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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Registered Nurse License Number 254383 §
& Vocational Nurse License Number 78447 §
issued to BETTY DARLENE SEARCEY §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BETTY DARLENE SEARCEY, Registered Nurse License Number 254383, and Vocational Nurse License Number 78447, 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 Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on June 17, 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 Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Agreed Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in delinquent status. Respondent's license to practice as a professional nurse in the State of Texas is in inactive status.
4. Respondent received a Certificate in Vocational Nursing from Angelina College, Lufkin, Texas, on August 24, 1978. Respondent received an Associate Degree in Nursing from Angelina College, Lufkin, Texas, on May 1, 1980. Respondent was licensed to practice vocational nursing in the State of Texas on November 28, 1978. Respondent was licensed to practice professional nursing in the State of Texas on March 20, 1981.
5. Respondent's nursing employment history includes:

11/1978 – 03/1989	Unknown	
04/1989 – 02/1992	RN	Lufkin State school Lufkin, Texas
03/1992 – 09/1992	Unknown	
10/1992 – 07/2011	RN	Austin-Travis County MHMR Austin, Texas
01/1995 – 11/1995	RN	Physicians Visiting Nurse Services Austin, Texas
11/1995 – 08/2000	RN	Texas Home Health Austin, Texas
09/2000 – 05/2001	RN	Concepts of Care Austin, Texas
06/2001 – 07/2012	Unknown	
08/2012 – 10/2013	RN	Girling Health Care Austin, Texas
11/2013 – 12/2014	Unknown	
01/2015 – 10/2015	RN	United Healthcare Austin, Texas
10/2015 – 11/2015	Unknown	
12/2015 – 07/2016	RN Supervisor	Outreach Health Services Austin, Texas
08/2016 – 04/2018	Unknown	
05/2018 – 09/2018	RN	D & S Community Services Bertram, Texas
05/2018 – 01/2019	RN	Wesleyan Homes and Home Health Georgetown, Texas
02/2019 – 05/2019	Unknown	

Respondent's nursing employment history continued:

06/2019 – 08/2019	RN	JOL Healthcare Leander, Texas
08/2019 – 04/2020	RN	At Home Healthcare Georgetown, Texas
05/2020 - Present	Unknown	

6. At the time of the incident, Respondent was employed as a Registered Nurse with At Home Healthcare, Georgetown, Texas, and had been in that position for eight (8) months.
7. On or about April 13, 2020, while employed as a Registered Nurse with At Home Healthcare, Georgetown, Texas, a nursing visit note for Patient Number 3022706 was completed and submitted by Respondent using Respondent's credentials for a visit Respondent did not make. Additionally, the form contained the patient's purported signature on the visit note that was not actually signed by the patient. This conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would not have accurate information to base their future care decisions.
8. In response to Finding of Fact Number Seven (7), Respondent states the patient was on her schedule for a visit on April 13 but when she called to set up a time, no one answered the phone. Respondent reviewed the schedule later that day and noticed the April 13 visit had been removed. Respondent states she did not think anything of it at the time because the schedule changes frequently. Respondent denies appearing at the patient's home, denies reporting that any services had been provided, and denies providing or forging any note or submitting fraudulent hours.
9. By agreeing to entry of this Agreed Order, Respondent neither admits nor denies any of the factual findings contained herein. Respondent is agreeing to entry of this Agreed Order to avoid the expense and uncertainty of future proceedings.

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.
1. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.11 (1)(A),(1)(B)&(1)(D) and 22 TEX. ADMIN. CODE §217.12 (1)(A),(1)(B),(1)(C),(4),(6)(A) &(6)(H).

3. 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 254383, and Vocational Nurse License Number 78447, heretofore issued to BETTY DARLENE SEARCEY.
4. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS** and RESPONDENT'S license(s), and any privilege(s) to practice, as applicable, shall be placed in **INACTIVE** status.

Should RESPONDENT decide in the future to reactivate his/her license(s) to practice nursing in the State of Texas, RESPONDENT SHALL be required to petition the Board for reactivation of the license and satisfy all then existing requirements for reactivation. Further, RESPONDENT'S reactivated license(s) SHALL BE subject to, at a minimum, the remedial education courses, work restrictions, supervised practice, and employer reporting which would have been requirements of this Order had RESPONDENT not chosen to inactivate his/her nursing license(s).

Until such time that RESPONDENT'S license(s) to practice nursing in the State of Texas is/are reactivated, RESPONDENT SHALL NOT use a Privilege to Practice Nursing in the State of Texas from any Nurse License Compact member state.

II. SUBSEQUENT CRIMINAL PROCEEDINGS

IT IS FURTHER AGREED; should the RESPONDENT'S conduct, as outlined in the findings of fact of this Agreed Order, result in subsequent judicial action, including a deferred disposition, RESPONDENT may be subject to further disciplinary action, up to, and including, revocation of RESPONDENT'S license(s) 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 Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance. I further understand that, should I decide in the future to reactivate my license(s), I will be required to satisfy, at a minimum, the additional requirements that would have been part of this Order had the license(s) not been placed in inactive status, as stated herein, as well as all then existing requirements for reactivation.

Signed this 10th day of December 2021.

Betty Darlene Searcey
BETTY DARLENE SEARCEY, RESPONDENT

Sworn to and subscribed before me this _____ day of _____, 20_____.

SEAL

Notary Public in and for the State of _____

Approved as to form and substance

J. W. K. R.

John Rivas, Attorney for Respondent

Taylor Koevorkyan

Signed this 10th day of December, 2021.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 10th day of December, 2021, by BETTY DARLENE SEARCEY, Registered Nurse License Number 254383, and Vocational Nurse License Number 78447, and said Agreed Order is final.

Effective this 20th day of January, 2022.



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