER

Sworn to and subscribed before me this 26th day of March, 2021.



Linda L. Lacey

Notary Public in and for the State of MO

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 26th day of March, 2021, by MARCI ELIZABETH BURCHFIELD, Registered Nurse License Number 768164, and said Reinstatement Agreed Order is final.

Effective this 11th day of May, 2021.



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



accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Stephanie A. Plummer
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered §
Nurse License Number 768164 §
issued to MARCI ELIZABETH EVANS §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 768164, issued to MARCI ELIZABETH EVANS, 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.

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

FINDINGS OF FACT

1. Respondent is currently licensed to practice professional nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Baccalaureate Degree in Nursing from College of St. Mary, Omaha, Nebraska, on May 18, 2003. Respondent was licensed to practice professional nursing in the State of Texas on May 18, 2009.
4. Respondent's complete nursing employment history is unknown.
5. Formal Charges were filed on July 26, 2013. A copy of the Formal Charges filed by the Texas Board of Nursing, dated July 26, 2013, is attached and incorporated by reference as part of this pleading.
6. Formal Charges were mailed to Respondent on July 30, 2013.

7. On August 27, 2013, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated August 15, 2013, is attached and incorporated herein by reference as part of this Order.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient cause pursuant to Section 301.452(b)(8), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 768164, heretofore issued to MARCI ELIZABETH EVANS, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER


NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 768164, heretofore issued to MARCI ELIZABETH EVANS, to practice nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title of 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.

Effective this 27th day of August, 2013.

TEXAS BOARD OF NURSING

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

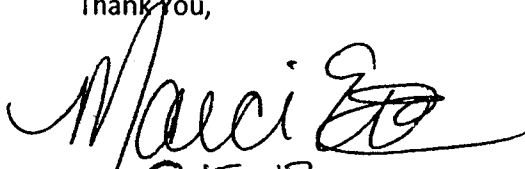
August 15, 2013

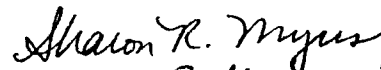
James S. Smelser, Investigator

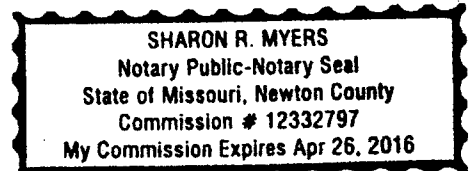
Dear Mr. Smelser and Texas State Board of Nursing:

This is a written answer to the formal charges and allegations made towards me by Texas State Board of Nursing. I Marci Evans RN choose to voluntarily surrender my Texas Nursing license at this time. My Texas license number is #768764.

Thank You,


8-15-13
Marci Evans RN


Sharon R. Myers 8-15-13



In the Matter of Permanent § **BEFORE THE TEXAS**
Registered Nurse License §
Number 768164 Issued to §
MARCI ELIZABETH EVANS, §
Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MARCI ELIZABETH EVANS, is a Registered Nurse holding License Number 768164, which is in current status at the time of this pleading.

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

CHARGE I.

On or about November 26, 2012, Respondent was issued an Order by the Missouri State Board of Nursing wherein Respondent's temporary license to practice professional nursing in the State of Missouri was replaced with a probated license to practice professional nursing in the State of Missouri. The probated license was issued for a period of five (5) years with terms and conditions to include restricted practice and drug screening due to Respondent's admission of alcohol abuse. A copy of the Order issued by the Missouri State Board of Nursing, dated November 26, 2012, is attached and incorporated by reference as part of this charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

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

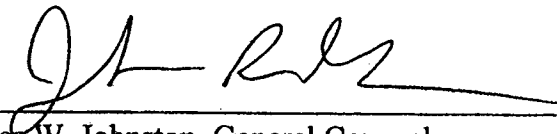
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order issued by the Missouri State Board of Nursing, dated November 26, 2012.

Filed this 26 day of July, 2013.

TEXAS BOARD OF NURSING



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

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

John R. Griffith, Assistant General Counsel
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6811
F: (512) 305-8101 or (512)305-7401

Attachments: Order issued by the Missouri State Board of Nursing, dated November 26, 2012.

D/2012.06.19

ORDER OF THE STATE BOARD OF NURSING
REGARDING ISSUANCE OF A PROBATED LICENSE
TO MARCI EVANS

Comes now the State Board of Nursing ("Board") and hereby grants Marci Evans' ("Licensee") registered professional nurse licensure by endorsement. The Board hereby issues its ORDER granting a PROBATED license to Licensee pursuant to the provisions of §324.038¹ RSMo. As set forth in §324.038.2 RSMo, Licensee may submit a written request for a hearing to the Administrative Hearing Commission seeking review of the Board's decision to issue a probated license to Licensee. Such written request must be submitted to the Administrative Hearing Commission within thirty (30) days of the delivery or mailing of this Order by certified mail. The written request should be addressed to the Administrative Hearing Commission, P.O. Box 1557, Jefferson City, MO 65102-1557. If no written request for review is received by the Administrative Hearing Commission within the thirty (30) day period, the right to seek review of the Board's decision shall be considered waived.

Based upon the foregoing, the Board hereby states:

1. The State Board of Nursing is an agency of the State of Missouri created and established pursuant to §335.021 RSMo for the purpose of executing and enforcing the provisions of Chapter 335 RSMo, the Nursing Practice Act.
2. Licensee was issued a temporary license by endorsement. Licensee shall be issued a probated license to practice as a registered professional nurse pursuant to the provisions of §324.038 RSMo.
3. Licensee has an active nursing license from the State of Texas and an

¹ All statutory citations are to the Revised Statutes of Missouri (2000), as supplemented, unless otherwise indicated.

inactive license from the State of Nebraska.

4. Licensee was working as a nurse in the State of Texas while struggling with her alcoholism. She eventually took medical leave from her work to receive inpatient treatment for her alcoholism.

5. Licensee entered an inpatient substance abuse program at The Ranch at Dove Tree in Lubbock, Texas on March 12, 2012, and successfully completed the program on May 18, 2012.

6. Licensee states she last abused alcohol on March 11, 2012. She reported that she was a binge drinker and her last binge was from March 8, 2012 through March 11, 2012.

7. Licensee attends alcoholics anonymous meetings.

8. Cause exists for the Board to deny Licensee's request for a license to practice as a registered professional nurse pursuant to the provisions of §§335.046.1, 335.066.1 and 335.066.2(1) and (12) RSMo, which provide:

§335.046.1: An applicant for a license to practice as a registered professional nurse shall submit to the board a written application on forms furnished to the applicant. The original application shall contain the applicant's statements showing the applicant's education and other such pertinent information as the board may require. The applicant shall be of good moral character and have completed at least the high school course of study, or the equivalent thereof as determined by the state board of education, and have successfully completed the basic professional curriculum in an accredited or approved school of nursing and earned a professional nursing degree or diploma. Each application shall contain a statement that it is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing same, subject to the penalties of making a false affidavit or declaration. Applicants from non-English speaking lands shall be required to submit evidence of proficiency in the

English language. The applicant must be approved by the board and shall pass an examination as required by the board. The board may require by rule as a requirement for licensure that each applicant shall pass an oral or practical examination. Upon successfully passing the examination, the board may issue to the applicant a license to practice nursing as a registered professional nurse. The applicant for a license to practice registered professional nursing shall pay a license fee in such amount as set by the board. The fee shall be uniform for all applicants. Applicants from foreign countries shall be licensed as prescribed by law.

§335.066.1: The board may refuse to issue any certificate of registration or authority, permit or license required pursuant to sections 335.011 to 335.096 for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo.

§335.066.2: The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by sections 335.011 to 335.096 or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use or unlawful possession of any controlled substance, as defined in chapter 195, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by sections 335.011 to 335.096;

...

(12) Violation of any professional trust or confidence[.]

9. The Board has cause to deny Licensee's request for a license to practice as a registered professional nurse in Missouri based upon her moral character.

10. The Board hereby issues this **ORDER** in lieu of denial of Licensee's

request for a license to practice as a registered professional nurse in Missouri.

TERMS AND CONDITIONS

1. Licensee's license to practice as a registered professional nurse in the State of Missouri, license number RN 2012006201, is immediately placed on **PROBATION** for a period of five (5) years (disciplinary period). During the disciplinary period, Licensee shall be entitled to engage in the practice of nursing, provided she adheres to the terms of this Order. The terms shall be:

GENERAL REQUIREMENTS

- A. Licensee shall meet with the Board or its professional staff at such times and places as required by the Board. The Board shall provide Licensee with notice of the dates, times and locations of regularly scheduled meetings at the time this executed Order is provided to Licensee. If Licensee does not receive notice of the dates, times and locations of her regularly scheduled meeting with the Board within one (1) month after the effective date of this Order, Licensee shall contact the Board office at: **Missouri State Board of Nursing, P.O. Box 656, Jefferson City, Missouri 65102, or by telephone at: (573) 751-0681.** In addition to these regularly scheduled meetings, Licensee shall meet with the Board or its professional staff at any other time, as required by the Board.
- B. Licensee shall meet in person with the Board's Discipline Administrator to review the terms and conditions of the probation at such date, time and place as designated by the Board's Discipline Administrator.
- C. Licensee shall submit documents showing compliance with the requirements of this Order to the Board when requested and within the time limit the Board requests.
- D. Licensee shall inform the Board within ten (10) working days of any change of home address or home telephone number.
- E. Licensee shall not violate the Nursing Practice Act, Chapter 335 RSMo, as amended, shall renew her license within five (5) working days and shall not allow her license to lapse. Licensee may place her license on inactive or retired status. The conditions of discipline will continue to apply if the license is inactive or retired.

- F. Licensee shall bear all costs of complying with this Order.
- G. Licensee shall obey all federal, state and local laws, and all rules and regulations governing the practice of nursing in this state.

EMPLOYMENT REQUIREMENTS

- A. Licensee shall keep the State Board of Nursing informed of her current place of employment and of any changes in her place of employment by notifying the Board within ten (10) working days of such a change. This form is located at <http://pr.mo.gov/boards/nursing/Change-Form.pdf>
- B. Licensee shall provide a copy of this Order to any current employer and to any potential employer. Licensee shall provide a copy of this Settlement Agreement to her current employer as soon as she receives it and no later than during her next work shift or her employer's next working day, whichever is sooner. In addition, Licensee shall provide a copy of this Order to any potential employer prior to acceptance of any offer of employment.
- C. Licensee shall cause an evaluation, using the form supplied by the Board, from each and every employer to be completed for the Board at least quarterly, with due dates to be determined by the Board. The evaluation form shall be completed by Licensee's supervisor within a four-week period prior to the date it is due. If Licensee ends employment with an employer, Licensee shall, in addition, request that a final evaluation form from that supervisor to be submitted to the Board within a six-week period following the last day of employment. This evaluation shall be an evaluation of Licensee's job performance and shall be sent to: State Board of Nursing, ATTN: Discipline Administrator, P.O. Box 656, Jefferson City, Missouri 65102. The preferred method of submitting the evaluation is that the evaluation is sent directly by the employer. The Licensee may submit the form to the Board; however, Board staff may verify with the employer the authenticity of the evaluation submitted by Licensee. This form may be found at <http://pr.mo.gov/nursing-monitoring.asp>
- D. If Licensee is not employed at any time during the period of discipline, Licensee shall instead submit a form "Statement of Unemployment" stating the period(s) of unemployment. This form is located on the Board of Nursing Website at the address provided in paragraph E above.
- E. Licensee shall execute any release or provide any other authorization necessary for the Board to obtain records of Licensee's employment during the period covered by this Board Order.

EMPLOYMENT RESTRICTIONS

- A. Licensee may not serve on the administrative staff, as a member of the faculty or as a preceptor at any school of professional or practical nursing.
- B. Licensee shall only work as a nurse where there is on-site supervision. Licensee shall not work in home health care, hospice or durable medical equipment.
- C. Licensee shall not work in a healthcare-related position for a temporary employment agency or as a healthcare related independent contractor.

AFTER CARE TREATMENT

- A. Licensee shall cause an update of treatment evaluation from a chemical dependency professional to be submitted to the Board at least quarterly, with due dates to be determined.
 - (1) The update shall be submitted using a form prescribed by the Board and shall be sent by the chemical dependency professional addressed to: State Board of Nursing, ATTN: Discipline Administrator, P.O. Box 656, Jefferson City, Missouri 65102.
 - (2) The update shall include an evaluation of Licensee's current progress and status related to the treatment recommendations/plan and Licensee's current prognosis and treatment recommendations/plan.
- B. Licensee shall submit evidence of regular attendance at Alcoholics Anonymous, Narcotics Anonymous or other support group meetings to the Board at such times as required by the Board, but not less than quarterly. The documentation shall be on forms provided by the Board and shall include the date and name of the meeting and shall bear a signature or abbreviated signature of another person verifying attendance.
- C. If the treatment of Licensee is successfully completed at any time during the period covered by this agreement, Licensee shall cause the chemical dependency professional to submit a letter of final evaluation/summary that includes a statement that Licensee has successfully completed treatment and indicates whether Licensee should continue in a 12-step program. If continuance in a 12-step program is recommended, Licensee shall comply with terms of documentation as outlined in Paragraph B.
- D. Licensee shall execute a medical release or other appropriate release which shall remain in effect for the entire period covered by this

agreement authorizing the State Board of Nursing to obtain records of Licensee's treatment for chemical dependency. Licensee shall not take any action to cancel this release. Licensee shall take any and all steps necessary to continue the release in effect and shall provide a new release when requested.

DRUG SCREENS

- A. Licensee shall contract with the Board-approved third party administrator (TPA) to schedule random witnessed screening for alcohol and other drugs of abuse. The frequency and method of such screenings shall be at the Board's discretion. The screenings may be conducted on urine, breath, blood or hair. The random screens shall be at the expense of Licensee.
- B. Within twenty (20) working days of the effective date of this agreement, Licensee shall complete the TPA's contract and submit the completed contract to the TPA.
- C. The Licensee's failure to comply with Licensee's contract with the TPA shall constitute a violation of the terms of discipline.
- D. Licensee shall call the TPA each day of the week, including weekends, holidays, and each day that the Licensee is on vacation, between the hours of 5:00 a.m. and 4:00 p.m. C.S.T.
- E. Failure to call the TPA every day as described in Paragraph D above between the hours of 5:00 a.m. and 4:00 p.m. C.S.T. shall constitute a violation of the terms of discipline.
- F. If selected by the TPA, Licensee shall submit to drug and alcohol screening prior to a collection site closing for business on the day that Licensee is selected to be tested. Licensee shall report to the collection site in sufficient time as to allow a collection site adequate time to retrieve the sample prior to the close of its business hours.
- G. Failure to timely submit to drug and alcohol screening by the end of the business day of the collection site when selected by the TPA shall constitute a violation of the terms of discipline.
- H. It is the Licensee's responsibility to assure that lab personnel observe all urine specimen collections. If the urine specimen collection is not observed, the Board, in its discretion, may consider the results to be invalid.

- I. During the disciplinary period, Licensee shall abstain completely from the use or consumption of alcohol in any form, including over the counter products. The presence of any alcohol whatsoever in any biological sample obtained from the Licensee, regardless of the source, shall constitute a violation of Licensee's discipline.
- J. During the disciplinary period, Licensee shall abstain completely from the personal use or possession of any controlled substance or other drug for which a prescription is required, unless use of the drug has been prescribed by a person licensed to prescribe such drug and with whom Licensee has a bona-fide relationship as a patient.
- K. Licensee shall show this agreement to any healthcare professional prescribing a prescription for Licensee.
- L. Upon request, Licensee shall execute a medical release authorizing the Board to access all records pertaining to Licensee's condition, treatment and prescription(s) maintained by the healthcare professional that prescribed the controlled substance.
- M. The presence of any controlled substance or other drug requiring a prescription whatsoever in any biological sample obtained from the Licensee for which Licensee does not hold a valid prescription shall constitute a violation of Licensee's discipline.
- N. If Licensee receives a prescription for a controlled substance or any other drug, Licensee shall have the prescribing healthcare professional fill out and send to the Board Office a prescription identification form the same day the controlled substance or other drug is prescribed. Licensee shall inform each healthcare professional who prescribes a controlled substance or other drug of each and every prescription Licensee received sixty (60) days prior to obtaining the new prescription. All such prescriptions shall be listed on the prescription identification form.

CONTINUING EDUCATION

- A. Licensee shall complete the following classes offered at <http://learningext.com/groups/b06e8bc419/summary>:
 - Righting a Wrong-Ethics and Professionalism in Nursing (3.0 hours)
 - Professional Accountability and Legal Liability for Nurses (5.4 hours)
 - Missouri Nursing Practice Act (2.0 hours)
 - Disciplinary Actions: What Every Nurse Should Know (4.8 hours)
- B. Specific information regarding these classes will be provided by the Discipline Administrator at Licensee's initial meeting with the Board.

C. Licensee shall submit proof of completion of these classes to the Board during the first year of the disciplinary period. A specific due date will be determined by the Board after the discipline goes into effect.

D. Failure to obtain the required contact hours by the due date shall constitute a violation of the terms of discipline.

2. The Board will maintain this Order as an open and public record of the Board as required by law. The Board will report this Order to data banks, other appropriate entities and in its newsletter. This is a disciplinary action against licensee's license. The original of this document shall be kept in the Board's file and its contents shall be disclosed to the public upon proper request.

3. Upon the expiration of the discipline period, Licensee's license as a licensed registered professional nurse in Missouri shall be fully restored if all other requirements of law have been satisfied; provided, however, that in the event the Board determines that the Licensee has violated any term or condition of this Order, the Board may, in its discretion, after an evidentiary hearing, vacate and set aside the discipline imposed herein and may suspend, revoke or otherwise lawfully discipline the Licensee.

4. No order shall be entered by the Board pursuant to the preceding paragraph of this Order without notice and an opportunity for hearing before the Board in accordance with the provisions of Chapter 536 RSMo.

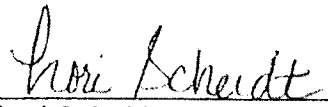
5. Missouri is a member of the Nurse Licensure Compact. Pursuant to the Compact, while on probation with their home state, a licensee loses their multi-state privileges. Therefore, the Respondent may not work outside the State of Missouri pursuant to a multistate licensure privilege without written permission of the Missouri

State Board of Nursing and the Board of Nursing in the party state where the Respondent wishes to work.

6. If the Board determines that Licensee has violated a term or condition of this Order, which violation would also be actionable in a proceeding before the Administrative Hearing Commission or the Circuit Court, the Board may elect to pursue any lawful remedies or procedures afforded it and is not bound by this Order in its determination of appropriate legal actions concerning that violation. If any alleged violation of this Order occurred during the disciplinary period, the Board may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held to determine whether a violation occurred and, if so, it may impose further discipline. The Board retains continuing jurisdiction to hold a hearing to determine if a violation of this Order has occurred.

SO ORDERED THIS 26th DAY OF NOVEMBER, 2012

STATE BOARD OF NURSING



Lori Scheidt
Executive Director
State Board of Nursing

**BEFORE THE STATE BOARD OF NURSING
STATE OF MISSOURI**

STATE BOARD OF NURSING,)		
)		
Petitioner,)		
vs.)	Case Number	2012-006201
)		
MARCI EVANS,)		
)		
Respondent.)		

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND DISCIPLINARY ORDER**

On November 26, 2012, the Board entered an "Order of the State Board of Nursing Regarding Issuance of a Probated License to Marci Evans" (Order). The Order allowed the Respondent to practice under the authority of a probated license under specified terms and conditions as a result of her prior alcohol abuse. Pursuant to the Order, Respondent's license was placed on probation for a period of five (5) years, effective November 26, 2012.

On November 6, 2013, a probation violation complaint was filed alleging that Respondent had violated certain terms and conditions of the Order. The Board convened a hearing December 5, 2013, at its regular meeting in Jefferson City to determine whether Respondent had violated the Order and what action, if any, the Board should take if Respondent had, in fact, violated the Order.

Respondent appeared by telephone without counsel. The Board was represented by Angela Marmion. Rodney Massman acted as legal advisor to the Board. Evidence was adduced, exhibits were received and the matter was taken under advisement. The Board now enters its findings of fact, conclusions of law and disciplinary order in this matter:

FINDINGS OF FACT

1. The State Board of Nursing (Board) is an agency of the State of Missouri created and established pursuant to §335.021 RSMo with the function of executing and enforcing the provisions of Chapter 335 RSMo, the Nursing Practice Act, for the purpose of safeguarding the public health.

2. Marci Evans holds a license from this Board as a registered professional nurse, RN 2012039675. Respondent's license was current and active at all times relevant herein.

3. On November 26, 2012, the Board entered an "Order of the State Board of Nursing Regarding Issuance of a Probated License to Marci Evans" (Order). The Order allowed the Respondent to practice under the authority of a probated license under specified terms and conditions as a result of alcohol abuse. Pursuant to the Order, Respondent's license was placed on probation for a period of five (5) years, effective November 26, 2012.

4. On December 11, 2012, Respondent met with the Board's Discipline Administrator, Janet Wolken, to review the requirements of her discipline. During the meeting, Respondent signed a meeting summary acknowledging that she understood the requirements of the Settlement Agreement. Respondent also received information titled "Information on Ethyl Glucuronide (EtG) and The Medical Review Officer (MRO)". The meeting summary included all due dates for the disciplinary period. The meeting summary additionally contained information on how to avoid dilute urine specimens and that a dilute urine specimen is counted as a failed urine test. Respondent received a signed copy of the meeting summary at the conclusion of the meeting.

5. In accordance with the terms of the Order, Respondent was required to contract with the Board approved third party administrator, currently National Toxicology Specialists, Inc. (NTS), and participate in random drug and alcohol screenings. Pursuant to that contract, Respondent was required to call a toll free number every day to determine if she was required to submit to a test that day. If selected for testing, she was required to report to a collection site and provide a sample for testing the same day she was selected.

6 From the beginning of Respondent's probation through October 31, 2013, Respondent has failed to call in to NTS on fifteen (15) different days. Eleven (11) of those missed calls occurred on Saturdays and Sundays and in fact, Respondent missed calling NTS on three (3) consecutive Sundays; to-wit: September 22, September 29 and October 6, 2013.

7. In addition, on four separate occasions, June 7, 2013; August 2, 2013; September 10, 2013; and, October 4, 2013, Respondent reported to lab and submitted the required urine sample which showed a low creatinine reading.

8. On June 7, 2013, the low creatinine reading was 17.8.

9. Respondent's creatinine reading was 14.3 on August 2, 2013.

10. The creatinine reading for the test on September 10, 2013, was 17.

11. The creatinine reading for Respondent on October 4, 2013, was 14.7.

12. A creatinine reading below 20.0 is suspicious for a diluted sample.

13. On June 27, 2013, Ms. Wolken sent Respondent an e-mail regarding her missed calls and her low creatinine readings; however, Respondent continued to miss

calling NTS since receiving the e-mail from Ms. Wolken warning her that she was missing calls.

14. The e-mail further explained to Respondent steps that could be taken for Respondent to avoid a low creatinine reading; however, as noted previously, Respondent submitted three (3) additional urine samples since the date of the email, which was June 7, 2013, that had low creatinine readings.

15. The Board finds Respondent's testimony partially credible.

16. Respondent submitted several letters of reference, both personal and professional, to the Board for its consideration, and the testimony of one witness, her director, Vicki McCleary.

17. The Board finds that this Order is issued to safeguard the public health.

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this proceeding, pursuant to the Order, §324.042 RSMo, and §335.066.2 RSMo Cum. Supp. 2012, to determine whether Respondent has violated the terms of the Order.

2. Section 324.042 RSMo, provides:

Any Board, commission, or committee within the division of professional registration may impose additional discipline when it finds after hearing that a licensee, registrant, or permittee has violated any disciplinary terms previously imposed or agreed to pursuant to a settlement. The board, commission, or committee may impose as additional discipline any discipline it would be authorized to impose in an initial disciplinary hearing.

3. Respondent violated the terms of discipline set forth in the Order as described in the Findings of Fact.

4. The Agreement, §324.042 RSMo and §335.066.2 RSMo Cum. Supp. 2012, allow the Board to take such disciplinary action that the Board deems appropriate for failure to comply with the terms of the Order.

5. “[G]rounds for discipline specified in such a professional-licensing statute should be liberally construed to protect the public.” Professional licensing statutes are not penal in nature and the “powers conferred upon boards of health to enable them effectively to perform their important functions in safeguarding the public health should receive a liberal construction.” *Koetting v. Bd. of Nursing*, 314 S.W.3d 812, 819 (Mo. App. 2010).

ANALYSIS

The Board finds that Respondent violated the terms and conditions of her probation by submitting urine samples for testing which had low creatinine levels and by failing to call into NTS as required on the days in question.

Respondent admitted in a letter to the Board that she did have tests with a low creatinine level. Respondent stated that in the past that she drank coffee in the mornings before she went to test. She believes that these activities lead to the low creatinine level. Respondent stated that she now has a plan in place wherein she will not ingest coffee before she delivers her specimen.

Respondent stated in her letter that she is putting a plan of action in place so that missed phone calls do not happen again. She stated that she has started calling NTS before she gets out of bed in the morning, and that she has a reminder set on her calendar with an alert attached to it. Although the Board is troubled by Respondent’s failure to call in every single day and the submission of samples with a low creatinine

level, the Board finds that she has a plan in place to rectify her noncompliance. The Board cautions Respondent to make sure she returns to compliance with the terms of her probation. Calling in every single day and submitting proper samples to NTS as required is crucial so that the Board may monitor Respondent's sobriety to insure that she is safe to practice nursing.

The Board is charged with executing and enforcing the Nursing Practice Act for the purpose of safeguarding the health of the public. The Board therefore finds and concludes that the appropriate level of discipline for the license of Marci Evans is **CENSURE** in order to safeguard the health of the public.

DECISION AND ORDER

1. It is the decision of the Missouri State Board of Nursing that Respondent has violated the terms of the Order. Respondent's license is, therefore, subject to further disciplinary action.

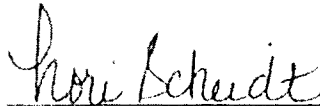
2. The Missouri State Board of Nursing enters its Order and **CENSURES** the nursing license of Respondent, Marci Evans, RN 2012039675. Immediately following the effective date of the Censure, Respondent's license shall be placed back on the previously imposed **PROBATION** on the same terms and conditions.

3. The State of Missouri is a member of the Nurse Licensure Compact. Pursuant to the Compact, while on probation within the home state, a licensee loses her multi-state privileges. Therefore, the Licensee may not work outside the State of Missouri pursuant to a multistate licensure privilege without written permission of the Missouri State Board of Nursing and the Board of Nursing in the party state where the Licensee wishes to work.

4. The Board will maintain this Order as an open and public record of the Board as provided in Chapters 335, 610 and 620, RSMo. The Board will report this Order to data banks, other appropriate entities and in its newsletter. This is a disciplinary action against Respondent's license. The original of this document shall be kept in the Board's file and its contents shall be disclosed to the public upon proper request.

ENTERED THIS 20th DAY OF DECEMBER, 2013.

STATE BOARD OF NURSING



Lori Scheidt
Executive Director

BEFORE THE STATE BOARD OF NURSING
STATE OF MISSOURI

In RE: the license of

MARCI EVANS,
RN 2012039675.

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Case No. 2012006201

MODIFICATION ORDER

COMES now the State Board of Nursing and, pursuant to the request of the Licensee,
enters this Order modifying the Board Order which became effective on November 26, 2012.

Licensee's probation was scheduled to conclude on November 26, 2017. The probation
will now expire effective the date of this order.

SO ORDERED THIS 21st DAY OF OCTOBER 2016



Lori Scheidt, MBA-HCM
Executive Director
Missouri State Board of Nursing