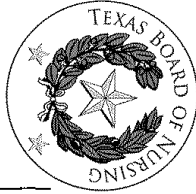




# BOARD OF VOCATIONAL NURSE EXAMINERS

333 GUADALUPE STREET, SUITE 3-400  
AUSTIN, TEXAS 78701  
(512) 305-8100



February 13, 2003

SYLVIA ANN WHITE  
1401 MILL VALLEY SQUARE  
NO. #310  
FORT WORTH, TEXAS 76120

Certified Mail No. 7002 0860 0007 8848 1252

Dear Ms. White:

Enclosed please find a sworn Complaint which has been filed against you alleging one or more statutory violations or grounds to take disciplinary action against you as a vocational nurse licensed under the Texas Occupations Code, Chapter 302.

Pursuant to the Board of Vocational Nurse Examiners' Rules, you are hereby offered the opportunity to schedule an Informal Conference, to be conducted at the Board's office, to discuss possible agreed resolution of this matter, in whole or in part. You may be represented by an attorney at the Informal Conference, or you may appear without an attorney. The date of the Informal Conference is March 13, 2003.

You must file a "written answer to appear" within twenty (20) days from the date of this correspondence. You may file your answer via FAX (512) 305-8101, U.S. Mail and/or telephone Kirby W. Hattox, Supervising Investigator, at (512) 305-7664, **no later than** March 6, 2003 - to schedule your Informal Conference. Docket times are assigned by the Board staff. Be advised that conferences may not be held on the last day indicated, if we anticipate that we will not have enough cases to fill the docket.

You must arrive at the Board office at least thirty (30) minutes prior to the scheduled time in order to meet with your case investigator. Please bring with you a valid form of picture identification (Drivers License, I.D. Card, etc.).

A copy of the Board's rules pertaining to Informal Conferences is enclosed. The proceedings relating to the Informal Conference are confidential and your statements made at the conference will not be offered as evidence to support the allegations in the Complaint. However, if an Agreed Order is proposed as a result of the Informal Conference, it will become a public record if accepted and ratified by the Board of Vocational Nurse Examiners.

Due to security concerns, purses, briefcases, backpacks, etc., will not be allowed into the conference chambers. (Attorneys are exempt from this requirement). Please make prior arrangements for the safekeeping of your personal belongings, as the Board will not be responsible for these items.

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.  
*Stephanie A. Thomas*  
Executive Director of the Board

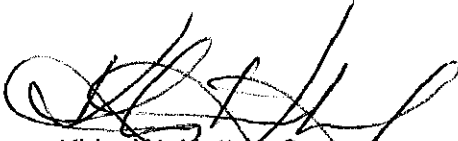
SYLVIA ANN WHITE  
February 13, 2003  
Page 2

**FIREARMS ARE NOT PERMITTED IN THE BOARD OF VOCATIONAL NURSE EXAMINERS OFFICES AND/OR HEARING CHAMBERS.**

**FAILURE TO ANSWER THIS NOTICE OF COMPLAINT WILL RESULT IN THE ALLEGATIONS AGAINST YOU THAT ARE SET OUT IN THE NOTICE OF COMPLAINT BEING DEEMED ADMITTED AS TRUE. IN ADDITION, YOUR OPPORTUNITY TO OBJECT TO THE PROPOSED SANCTIONS AND YOUR OPPORTUNITY FOR HEARING ON THE COMPLAINT SHALL BE DEEMED TO HAVE BEEN WAIVED.**

Should you have questions regarding the Informal Conference procedure, please contact the Enforcement Division (512) 305-7664.

Sincerely,



Kirby W. Hattox, Supervisor  
Enforcement Division

EES/cd

Enclosure: Complaint, Informal Conference Rules, Board Location Map

cc: Regular Mail

cc: SYLVIA ANN WHITE  
2313 MEADOWBROOK  
GARDENS DRIVE, APT. 113  
FORT WORTH, TEXAS 76112-6159

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No International)		U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No International)	
OFFICIAL		OFFICIAL	
Postage	\$	Postage	\$
Certified Fee		Certified Fee	
Return Receipt Fee (Endorsement Required)		Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)		Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$</b>	<b>Total Postage &amp; Fees</b>	<b>\$</b>
Sent To	SYLVIA ANN 2313 MEADOWBROOK GARDENS DRIVE FORT WORTH, TEXAS 76112-6159 EES/March Info	Sent To	SYLVIA ANN 1401 MILL NO. 310 FORT WORTH, TEXAS 76112-6159 EES/March Info
Street, Apt. No., or PO Box No.		Street, Apt. No., or PO Box No.	
City, State, ZIP+4		City, State, ZIP+4	
PS Form 3800, April 2002		PS Form 3800, April 2002	

BOARD OF VOCATIONAL NURSE  
EXAMINERS

VS.

SYLVIA ANN WHITE

\*  
\*  
\*  
\* 161696  
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\*  
\*  
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**NOTICE**

Notice is hereby given in the above-referenced and styled cause of action that a hearing will be held before the Executive Director with the Board of Vocational Nurse Examiners (hereinafter "BVNE"), pursuant to the Texas Occupations Code, Chapter 302, on March 13, 2003, at the William P. Hobby Building, Tower 3, 4<sup>th</sup> Floor, Suite 400, Austin, Texas.

The purpose of said hearing will be to determine whether SYLVIA ANN WHITE has violated the Texas Occupations Code, Chapter 302, by engaging in the alleged acts described in the Complaint filed and served on Respondent/Applicant, and which is incorporated herein for all purposes. In addition, should the Complaint contain an allegation regarding any felony or misdemeanor conviction you may have, the hearing shall also serve the purpose of determining whether or not the BVNE, can take disciplinary action against your license pursuant to the Texas Occupations Code, Chapter 53, § 53.021.

The hearing is being conducted under authority of the Texas Occupations Code and the Administrative Procedure Act, TEX. GOV'T CODE, ANN., Chapter 2001 (Vernon's Supp. 1998).

**The Complaint is based on information received by the Board. You are hereby notified that such documentation, which may include certified business records submitted to the Board, is now on file and available for your inspection at the Board office during regular business hours prior to said hearing.**

NOTICE  
RE: SYLVIA ANN WHITE, LVN #161696  
PAGE 2

When applicable, the staff will propose that the Executive Director take official notice of the following: *Federal and/or State Drug Laws, relating to medical practice, the Physician's Desk Reference, the Encyclopedia and Dictionary of Medicine and Nursing, and former Orders of the Board.*

According to the provisions of the aforementioned authority, you have the right to be present at the hearing and to be represented by counsel. You may also present and introduce evidence by testimony, documentation, or any other offer of proof as prescribed by the Rules of Evidence of the courts of this State in refuting the aforesaid charges.

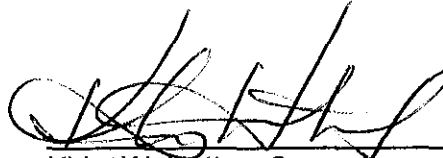
Pursuant to the Texas Occupations Code, Chapter 302, Section 302.403 and Section 302.451, relief such as revocation, suspension, suspension with probation, reprimand, warning, denial of licensure and/or imposition of administrative penalties (fines), may be recommended by the Board. Pursuant to Board Rule 239.19 the Board may assess penalties (fines), in the minimum amount of two hundred fifty dollars (\$250.00), not to exceed two thousand dollars (\$2,000.00).

**PURSUANT TO BVNE RULE 239.44 (A) (7), YOUR FAILURE TO FILE A WRITTEN ANSWER TO APPEAR WILL RESULT IN THE ALLEGATIONS AGAINST YOU THAT ARE SET OUT IN THE NOTICE OF COMPLAINT BEING DEEMED ADMITTED AS TRUE. IN ADDITION YOUR OPPORTUNITY TO OBJECT TO THE PROPOSED SANCTIONS AND YOUR OPPORTUNITY FOR HEARING ON THE COMPLAINT SHALL BE DEEMED TO HAVE BEEN WAIVED. THE RELIEF SOUGHT IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT.**

**THE WRITTEN ANSWER OR OTHER RESPONSIVE PLEADING MUST BE FILED WITH THE BOARD OF VOCATIONAL NURSE EXAMINERS, 333 GUADALUPE, SUITE 3-400, AUSTIN, TEXAS 78701 VIA MAIL; OR FAXED TO (512) 305-8101; OR**

NOTICE  
RE: SYLVIA ANN WHITE, LVN #161696  
PAGE 3

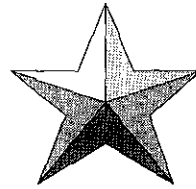
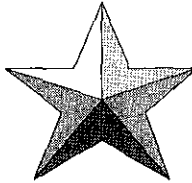
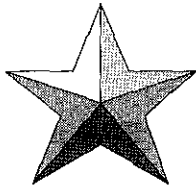
TELEPHONE THE SUPERVISOR OF THE ENFORCEMENT DIVISION (512) 305-7664; WITHIN TWENTY (20) DAYS (FROM THE DATE INDICATED ON THE ENCLOSED COVER LETTER).



---

Kirby W. Hattox, Supervisor  
Enforcement Division  
Board of Vocational Nurse Examiners

ENCLOSURE: BVNE ANSWER TO APPEAR



**RETURN TO:** BOARD OF VOCATIONAL NURSE EXAMINERS  
 333 GUADALUPE SUITE 3-400  
 AUSTIN TEXAS 78701

**FAX NUMBER** (512) 305-8101

**TELEPHONE** (512) 305-7664

**WRITTEN ANSWER TO APPEAR**

\_\_\_\_\_  
 (Print) First Name

\_\_\_\_\_  
 Last Name

\_\_\_\_\_  
 LVN Number

**PLEASE, CHECK ACCORDINGLY**

\_\_\_\_\_ I will attend the Board of Vocational Nurse Examiners' Informal Conference, as set forth in the Notice.

\_\_\_\_\_ I will **NOT** attend the Board of Vocational Nurse Examiners' Informal Conference, as set forth in the Notice.

\_\_\_\_\_  
 (Signature)

\_\_\_\_\_  
 (Date)

\_\_\_\_\_  
 (Area Code)

\_\_\_\_\_  
 (Telephone Number)

**AGENCY USE:**

Filed timely \_\_\_\_\_

Filed untimely \_\_\_\_\_

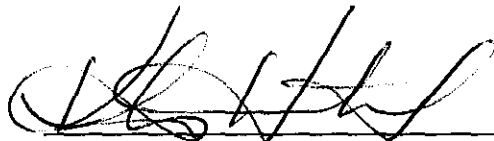
COMPLAINT/NOTICE INFORMAL CONFERENCE  
RE: SYLVIA ANN WHITE, LVN #161696  
PAGE 4

**CERTIFICATE OF SERVICE**

I hereby certify that on the 13<sup>th</sup> day of February, 2003, a true and correct copy of the foregoing complaint/notice was served by placement in the U.S. Mail, first class and certified return receipt, and addressed to the following person(s):

SYLVIA ANN WHITE  
1401 MILL VALLEY SQUARE  
NO. #310  
FORT WORTH, TEXAS 76120

SYLVIA ANN WHITE  
2313 MEADOWBROOK  
GARDENS DRIVE, APT. 113  
FORT WORTH, TEXAS 76112-6159



---

Kirby W. Hattox, Supervisor  
Enforcement Division  
Board of Vocational Nurse Examiners

BOARD OF VOCATIONAL NURSE  
EXAMINERS

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STATE OF TEXAS

VS.

SYLVIA ANN WHITE

COUNTY OF TRAVIS

### COMPLAINT

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

As an Investigator for the Board of Vocational Nurse Examiners, I, Earl E. Stearns, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against SYLVIA ANN WHITE, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 161696, hereinafter called Respondent.

#### I.

a. On or about November 5, 2001, Respondent submitted her License Renewal to the Board of Vocational Nurse Examiners for the State of Texas. On said Renewal, Respondent answered "yes" to the question asking: "Were you convicted of a misdemeanor other than a minor traffic violation since your last renewal?"

#### II.

a. On or about October 2, 2000, Respondent was convicted of the misdemeanor offense of Driving While Intoxicated, in the County Criminal Court CCA1 of Dallas County, Texas, under Cause No. MB0029723. As a result of said conviction, Respondent was placed on probation for a period of twenty-four (24) months, and ordered to pay a fine of \$800.00 and court costs.

COMPLAINT

RE: SYLVIA ANN WHITE, LVN #161696

PAGE 2

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

III.

The foregoing acts constitute unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public, in violation of the Texas Occupations Code, Chapter 302, Section 302.402 (a) (10) and Rule 239.11 of the Rules and Regulations of the Board of Vocational Nurse Examiners, Title 22, Texas Administrative Code. Rule 239.11, provides in pertinent part: that "Unprofessional Conduct" shall include, but not be limited to:

- (27) failing to conform to the minimal standards of acceptable prevailing practice, regardless of whether or not actual injury to any person was sustained;
- (29) being convicted of a crime that relates to the practice of vocational nursing;
  - (A) Those crimes which the Board considers to be directly related to the duties and responsibilities of a licensed vocational nurse shall include, but are not limited to:
    - (iv) offenses related to drugs/alcohol.

COMPLAINT  
RE: SYLVIA ANN WHITE, LVN #161696  
PAGE 3

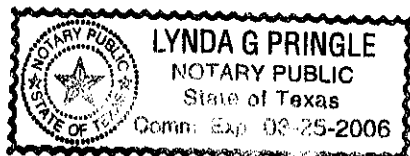
IV.

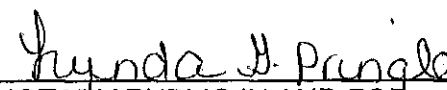
The foregoing acts constitute grounds for the Board of Vocational Nurse Examiners to take disciplinary action as provided under the Texas Occupations Code, Chapter 302, Licensed Vocational Nurse, Section 302.403 and Section 302.451, relief such as revocation, suspension, suspension with probation, reprimand,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

WHEREFORE, PREMISES CONSIDERED, I, Earl E. Stearns, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against SYLVIA ANN WHITE, LVN #161696, in accordance with the provisions of the laws of the State of Texas.

  
\_\_\_\_\_  
AFFIANT

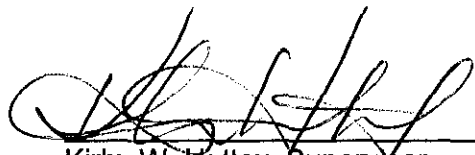
SUBSCRIBED AND SWORN TO BEFORE ME by the said Earl E. Stearns, on this the day 13<sup>th</sup> February 2003.



  
\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

COMPLAINT  
RE: SYLVIA ANN WHITE, LVN #161696  
PAGE 4

Filed with the Board of Vocational Nurse Examiners on the 13<sup>th</sup> day of February 2003.

A handwritten signature in black ink, appearing to read 'Kirby W. Hattox', written over a horizontal line.

Kirby W. Hattox, Supervisor  
Enforcement Division  
Board of Vocational Nurse Examiners



## BOARD OF VOCATIONAL NURSE EXAMINERS

333 GUADALUPE STREET, SUITE 3-400

AUSTIN, TEXAS 78701

(512) 305-8100

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June 13, 2003

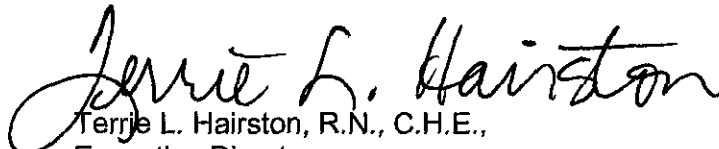
SYLVIA ANN WHITE  
1208 ALDER DRIVE, NO. 1606  
ARLINGTON, TEXAS 76012

Dear Ms. White:

The enclosed Agreed Board Order has been ratified by the Board of Vocational Nurse Examiners and is now in effect.

If you have any questions concerning this matter, please contact the Enforcement Division.

Sincerely,

  
Terrie L. Hairston, R.N., C.H.E.,  
Executive Director

EES/cd

Enclosure: Agreed Order

BOARD OF VOCATIONAL  
NURSE EXAMINERS

VS.

SYLVIA ANN WHITE

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STATE OF TEXAS

COUNTY OF TRAVIS

**AGREED BOARD ORDER**

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of vocational nurse license number 161696 held by SYLVIA ANN WHITE, hereinafter called Respondent.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Respondent of its intent to take disciplinary action with respect to said license held by Respondent, as a result of a complaint and subsequent investigation. Said investigation produced evidence indicating that Respondent has engaged in unprofessional or dishonorable conduct that, in the Board's opinion, is likely to deceive, defraud, or injure the public, in violation of Texas Occupations Code, Chapter 302, Section 302.402 (a) (10), in the following manner:

I.

a. On or about November 5, 2001, Respondent submitted her License Renewal to the Board of Vocational Nurse Examiners for the State of Texas. On said Renewal, Respondent answered "yes" to the question asking: "Were you convicted of a misdemeanor other than a minor traffic violation since your last renewal?"

II.

a. On or about October 2, 2000, Respondent was convicted of the misdemeanor offense of Driving While Intoxicated, in the County Criminal Court CCA1 of Dallas

AGREED BOARD ORDER  
RE: SYLVIA ANN WHITE, LVN #161696  
PAGE 2

County, Texas, under Cause No. MB0029723. As a result of said conviction, Respondent was placed on probation for a period of twenty-four (24) months, and ordered to pay a fine of \$800.00 and court costs.

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

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

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

#### **ORDER OF THE BOARD**

**NOW THEREFORE, IT IS ORDERED**, subject to ratification by the Board of Vocational Nurse Examiners that license number 161696, heretofore issued to SYLVIA ANN WHITE to practice vocational nursing in the State of Texas be, and the same is hereby **REPRIMANDED**.

AGREED BOARD ORDER  
RE: SYLVIA ANN WHITE, LVN #161696  
PAGE 3



This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until ratified by a majority of the Board present and voting, at its next regularly called session.

Dated this the 6 day of March, 2003.

Sylvia A. White  
Signature of Respondent

1208 Alder Dr. #1606  
Current Address

Arlington, Tx. 76012  
City, State and Zip

(817) 303-4133  
Area Code and Telephone Number

The State of Texas  
County of Tarrant

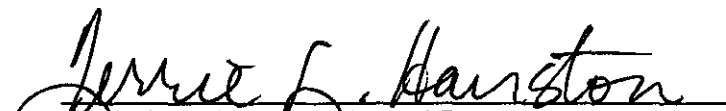
Before me, the undersigned authority, on this day personally appeared SYLVIA ANN WHITE, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me on this the 6 day of March, 2003.

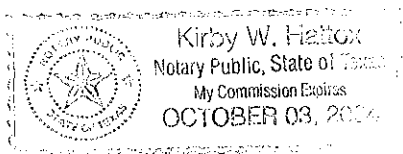


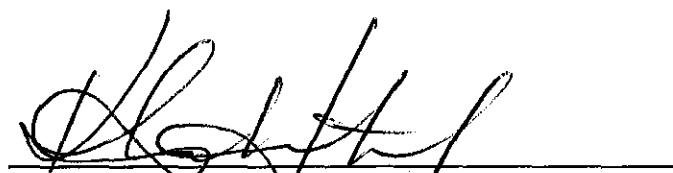
Pamela Reynolds  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

AGREED BOARD ORDER  
RE: SYLVIA ANN WHITE, LVN #161696  
PAGE 4

  
Terrie L. Hairston, R.N., C.H.E.,  
Agent for the Board of  
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the  
10<sup>th</sup> day of June, 2003.

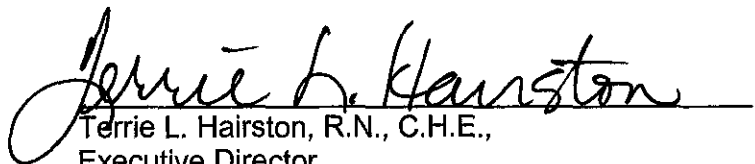


  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

BOARD ORDER  
RE: SYLVIA ANN WHITE, LVN #161696  
PAGE 5

**WHEREFORE, PREMISES CONSIDERED**, the Board of Vocational Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Board Order, notarized on the 6<sup>th</sup> day of March, 2003 by SYLVIA ANN WHITE, license number 161696 and that Said Order is Final.

**Effective this 10<sup>th</sup> day of June, 2003.**

A handwritten signature in cursive script, reading "Terrie L. Hairston", written over a horizontal line.

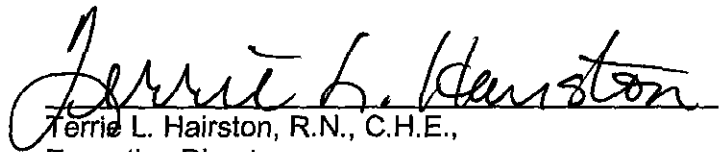
Terrie L. Hairston, R.N., C.H.E.,  
Executive Director  
On Behalf of Said Board

BOARD ORDER  
RE: SYLVIA ANN WHITE, LVN #161696  
PAGE 6

**CERTIFICATE OF SERVICE**

I hereby certify that on the 13<sup>th</sup> day of June, 2003, a true and correct copy of the foregoing **BOARD ORDER** was served by placement in the U.S. Mail first class mail, and addressed to the following person(s):

SYLVIA ANN WHITE  
1208 ALDER DRIVE, NO. 1606  
ARLINGTON, TEXAS 76012

  
Terrie L. Hairston, R.N., C.H.E.,  
Executive Director  
Agent for the Board of Vocational Nurse Examiners