



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 § AGREED ORDER
Registered Nurse License Number 668745 §
& Vocational Nurse License Number 108029 §
issued to SUSIE A. THAGGARD, §
a/k/a SUSIE ARGUELLO §

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SUSIE A. THAGGARD, a/k/a SUSIE ARGUELLO, Registered Nurse License Number 668745, and Vocational Nurse License Number 108029, 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)(1)&(10), 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 January 12, 2022.

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 suspended status. Respondent's license to practice as a professional nurse in the State of Texas is in suspended status.
4. Respondent received a Certificate in Vocational Nursing from Cisco College, Abilene, Texas, on September 10, 1984. Respondent received an Associate Degree in Nursing from Cisco Junior College-Ad, Abilene, Texas, on December 1, 1999. Respondent was licensed to practice vocational nursing in the State of Texas on December 17, 1984. Respondent was licensed to practice professional nursing in the State of Texas on June 6, 2000.

5. Respondent's nursing employment history includes:

1984 – 1986	LVN	Woods Psychiatric Institute Abilene, Texas
1986 – 1988	LVN	Humana Hospital Abilene, Texas
10/88 – 10/89	LVN	Medical Personnel Pool Fort Worth, Texas
1990 – 1993	LVN	MCH Service Houston, Texas
1993 – 1996	LVN	Portamedic San Antonio, Texas
1996 – 1997	LVN	Portamedic Lubbock, Texas
1996 – 1999	LVN	EMSI Abilene, Texas
03/98 - 09/98	LVN	Medical City Dallas Dallas, Texas
09/98 - 02/99	LVN	Brownwood Regional Medical Center Brownwood, Texas
11/98 – 01/00	Agency Nurse	Nurses Unlimited Managed Care, Inc. Odessa, Texas
10/00 – 01/03	Agency Nurse	Nurses Unlimited Managed Care, Inc. Odessa, Texas
1/00 - 12/01	Staff Nurse	Hendrick Medical Center Abilene, Texas
12/01 – 07/02	Agency Nurse	Travel Nurse International San Francisco, California
07/02 – 09/02	Agency Nurse	Texas Nurse Connection, LLC Abilene, Texas

Respondent's nursing employment history continued:

04/03 – 03/04	Staff Nurse	Abilene Regional Hospital Abilene, Texas
2004 – 2005	Travel Nurse	Shriner's Children Hospital Sacramento, California
2005 – 2006	Travel Nurse	Agostini/Nurse on the Go Stockton, California
2006 – Present	unknown	

6. On or about November 19, 1991, Respondent was issued the sanction of Probation through an Order of the Board. A copy of the November 19, 1991, Order is attached and incorporated herein by reference as part of this Agreed Order.
7. On or about September 15, 1992, Respondent's Vocational Nurse License to practice nursing in the State of Texas was Revoked through an Order of the Board. A copy of the September 15, 1992, Order is attached and incorporated herein by reference as part of this Agreed Order.
8. On or about September 16, 1997, Respondent was issued the sanction of Probation through an Order of the Board. On or about December 29, 1998, Respondent successfully completed the terms of the Order. A copy of the September 16, 1997, Order is attached and incorporated herein by reference as part of this Agreed Order.
9. On or about April 7, 2004, the Board accepted the Voluntary Surrender of Respondent's Registered Nurse License to practice nursing in the State of Texas through an Order of the Board. A copy of the April 7, 2004, Order is attached and incorporated herein by reference as part of this Agreed Order.
10. On or about December 13, 2004, the Board accepted the Voluntary Surrender of Respondent's Vocational Nurse License to practice nursing in the State of Texas through an Order of the Board. A copy of the December 13, 2004, Order is attached and incorporated herein by reference as part of this Agreed Order.
11. On or about November 10, 2020, Respondent's license(s) to practice nursing in the State of Texas were Reinstated through an Order of the Board. A copy of the November 10, 2020, Order is attached and incorporated herein by reference as part of this Agreed Order.

12. On or about September 13, 2021, Respondent failed to comply with the Reinstatement Agreed Order issued to Respondent on November 10, 2020, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to comply with Section V, "DRUG AND ALCOHOL RELATED REQUIREMENTS" Part A, of the Reinstatement Agreed Order which states, in pertinent part: 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 and nurse licensure compact privileges, if any, to practice nursing in the State of Texas. On September 13, 2021, Respondent tested positive for ethyl glucuronide, a metabolite of alcohol.
13. In response to Finding of Fact Number Twelve (12), Respondent denies ingesting alcohol
14. Formal Charges were filed and Respondent's licenses were suspended on November 17, 2021.

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(10)(D)&(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 668745, and Vocational Nurse License Number 108029, heretofore issued to SUSIE A. THAGGARD, a/k/a SUSIE ARGUELLO.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that Registered Nurse License Number 668745, and Vocational Nurse License Number 108029, previously issued to

SUSIE A. THAGGARD, a/k/a SUSIE ARGUELLO, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **STAYED** and RESPONDENT is hereby placed on **PROBATION** for a minimum of two (2) years **AND** until RESPONDENT fulfills the additional requirements of 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. Until successfully completed, RESPONDENT may not practice nursing in the State of Texas except in accordance with the terms of this Order.
- D. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" as applicable and RESPONDENT 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, 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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed Order.

III. SUPERSEDING ORDER

IT IS FURTHER AGREED and ORDERED that the sanction and conditions of this Agreed Order SHALL supersede all previous stipulations required by any Order entered by the Texas Board of Nursing.

IV. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders", which can be accessed

on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

V. 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 the effective date of this Order, 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), 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 www.bon.texas.gov/compliance.*

VI. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT 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:** RESPONDENT 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, RESPONDENT 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:** RESPONDENT 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. RESPONDENT 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. **Indirect Supervision:** RESPONDENT 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 RESPONDENT, 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 RESPONDENT is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

- D. **Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the RESPONDENT by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the individual who supervises the RESPONDENT 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, RESPONDENT 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, RESPONDENT 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 RESPONDENT 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, RESPONDENT 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 RESPONDENT obtains employment and submits the Notification of Employment form to the Board.
- For the first three (3) month [1st quarter] period RESPONDENT 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 RESPONDENT 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. RESPONDENT 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
Butobarbital	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, **RESPONDENT SHALL, on a daily basis, call or login online to the Board's designated drug and alcohol testing vendor to determine whether or not RESPONDENT 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 RESPONDENT'S place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

Consequences of Positive or Missed Screens. Any positive result for which RESPONDENT does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject RESPONDENT to 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. 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.

VIII. 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.

IX. CONSEQUENCES OF CONTINUED NONCOMPLIANCE

Continued noncompliance with the unfulfilled requirements of this or any Order previously issued by the Texas Board of Nursing, as applicable, may result in further investigation and subsequent disciplinary action, including denial of licensure renewal or revocation of RESPONDENT'S license(s) and/or privileges to practice nursing in the State of Texas.

X. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against RESPONDENT'S license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

XI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'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, 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 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 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 possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 12 day of Jan, 20 22

Susie Thaggard
SUSIE A. THAGGARD, a/k/a SUSIE ARGUELLO
RESPONDENT

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

SEAL


Notary Public in and for the State of _____

Alejandro Mora
Mora Alejandro, Attorney for Respondent

Signed this 12th day of January, 20 22.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 12th day of January, 2022, by SUSIE A. THAGGARD, a/k/a SUSIE ARGUELLO, Registered Nurse License Number 668745, and Vocational Nurse License Number 108029, and said Agreed Order is final.

Effective this 13th day of January, 2022.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas", written over a horizontal line.

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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	REINSTATEMENT
Registered Nurse License Number 668745	§	AGREED ORDER
& Vocational Nurse License Number 108029	§	
issued to SUSIE ARGUELLO	§	
	§	

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 668745, and Vocational Nurse License Number 108029, held by SUSIE ARGUELLO, 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 July 24, 2020.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Petitioner waived notice and hearing, and agreed to the entry of this Reinstatement Agreed Order.
3. Petitioner received a Certificate in Vocational Nursing from Cisco College, Abilene, Texas, on September 10, 1984. Petitioner received an Associate Degree in Nursing from Cisco Junior College-Ad, Abilene, Texas, on December 1, 1999. Petitioner was licensed to practice vocational nursing in the State of Texas on December 17, 1984. Petitioner was licensed to practice professional nursing in the State of Texas on June 6, 2000.

4. Petitioner's nursing employment history includes:

1984 - 1986	LVN	Woods Psychiatric Institute Abilene, Texas
1986 - 1988	LVN	Humana Hospital Abilene, Texas

Petitioner's nursing employment history continued:

10/88 - 10/89	LVN	Medical Personnel Pool Fort Worth, Texas
1990- 1993	LVN	MCH Services Houston, Texas
1993- 1996	LVN	Portamedic San Antonio, Texas
1996- 1997	LVN	Portamedic Lubbock, Texas
1996- 1999	LVN	EMSI Abilene, Texas
03/98 - 09/98	LVN	Medical City Dallas Dallas, Texas
09/98 - 02/99	LVN	Brownwood Regional Medical Center Brownwood, Texas
11/98 - 01/00	Agency Nurse	Nurses Unlimited Managed Care, Inc. Odessa, Texas
10/00 - 01/03	Agency Nurse	Nurses Unlimited Managed Care, Inc. Odessa, Texas
1/00 - 12/01	Staff Nurse	Hendrick Medical Center Abilene, Texas
12/01 - 07/02	Agency Nurse	Travel Nurse International San Francisco, California
07/02 - 09/02	Agency Nurse	Texas Nurse Connection, LLC Abilene, Texas
04/03 - 03/04	Staff Nurse	Abilene Regional Hospital Abilene, Texas
2004 – 2005	Travel Nurse	Shriner's Children Hospital Sacramento, California
2005 – 2006	Travel Nurse	Agostini/Nurse on the Go Stockton, California

Petitioner's nursing employment history continued:

2006 – 2007	Travel Nurse	Miller Children's Hospital Long Beach, California
2007 – 2008	Travel Nurse	Navajo Indian Reservation Chinle, Arizona
2008 – 2009	Travel Nurse	Proven Covenant Medical Center Urbana, Illinois
6/09 – 12/11	Travel Nurse	Comer Children's Hospital Chicago, Illinois
1/11 – 1/13	Travel Nurse	Navajo Indian Reservation Chinle, Arizona
3/13 – 3/14	Travel Nurse	Huntington Hospital Huntington, New York
6/14 – 12/14	Travel Nurse	Blythdale Children's Hospital Valhalla, New York
9/15 – 12/15	Travel Nurse	Blythdale Children's Hospital Valhalla, New York
6/14 – 1/17	Travel Nurse	Bellevue Hospital New York, New York
1/17 – Present	Travel Nurse	Navajo Indian Reservation Crown Point, New Mexico

5. On or about November 19, 1991, Petitioner's license to practice vocational nursing in the State of Texas was suspended with the suspension stayed and Petitioner was placed on probation through an Agreed Board Order by the Board of Vocational Nurse Examiners. A copy of the November 19, 1991, Order is attached and incorporated herein by reference as part of this Reinstatement Agreed Order.
6. On or about September 15, 1992, Petitioner's license to practice vocational nursing in the State of Texas was revoked through an Order of the Board by the Board of Vocational Nurse Examiners. A copy of the September 15, 1992, Order is attached and incorporated herein by reference as part of this Reinstatement Agreed Order.
7. On or about September 16, 1997, Petitioner's license to practice vocational nursing in the State of Texas was reinstated through an Agreed Board Order by the Board of Vocational

Nurse Examiners. A copy of the September 16, 1997, Order is attached and incorporated herein by reference as part of this Reinstatement Agreed Order.

8. On or about April 7, 2004, the Board accepted the Voluntary Surrender of Petitioner's license to practice professional nursing in the State of Texas through an Agreed Order of the Board. A copy of the April 7, 2004, Order is attached and incorporated herein by reference as part of this Reinstatement Agreed Order.
9. On or about December 13, 2004, the Board accepted the Voluntary Surrender of Petitioner's license to practice vocational nursing in the State of Texas through an Agreed Order of the Board. A copy of the December 13, 2004, Order is attached and incorporated herein by reference as part of this Reinstatement Agreed Order.
10. On or about October 21, 2007, Respondent's license to practice practical nursing in the State of California was issued the Order of a Default Revocation by the Board of Registered Nursing Department of Consumer Affairs State of California, Sacramento, California. A copy of Accusation, Default Decision and Order on Default Decision dated October 21, 2007, is attached and incorporated by reference as part of this Order.
11. On or about July 13, 2011, Respondent's license to practice practical nursing in the State of Illinois was issued the sanction of a Indefinitely Suspension by the Department of Financial and Professional Regulation Division of Professional Regulation, Chicago, Illinois. A copy of the Stipulation, Settlement and Order dated July 13, 2011, is attached and incorporated by reference as part of this Order.
12. On or about March 29, 2020, Petitioner submitted a Petition for Reinstatement of License to practice nursing in the State of Texas.
13. Petitioner presented the following in support of said petition:
 - A. Letter of support, dated April 28, 2018, from Larissa Glen, RN Prenatal Case Manager.
 - B. Letter of support, from Renette Jones, RN, SCN, Women's Health Clinic, Crownpoint Health Care Facility, Crownpoint, New Mexico.
 - C. Letter of support, dated March 22, 2018, from Benjamin A. Hart MSN, CNM-WHNP.
 - D. Letter of support, dated March 30, 2018, from Bobby R. Miller Jr.MD, FACOG.
 - E. Documentation of the required continuing education contact hours.
14. On or about June 24, 2020, Respondent completed a chemical dependency evaluation performed by Sean G. Connolly, Ph.D. According to Dr. Connolly, there is no evidence of any abuse of prescription drugs. In the last eighteen (18) years Petitioner has worked away from Texas, and has been licensed in three different states and worked, primarily, as a travel nurse, and also worked for extended periods of time for the federal government with Native Indian Health Service. Based on the information available, there is no evidence of

any complaints, violations, or inappropriate behavior that would suggest evidence of lack of skill or safety in her nursing practice. There is no evidence of any chemical abuse, legal or otherwise, in the last 18 years, and she clearly has developed a sense of maturity and greater responsibility in making professional decisions than demonstrated in her early nursing career. It's this clinician's opinion, based on the lack of a diagnosis, or evidence in the last 18 years of any behavior that would warrant any such monitoring at this time. Its recommended that reinstatement of her license in Texas be considered.

15. 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.
16. 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.
17. 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.
18. 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 SUSIE ARGUELLO for reinstatement of license to practice nursing in the State of Texas be **GRANTED** and Registered Nurse License Number 668745, and Vocational Nurse License Number 108029 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. 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 four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) 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. **Indirect Supervision:** 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.
- D. **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 four (4) quarters [one (1) year] of employment as a nurse.

V. DRUG AND ALCOHOL RELATED REQUIREMENTS

A. 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.

VI. 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.

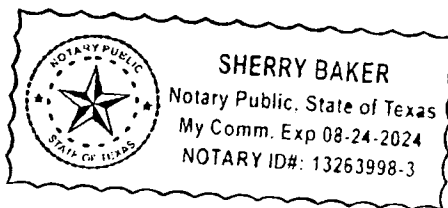
Signed this 21 day of Sept, 2020.

Susie Arguello
SUSIE ARGUELLO, PETITIONER

Sworn to and subscribed before me this 21 day of Sept, 2020.

SEAL

Sherry Baker



Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 21st day of September, 2020, by SUSIE ARGUELLO, Registered Nurse License Number 668745, and Vocational Nurse License Number 108029, and said Reinstatement Agreed Order is final.

Effective this 10th day of November, 2020.



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 O'Hanrahan
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 108029 § AGREED
issued to SUSIE ARGUELLO § ORDER

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 108029, issued to SUSIE ARGUELLO, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

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

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

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Cisco Junior College, Abilene, Texas, on September 10, 1984. Respondent was licensed to practice vocational nursing in the State of Texas on December 17, 1984.
5. Respondent's professional and vocational nursing employment history includes:

1984 - 1986	LVN	Woods Psychiatric Institute Abilene, Texas
1986 - 1988	LVN	Humana Hospital Abilene, Texas

Respondent's professional and vocational nursing employment history continued:

10/88 - 10/89	LVN	Medical Personnel Pool Fort Worth, Texas
1990 - 1993	LVN	MCH Services Houston, Texas
1993 - 1996	LVN	Portamedic San Antonio, Texas
1996 - 1997	LVN	Portamedic Lubbock, Texas
1996 - 1998	LVN	EMSI Abilene, Texas
03/98 - 09/98	LVN	Medical City Dallas Dallas, Texas
09/98 - 02/99	LVN	Brownwood Regional Medical Center Brownwood, Texas
11/98 - 01/00	Agency Nurse	Nurses Unlimited Managed Care, Inc. Odessa, Texas
01/00 - 12/01	Staff Nurse CCU	Hendrick Medical Center Abilene, Texas
10/00 - 01/03	Agency Nurse	Nurses Unlimited Managed Care, Inc. Odessa, Texas
12/01 - 07/02	Agency Nurse	Travel Nurse International San Francisco, California
07/02 - 09/02	Agency Nurse	Texas Nurse Connection, LLC Abilene, Texas
04/03 - 03/04	Staff Nurse NICU	Abilene Regional Hospital Abilene, Texas
04/04 - Present	Not employed in nursing	

6. On November 19, 1991, Respondent's license to practice vocational nursing was Suspended with the Suspension stayed and Respondent was placed on Probation for two (2) years by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Complaint, Findings of Fact, Conclusions of Law, and Agreed Board Order dated November 19, 1991, is attached and incorporated by reference as part of this Order.

7. On September 15, 1992, Respondent's license to practice vocational nursing was Revoked by the Board of Vocational Nurse Examiners for the State of Texas. Copies of the Complaint, Proposal for Decision, and Order of the Board dated September 15, 1992, are attached and incorporated by reference as part of this Order.
8. On August 11, 1997, Respondent's license to practice vocational nursing was Reinstated with Probation Conditions by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Agreed Board Order dated August 11, 1997, is attached and incorporated by reference as part of this Order. Respondent met all the probation conditions on December 29, 1998.
9. On or about April 7, 2004, Respondent Voluntarily Surrendered her license to practice professional nursing in the state of Texas to the Board of Nurse Examiners. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated April 7, 2004, is attached and incorporated by reference as part of this Order.
10. Respondent failed to repay her guaranteed student loan, as provided in Section 57.491 of the Texas Education Code. Records maintained by the Board of Nurse Examiners for the State of Texas indicate that Respondent is currently defaulted on her guaranteed student loan.
11. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice vocational nursing in the State of Texas.
12. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
13. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove a violation of Section 301.452(b)(1), (8), & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE. §239.11(25).
4. The evidence received is sufficient cause pursuant to Section 301.453(d), Texas Occupations Code, to take disciplinary action against License Number 108029, heretofore issued to SUSIE ARGUELLO, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of License Number 108029, heretofore issued to SUSIE ARGUELLO, to practice vocational nursing in the State of Texas, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "licensed vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a licensed vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a licensed vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice vocational nursing in the State of Texas.

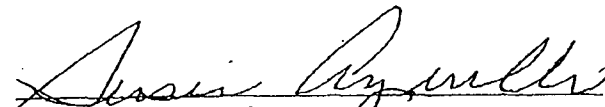
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RESPONDENT'S CERTIFICATION

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 violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 28 day of Nov, 2004.


SUSIE ARGUELLO, Respondent

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

SEAL

Notary Public in and for the State of _____

Ms Leul, I have not moved
I've already said that, I just was
no expecting any certified letters that I
check my mail about every 3 weeks
unless I'm expecting something,
Thank You Susie Arguello

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of Vocational Nurse License Number 108029, previously issued to SUSIE ARGUELLO.

Effective this 13th day of December, 2004.



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 668745 § AGREED
issued to SUSIE ARGUELLO § ORDER

An investigation by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, produced evidence indicating that SUSIE ARGUELLO, hereinafter referred to as Respondent, License Number 668745, may have violated Section 301.452(b)(9) & (10), Texas Occupations Code.

An informal conference was held on May 27, 2003, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Shirley Madrid, Attorney at Law. Ms. Madrid subsequently withdrew from representing Respondent. In attendance were Katherine A. Thomas, MN, RN, Executive Director; E. Joy Sparks, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Noemi Leal, Supervising Investigator.

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.
2. Respondent waived notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in Texas.
4. Respondent received an Associate Degree in Nursing from Cisco Junior College, Abilene, Texas, in December 1999. Respondent was licensed to practice professional nursing in the State of Texas on June 6, 2000.

5. Respondent's professional employment history includes:

1984 - 1986	LVN	Woods Psychiatric Institute Abilene, Texas
1986 - 1988	LVN	Humana Hospital Abilene, Texas
10/88 - 10/89	LVN	Medical Personnel Pool Fort Worth, Texas
1990 - 1993	LVN	MCH Services Houston, Texas
1993 - 1996	LVN	Portamedic San Antonio, Texas
1996 - 1997	LVN	Portamedic Lubbock, Texas
1996 - 1999	LVN	EMSI Abilene, Texas
03/98 - 09/98	LVN	Medical City Dallas Dallas, Texas
09/98 - 02/99	LVN	Brownwood Regional Medical Center Brownwood, Texas
11/98 - 01/00	Agency Nurse	Nurses Unlimited Managed Care, Inc. Odessa, Texas
10/00 - 01/03	Agency Nurse	Nurses Unlimited Managed Care, Inc. Odessa, Texas
1/00 - 12/01	Staff Nurse CCU	Hendrick Medical Center Abilene, Texas
12/01 - 07/02	Agency Nurse	Travel Nurse International San Francisco, California
07/02 - 09/02	Agency Nurse	Texas Nurse Connection, LLC Abilene, Texas

Respondent's professional employment continued:

04/03 - Present	Staff Nurse NICU	Abilene Regional Hospital Abilene, Texas
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6. On November 19, 1991, Respondent's license to practice vocational nursing was Suspended with the Suspension stayed and Respondent was placed on Probation for two (2) years by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Complaint, Findings of Fact, Conclusions of Law, and Agreed Board Order dated November 19, 1991, is attached and incorporated by reference as part of this Order.
7. On September 15, 1992, Respondent's license to practice vocational nursing was Revoked by the Board of Vocational Nurse Examiners for the State of Texas. Copies of the Complaint, Proposal for Decision, and Order of the Board dated September 15, 1992, are attached and incorporated by reference as part of this Order.
8. On August 11, 1997, Respondent's license to practice vocational nursing was Reinstated with Probation Conditions by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Agreed Board Order dated August 11, 1997, is attached and incorporated by reference as part of this Order. Respondent met all the probation conditions on December 29, 1998.
9. On or about December 13, 1999, and April 19, 2000, Respondent submitted Applications for Initial Licensure by Examination to the office of the Board of Nurse Examiners for the State of Texas. Respondent completed the Affidavit of Eligibility for Licensure/Certification and answered as follows:
"I attest to the truth of the following statements:
(3) Have not within the past five (5) years become addicted to or been treated for the use of alcohol or any other drug.
(5) Have never been denied licensure/certification or had disciplinary action taken against me by any governmental authority in any country, state or province."

On or about November 19, 1991, Respondent's license to practice vocational nursing was Suspended, with the Suspension stayed and placed on Probation for two (2) years by the Board of Vocational Nurse Examiners for the State of Texas. The Complaint filed by the Board of Vocational Nurse Examiners states that Respondent was found by a co-worker to be self-injecting Phenergan. On or about September 15, 1992, Respondent's license to practice vocational nursing was Revoked by the Board of Vocational Nurse Examiners for the State of Texas.
10. At the time of the incidents in Findings of Fact number eleven (11), through sixteen (16), Respondent was employed as an Agency Nurse with Texas Nurse Connection, LLC, Abilene, Texas, and had been employed with the agency for approximately two (2) months.

11. On or about September 2002, while employed with Texas Nurse Connection, LLC, Abilene, Texas, and on assignment at University Medical Center, Lubbock, Texas, Respondent misappropriated 1700 mg of Demerol belonging to the facility and/or the patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.

12. On or about September 2002, while employed with Texas Nurse Connection, LLC, Abilene, Texas, and on assignment at University Medical Center, Lubbock, Texas, Respondent engaged in the intemperate use of Demerol. Possession of Demerol is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Demerol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

13. On or about September 2002, while employed with Texas Nurse Connection, LLC, Abilene, Texas, and on assignment at University Medical Center, Lubbock, Texas, Respondent withdrew Demerol from the PYXIS medication dispensing system for patients which was in excess frequency and/or dosage of the physician's order. In addition, Respondent withdrew Demerol for patients who were not assigned to her and had already received the medication, as follows:

Date	Time	Patient	Physician's Order	Pyxis Record	Medication Administration Record	Nurses Notes
9/4/02	2131	2666756	Demerol 25mg IV Q 4 hrs PRN	Demerol 25mg	2131	2445
9/5/02	0027	same	same	Demerol 25mg	No	No
9/7/02	0939	2666246	Demerol 75-100mg IV Q 2hrs PRN severe pain	Demerol 100mg	No, Demerol 100mg given by another RN at 0940	No
9/13/02	0008	2666264	Demerol 50-75mg IVP Q 4 hrs PRN pain	Demerol 50mg	No	No
9/13/02	0009	same	same	Demerol 50mg	No	No
9/13/02	0032	same	same	Demerol 50mg	No	No
9/13/02	0359	same	same	Demerol 50mg	No	No
9/13/02	0359	same	same	Demerol 50mg	No	No
9/16/02	2107	same	same	Demerol 50mg	No	No
9/16/02	2144	same	same	Demerol 50mg	No	No
9/16/02	2337	same	same	Demerol 50mg	No	No

Date	Time	Patient	Physician's Order	Pyxis Record	Medication Administration Record	Nurses Notes
9/17/02	2118	2666264	Demerol 50-75mg IVP Q 4 hrs PRN pain	Demerol 50mg	No	No
9/17/02	2119	same	same	Demerol 50mg	No	No
9/18/02	0027	same	same	Demerol 50mg	No	No
9/18/02	0027	same	same	Demerol 50mg	No	No
9/18/02	0311	same	same	Demerol 50mg	No	No
9/18/02	0312	same	same	Demerol 50mg	No	No

Respondent's conduct was likely to injure the patients in that the administration of Demerol in excess frequency and/or dosage of the physician's order could result in the patients suffering from adverse reactions.

14. On or about September 2002, while employed with Texas Nurse Connection, LLC, Abilene, Texas, and on assignment at University Medical Center, Lubbock, Texas, Respondent withdrew Demerol from the PYXIS medication dispensing system for patients but failed to follow the policy and procedure for the wastage. Respondent's conduct was likely to deceive the pharmacy and placed them in violation of Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act).
15. On or about September 4, 2002, through September 18, 2002, while employed with Texas Nurse Connection, LLC, Abilene, Texas, and on assignment at University Medical Center, Lubbock, Texas, Respondent withdrew Demerol from the PYXIS medication dispensing system for patients but failed to accurately and completely document the administration in the patients' Medication Administration Record (MAR) and Nurses Notes, as follows:

Date	Time	Patient	Physician's Order	PYXIS Record	MAR	Nurses Notes
9/4/02	2131	2666756	Demerol 25mg IV Q 4 hrs PRN	Demerol 25mg	2131	2445
9/7/02	0939	2666246	Demerol 75-100mg IV Q 2hrs PRN severe pain	Demerol 100mg	No	No
9/7/02	1526	same	same	Demerol 100mg	No	No
9/8/02	1416	same	same	Demerol 100mg	No	No
9/12/02	0144	same	Demerol 100mg IV Q 4 hrs PRN pain	Demerol 100mg	No	No
9/13/02	0008	2666264	Demerol 50-75mg IVP Q 4 hrs PRN pain	Demerol 50mg	No	No
9/13/02	0009	same	same	Demerol 50mg	No	No

Date	Time	Patient	Physician's Order	PYXIS Record	MAR	Nurses Notes
9/13/02	0032	2666264	Demerol 50-75mg IVP Q 4 hrs PRN pain	Demerol 50mg	No	No
9/13/02	0359	same	same	Demerol 50mg	No	No
9/13/02	0359	same	same	Demerol 50mg	No	No
9/16/02	2107	same	same	Demerol 50mg	No	No
9/16/02	2144	same	same	Demerol 50mg	No	No
9/16/02	2337	same	same	Demerol 50mg	No	No
9/17/02	2118	same	same	Demerol 50mg	No	No
9/17/02	2119	same	same	Demerol 50mg	No	No
9/18/02	0027	same	same	Demerol 50mg	No	No
9/18/02	0027	same	same	Demerol 50mg	No	No
9/18/02	0311	same	same	Demerol 50mg	No	No
9/18/02	0312	same	same	Demerol 50mg	No	No

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on the documentation to further medicate the patients which could result in an overdose.

16. At the time of the incidents in Findings of Fact number seventeen (17) and eighteen (18), Respondent was employed as an Agency Nurse with Nurses Unlimited Managed Care, Inc., Odessa, Texas, and had been employed with the Agency for approximately two (2) years and one (1) month.
17. On or about November 2002, through December 2002, while employed with Nurses Unlimited Managed Care, Inc., Odessa, Texas, and on assignment at San Angelo Community Medical Center, San Angelo, Texas, Respondent misappropriated Demerol belonging to the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.
18. On or about December 2002, while employed with Nurses Unlimited Managed Care, Inc., Odessa, Texas, and on assignment at San Angelo Community Medical Center, San Angelo, Texas, Respondent engaged in the intemperate use of Demerol in that Respondent provided a specimen for a drug screen which tested positive for Demerol. Possession of Demerol is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Demerol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

19. On August 8, 2003, Respondent completed a Forensic Psychological Evaluation performed by Jarvis A. Wright, Ph.D., Psychologist, San Angelo, Texas. Dr. Wright states that he administered the Substance Abuse Subtle Screening Inventory as an objective measure of substance dependency. "I asked Susie to respond to the inventory twice, one time to reflect her entire life and another to reflect the past year of her life. The two profiles were essentially identical. Both were defensive. Neither met the criteria for high probability of having a substance dependence disorder. Susie did not exhibit mental disorder or defect sufficient to impair her capacity to follow the rules of practice described in the documents provided to me by the Board of Nurse Examiners for the State of Texas. In my opinion, Susie's relative freedom from serious mental illness constituted a reasonable probability that she would be able to consistently behave in accordance with the requirements of Rule 213.27-213.29 at 22 Texas Administrative Code, as well as minimum standards set by the Board's rules 217.11 at 22 TCA and generally accepted nursing standards. The best predictor of future behavior is past behavior. If due process determines the allegations false, past behavior will predict an excellent probability that Susie would consistently avoid behaviors identified by the Board as constituting unprofessional conduct. If due process confirms the allegations, the opposite will apply."
20. On January 5, 2004, Respondent completed a polygraph examination performed by Donald W. Ramsey, MA, Polygraph Examiner. The evaluation resulted in a finding of deception indicated. During Mr. Ramsey's post interview Respondent admitted that she had stolen some Demerol from the Hospitals at which she was employed. Respondent stated that she took the Demerol for her father to help ease his pain and never took it for herself.
21. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice professional nursing in the State of Texas.
22. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
23. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 301.452(b)(2), (9) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1), (3), (4), (18), (19), (20),(22), & (23).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 668745, heretofore issued to SUSIE ARGUELLO, including revocation of Respondent's professional license to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.452(b), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

IT IS THEREFORE AGREED and ORDERED, that the VOLUNTARY SURRENDER of License Number 668745, heretofore issued to SUSIE ARGUELLO to practice professional nursing in the State of Texas, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-size license, heretofore issued to SUSIE ARGUELLO, to the office of the Board of Nurse Examiners.
2. RESPONDENT SHALL NOT practice professional 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.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
4. 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 multistate licensure privilege, if any, to practice professional nursing in the State of Texas.

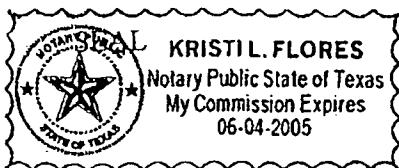
RESPONDENT'S CERTIFICATION

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 violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 26 day of March, 2004.

Susie Arguello
SUSIE ARGUELLO, Respondent

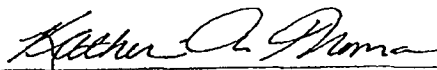
Sworn to and subscribed before me this 26 day of March, 2004.



Kristil Flores
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of nursing License Number 668745, previously issued to SUSIE ARGUELLO.

Effective this 7th day of April, 2004.



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

BOARD OF VOCATIONAL NURSE EXAMINERS * STATE OF TEXAS
VS. *
SUSIE ARGUELLO * COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners for the State of Texas, hereinafter referred to as the Board; the matter of vocational nurse license number 108029, previously held by SUSIE ARGUELLO, hereinafter called Applicant.

The Board of Vocational Nurse Examiners previously found that Applicant had violated the Vocational Nurse Act, or a rule, regulation or Order issued under the Vocational Nurse Act, Texas Revised Civil Statutes Annotated, Article 4528c. Applicant has submitted a written request for reinstatement of said previously held license.

A prehearing conference was held on Monday, August 11, 1997, at the office of the Board of Vocational Nurse Examiners. The conference was conducted by Marjorie A. Bronk, R.N., Executive Director of the Board, assisted by Susie B. Cheney, LVN, member of the Board of Vocational Nurse Examiners. Applicant was present and was not represented by counsel.

AGREED BOARD ORDER
RE: SUSIE ARGUELLO, LVN #108029
PAGE 2

The conference was attended by Kathleen S. Davies, Investigator for the Board, and Lynn Bey-Roode, Assistant Attorney General. By their notarized signature on this Order, Applicant does hereby waive the right to Notice of Formal Hearing and a Formal Hearing on the Application for Reinstatement before the Board, and to judicial review of this disciplinary action after this Order is endorsed by the Board.

After reviewing the matters relative to the request for reinstatement at the prehearing conference, Applicant agrees to the entry of an Order dispensing with the need for further action on this reinstatement request. By Applicant's signature on this Order, Applicant acknowledges that they have read and understood this Order and have approved it for consideration by the Board. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas Employers.

ORDER OF THE BOARD

NOW IT IS ORDERED that license number 108029, previously issued to SUSIE ARGUELLO, to practice vocational nursing in the State of Texas be, and the same is hereby reinstated and suspended until such time as Applicant enrolls in and successfully completes nursing program course(s) encompassing the following areas of study: Nursing Refresher (at least 6 weeks in length, to include a Clinical Rotation), and submits proof of successful course completion to the Board office.

00108029

AGREED BOARD ORDER
RE: SUSIE ARGUELLO, LVN #108029
PAGE 3

Applicant shall be responsible for locating said course(s) and obtaining prior written approval of Board staff prior to enrollment. Said course(s) shall be in-house at a community college, university, or nursing program, and/or tutored by a state approved, licensed nursing program faculty member. The expense of said course(s) shall be borne by Applicant.

It is ordered that upon proof of course enrollment, Applicant shall be issued a temporary license. The Temporary license issued to Applicant shall be for the express purpose of meeting the educational requirements of the Board Order. Any attempt by Applicant to practice for remuneration with the temporary license will result in criminal prosecution.

It is further ordered that upon receipt of documentation reflecting satisfactory completion of said course(s), the suspension of said license shall be automatically stayed and the license placed on probation for a period of one (1) year.

The probation of said license is subject to the following stipulations, to wit:

1. That if Applicant's place of employment, name, address or telephone number changes, Applicant is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said notification shall be in the form of a written letter or report.
2. That Applicant shall comply with Federal, State, and local laws, and all the provisions of the Vocational Nurse Act and Rules and Regulations of the Board.
3. That by copy of this Board Order, Applicant shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.

AGREED BOARD ORDER
RE: SUSIE ARGUELLO, LVN #108029
PAGE 4

4. That Applicant shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a monthly basis for the first six (6) months of probation. Thereafter, and throughout the remainder of said probation, Applicant shall be responsible for causing his/her nursing supervisor(s) to submit satisfactory reports directly to the Board office on a quarterly basis. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.

5. That any period(s) of nursing unemployment must be documented in writing by Applicant and submitted to the Board office, as provided in Stipulation No. four (4).

6. That Applicant shall work only under the direct supervision of a licensed medical professional (M.D., R.N., L.V.N.) who is physically present on the premises during Applicant's shift assignment(s), throughout the term of probation.

7. That Applicant shall not be the only licensed medical professional in the facility.

8. That Applicant shall and hereby agrees to remain free of alcohol and all unprescribed controlled substances. Any controlled or legend medication must be prescribed by a physician knowledgeable about the disease of addiction, as well as Applicant's history, and it is incumbent upon Applicant to insure such physician knowledge. In all such cases, the prescribed drugs must be verified in writing to the Board by the prescribing physician.

9. That Applicant shall submit to monthly blood alcohol and urine drug screen(s) upon demand of the Board staff for the first three (3) months of probation. Thereafter, and throughout the remainder of said probation, Applicant shall submit to random periodic blood alcohol and urine drug screen(s) upon demand of the Board staff throughout the term of probation. Applicant shall submit to a drug screening panel consisting of the following: Alcohol, Amphetamines, Barbiturates, Benzodiazepines, Cannabinoids, Cocaine, Hydrocodone, Meperidine, Opiates, Propoxyphene, PCP, Morphine, Codeine, Methadone, and Methaqualone. Said screen(s) shall be properly monitored with adherence to chain of custody procedures. A positive result shall be legally confirmed by Gas Liquid Chromatography/Mass Spectrometry (GCMS). The results of said screen(s) shall be submitted directly to the Board office by the laboratory. The expense of said screen(s) shall be borne by Applicant. The report of a positive drug screen shall be considered a violation of probation.

10. That Applicant shall provide the Board a telephone number by which Applicant may be contacted between the hours of 8:00 a.m. and 5:00 p.m. on weekdays. Applicant must maintain with the Board, during the term of this probation, a current telephone number in order for the Board to request random blood alcohol and urine drug screens, as provided in Stipulation No. 9. An inability to contact Respondent by telephone to request said required drug screens shall be considered a violation of probation.

AGREED BOARD ORDER
RE: SUSIE ARGUELLO, LVN #108029
PAGE 5

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

Agreed to this the 11th day of August, 1997

Susie Arguello
Signature of Applicant

P.O. Box 7072
Current Address
Abilene TX 79608-7072
City, State and Zip
915,338.4671
Area Code and Telephone Number

The State of Texas
County of Tarrant

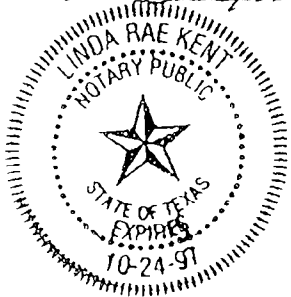
Before me, the undersigned authority, on this day personally appeared SUSIE ARGUELLO, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me this the 11th day of August, 1997.

Kathleen D. James
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 3/15/99

Marjorie A. Bronk
Marjorie A. Bronk, R.N.
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 13th day of August, 1997.



Linda Rae Kent
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

AGREED BOARD ORDER
RE: SUSIE ARGUELLO, LVN #108029
PAGE 6

ENDORSEMENT OF THE BOARD
To The Agreed Board Order
in the matter of Vocational Nurse
License No. 108029
Issued to Susie Arguello

At its regularly called session, on the 16th day of September 1997, came on to be considered the indicated Agreed Board Order pertaining to Susie Arguello. The Board having reviewed the contents of said Order, the Order should be, and is hereby, endorsed as an Order of the Board and made an official act of the Board of Vocational Nurse Examiners for the State of Texas.

Said Order is rendered on this the 16th day of September 1997.

Vergent Perry
Carole McGowan
Cheryl K. [unclear]
Betty King
Melba Lee Hasty
Lon
William K. Brown
Janet Wood-gardner

Paul M. Robinson 11#
Melba Lee Hasty LVN



AGREED BOARD ORDER
RE: SUSIE ARGUELLO, LVN #108029
PAGE: 7

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of September, 19 97,
a true and correct copy of the foregoing Order was served by placement in the
U.S. Mail, first class, and addressed to the following person(s):

Susie Arguello
4118 Chris Drive
Abilene, TX 79606

Marjorie A. Bronk, R.N.
Marjorie A. Bronk, R.N.
Executive Director
Agent for the Board of Vocational Nurse Examiners

DOCKET NO. 511-92-032

IN THE MATTER OF	§	BEFORE THE
	§	
	§	STATE OFFICE OF
	§	
SUSIE ARGUELLO, L.V.N.	§	ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

Prepared by Earl A. Corbitt, Administrative Law Judge, duly authorized to act herein on behalf of the Board of Vocational Nurse Examiners pursuant to TEX. REV. CIV. STAT. ANN. art. 6252-13f, §2(b).

STATEMENT OF THE CASE

The Board of Vocational Nurse Examiners (the Board), pursuant to TEX. REV. CIV. STAT. ANN. art. 4528c, §10, brought a disciplinary action against SUSIE ARGUELLO (RESPONDENT). The Board alleged that RESPONDENT violated the terms of an Order of the Board. The Board further alleged that such actions constitute grounds for disciplinary action against RESPONDENT's Vocational Nursing license pursuant to TEX. REV. CIV. STAT. ANN. art. 4528c, §10.

On July 6, 1992, a hearing concerning the allegations was held before Earl A. Corbitt, Administrative Law Judge, in the Clements Building, 300 West 15th Street, Austin, Texas. The hearing was closed on July 6, 1992. The Board's staff was represented by Deborah Leach, Assistant Attorney General of Texas. SUSIE ARGUELLO did not appear and was not represented at the hearing. Evidence in the form of testimony and exhibits was presented at the hearing.

JURISDICTION

The Board of Vocational Nurse Examiners has jurisdiction over this matter pursuant to TEX. REV. CIV. STAT. ANN. arts. 4528c, §10 and 6252-13a. The State Office of Administrative Hearings has jurisdiction over this matter pursuant to TEX. REV. CIV. STAT. ANN. art. 6252-13f. Notice of the Board's intention to institute disciplinary action, dated March 4, 1992, was properly addressed and sent by certified mail to SUSIE ARGUELLO, Beaumont, Texas, pursuant to TEX. REV. CIV. STAT. ANN. art. 6252-13a, §18(c). Notice of the hearing, dated June 5, 1992, was properly addressed and sent by certified mail to SUSIE ARGUELLO, Beaumont, Texas, pursuant to TEX. REV. CIV. STAT. ANN. art. 6252-13a, §13. The notice of hearing contained a statement of the time, place and nature of the hearing, and a statement of the matters asserted and of the legal authority and jurisdiction under which the hearing was to be held.

PROPOSED DECISION

The Administrative Law Judge proposes that RESPONDENT be found to have violated the Vocational Nurse Act and recommends that the Vocational Nursing license held by SUSIE ARGUELLO be revoked.

REASONS FOR PROPOSED DECISION

Evidence was received that on November 19, 1991, the Board of Vocational Nurse Examiners endorsed an Agreed Board Order in which RESPONDENT's license to practice Vocational Nursing in Texas was suspended, the suspension was stayed and RESPONDENT was placed on probation for a period of two years. The Order contained stipulations requiring RESPONDENT to (1) have submitted quarterly satisfactory employer reports, (2) quarterly document periods of unemployment, (3) immediately notify the Board of changes of employment, name, address or telephone number, (4) have submitted quarterly satisfactory psychologist/psychiatrist reports, (5) submit to random periodic blood alcohol and urine drug screens, and (6) successfully complete a nursing program course and submit documentation of such within the first six months of probation.

RESPONDENT has failed to submit the required quarterly reports, has provided the Board with an incorrect telephone number so that drug screens may not be requested, and has failed to submit documentation showing completion of the required nursing program course.

RESPONDENT's failure to abide by the terms of her probation warrants disciplinary action against RESPONDENT's license. Because RESPONDENT has previously been afforded an opportunity to avoid loss of her license through probation, and has been unsuccessful, the Administrative Law Judge has recommended the license be revoked.

PROPOSED FINDINGS OF FACT

1. SUSIE ARGUELLO (RESPONDENT), a vocational nurse licensed by the State of Texas, holds license number 108029.
2. A sworn complaint against RESPONDENT was filed with the Board of Vocational Nurse Examiners for the State of Texas in accordance with TEX. REV. CIV. STAT. ANN. art. 4528c, §10(d).
3. Service of proper and timely notice of the hearing and of the complaint was effected upon RESPONDENT pursuant to TEX. REV. CIV. STAT. ANN. art. 6252-13a and 22 TAC §239.23.
4. RESPONDENT was not present at the hearing.
5. RESPONDENT was not represented by counsel at the hearing.

6. On November 19, 1991, the Board of Vocational Nurse Examiners endorsed an Agreed Board Order in which RESPONDENT's license to practice Vocational Nursing in Texas was suspended, the suspension was stayed and RESPONDENT was placed on probation for a period of two years.
7. The Order described in Finding of Fact No. 6 contained stipulations requiring RESPONDENT to (1) have submitted quarterly satisfactory employer reports, (2) quarterly document periods of unemployment, (3) immediately notify the Board of changes of employment, name, address or telephone number, (4) have submitted quarterly satisfactory psychologist/psychiatrist reports, (5) submit to random periodic blood alcohol and urine drug screens, and (6) successfully complete a nursing program course and submit documentation of such within the first six months of probation.
8. RESPONDENT failed to have submitted the quarterly satisfactory employer report due February 19, 1992.
9. RESPONDENT failed to submit documentation showing any periods of unemployment which documentation was due February 19, 1992.
10. RESPONDENT failed to have submitted the quarterly satisfactory psychologist/psychiatrist report due February 19, 1992.
11. RESPONDENT failed to submit documentation showing completion of the required nursing program course within the time specified.
12. On January 31, 1992, and February 26, 1992, a staff member of the Board of Vocational Nurse Examiners attempted to contact RESPONDENT by telephone at a phone number provided by RESPONDENT on October 29, 1991, when RESPONDENT agreed to the stipulations described in Finding of Fact No. 7.
13. The attempts to contact RESPONDENT, made to request a drug screen, were futile in that the phone number provided by RESPONDENT was not a good number.
14. RESPONDENT has not notified the Board of any change in employer, name, address or phone number.

PROPOSED CONCLUSIONS OF LAW

1. The Board of Vocational Nurse Examiners has jurisdiction over this matter pursuant to TEX. REV. CIV. STAT. ANN. arts. 4528c, §10 and 6252-13a.
2. RESPONDENT has violated an Order of the Board of Vocational Nurse Examiners in violation of TEX. REV. CIV. STAT. ANN. art. 4528c, §10(a)(1).

Signed and entered this 28th day of July, 1992.



Earl A. Corbitt
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF
ADMINISTRATIVE HEARINGS

108029

DOCKET NO. 511-92-032

IN THE MATTER OF PERMANENT	§	BEFORE THE BOARD OF
	§	
LICENSE NUMBER 108029	§	VOCATIONAL NURSE EXAMINERS
	§	
ISSUED TO	§	IN AND FOR THE
	§	
SUSIE ARGUELLO	§	STATE OF TEXAS

ORDER OF THE BOARD

TO: SUSIE ARGUELLO
Route 9, Box 1399
Beaumont, Texas 77713

During open meeting at Austin, Texas, the Board of Vocational Nurse Examiners finds that after proper and timely notice was given, the above-styled case was heard by an Administrative Law Judge who made and filed a proposal for decision containing the Administrative Law Judge's findings of fact and conclusions of law. The proposal for decision was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein.

The Board of Vocational Nurse Examiners, after review and due consideration of the proposal for decision, and exceptions and replies filed, if any, adopts the findings of fact and conclusions of law of the Administrative Law Judge as if fully set out and separately stated herein. All proposed findings of fact and conclusions of law not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that License Number 108029, heretofore issued to SUSIE ARGUELLO, to practice vocational nursing in the State of Texas be, and the same is hereby, revoked.

Passed and approved at the regular meeting of the Board of Vocational Nurse Examiners in and for the State of Texas at Austin, Texas, on the 15th day of September, 1992.

Entered this 15th day of September, 1992.

~~_____~~
Doris A. Parkerson
Belle Ingram
Charlotte J. Siefert
Phil Robinson
Cecilia M. [unclear]

Betty Jo McComber
Letha [unclear]
Annie Mae Probst
Virginia M. Bauman

BOARD ORDER

RE: SUSIE ARGUELLO, LVN #108029

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of September 19 81
a true and correct copy of the foregoing Order was served by placement in the
U.S. Mail, first class, and addressed to the following person(s):

Susie Arguello
Route 9, Box 1399
Beaumont, Texas 77713

Marjorie A. Bronk, R.N.
Marjorie Bronk, R.N.
Executive Director
Agent for the Board of Vocational Nurse Examiners

BOARD OF VOCATIONAL NURSE EXAMINERS

STATE OF TEXAS

VS.

SUSIE ARGUELLO

COUNTY OF TRAVIS

COMPLAINT

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

As an Investigator for the Board of Vocational Nurse Examiners, I, Kathleen S. Davies, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against SUSIE ARGUELLO, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 108029, hereinafter called Respondent.

I.

a. On November 19, 1991, the Board of Vocational Nurse Examiners endorsed an Agreed Board Order in which Respondent's license to practice Vocational Nursing in Texas was suspended, suspension stayed and placed on probation for a period of two (2) years.

b. Said Order stipulated, in part, that Respondent cause her nursing employer(s) to submit satisfactory reports to the Board Office on a quarterly basis throughout the term of probation. That any period(s) of unemployment be documented in writing by Respondent and submitted to the Board Office on a quarterly basis throughout the term of probation. It was further stipulated that if place of employment, name, address or telephone number changed, Respondent was to notify the Board Office immediately.

c. Said Order also stipulated, in part, that Respondent cause her psychologist/psychiatrist to submit satisfactory reports to the Board Office on a quarterly basis throughout the term of probation.

d. Also, said Order stipulated, in part, that Respondent submit to random periodic blood alcohol and urine drug screens upon demand of the Board Staff.

108029

COMPLAINT

RE: SUSIE ARGUELLO, LVN #108029

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e. Furthermore, said Order stipulated, in part, that Respondent successfully complete a nursing program course and submit documentation of successful course completion to the Board Office within the first six (6) months of probation.

f. Respondent has failed to submit employer and psychologist/psychiatrist reports to the Board Office on or before the due date of February 19, 1992.

g. Respondent has failed to submit documentation on or before the due date for the successful completion of said required course.

h. Respondent has failed to provide the Board Office with a telephone number, in which to contact her, to request drug screens.

i. By said conduct, Respondent has violated the terms of her Agreed Board Order.

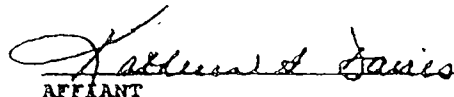
II.

Respondent has violated the Vocational Nurse Act or rule, regulation or order issued under the Act, contrary to Article 4528c, Section 10 (a) (1), Revised Civil Statutes of Texas.

III.

The foregoing acts constitute grounds for the Board of Vocational Nurse Examiners to take disciplinary action as provided under Article 4528c, Revised Civil Statutes of Texas, 1951, as amended.

WHEREFORE, PREMISES CONSIDERED, I, Kathleen S. Davies, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against SUSIE ARGUELLO, LVN #108029, in accordance with the provisions of the laws of the State of Texas.


AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME by the said Kathleen S. Davies, on this the 24th day of April, 1992.

108029

COMPLAINT

RE: SUSIE ARGUELLO, LVN #108029

PAGE 3

Joseph B. Reynolds
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Filed with the Board of Vocational Nurse Examiners on the 24th day of April,
1992.

Marjorie A. Bronk, R.N.
Marjorie A. Bronk, R.N.
Executive Director
Board of Vocational Nurse Examiners

BOARD OF VOCATIONAL NURSE EXAMINERS

STATE OF TEXAS

VS.

SUSIE ARGUELLO

COUNTY OF TRAVIS

COMPLAINT

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

As an Investigator for the Board of Vocational Nurse Examiners, I, Kathleen S. Davies, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against SUSIE ARGUELLO, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 108029, hereinafter called Respondent.

I.

a. By letter dated March 1, 1991, the Board of Vocational Nurse Examiners received a written referral from Texas Peer Assistance Program for Nurses (TPAPN) alleging that Respondent declined participation.

b. Respondent was employed as a Licensed Vocational Nurse with Inter Med of Dallas, Texas; on assignment at Palo Pinto General Hospital in Mineral Wells, Texas, on or about January 3, 1990.

c. While so assigned at Palo Pinto General Hospital, on or about January 3, 1990, Respondent was found by a co-worker to be self injecting phenergan with a 5 cc syringe and 26 ga needle into her arm.

II.

Respondent has engaged in the intemperate use of alcohol or drugs, in violation of Article 4528c, Section 10 (a) (8), Revised Civil Statutes of Texas.

COMPLAINT

Re: Susie Arguello, LVN #108029

Page 2

108029

III.

Respondent has engaged in unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public, in violation of Article 4528c, Section 10 (a) (9), Revised Civil Statutes of Texas.

IV.

The foregoing acts constitute grounds for the Board of Vocational Nurse Examiners to take disciplinary action as provided under Article 4528c, Revised Civil Statutes of Texas, 1951, as amended.

WHEREFORE, PREMISES CONSIDERED, I, Kathleen S. Davies, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against SUSIE ARGUELLO, LVN #108029, in accordance with the provisions of the laws of the State of Texas.

Kathleen S. Davies

AFFIDANT

SUBSCRIBED AND SWORN TO BEFORE ME by the said Kathleen S. Davies, on this the 30th day of September, 1991.

Linda Rae Kent

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
Linda Rae Kent
My Commission Expires 10-24-93.

108029

COMPLAINT

Re: Susie Arguello, LVN 108029

Page 3

Filed with the Board of Vocational Nurse Examiners on the 30th day of
September, 1991.

Marjorie A. Bronk, R.N.
Marjorie A. Bronk, R.N.
Executive Director
Board of Vocational Nurse Examiners

BOARD OF VOCATIONAL NURSE EXAMINERS	*	STATE OF TEXAS
	*	
VS.	*	
	*	
SUSIE ARGUELLO	*	COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the matter of vocational nurse license number 108029, held by SUSIE ARGUELLO, hereinafter called Respondent.

A sworn Complaint dated September 30, 1991, has been filed and served on the Respondent, which alleges violations of the Vocational Nurse Act, Texas Revised Civil Statutes Annotated, Article 4528c, and grounds to take disciplinary action against Respondent.

A prehearing conference was held on October 29, 1991, at the office of the Board of Vocational Nurse Examiners. The conference was conducted by Marjorie A. Bronk, R.N., Executive Director of the Board, assisted by Annie Mae Parker, member of the Board of Vocational Nurse Examiners. Respondent was present and was not represented by counsel.

The conference was attended by Kathleen S. Davies, Investigator for the Board, and Chris Maczka, Assistant Attorney General. By her notarized signature on this Order, Respondent does hereby waive the right to Notice of Formal Hearing and a Formal Hearing of the Complaint before the Board, and to judicial review of this disciplinary action after this Order is endorsed by the Board.

AGREED BOARD ORDER
RE: SUSIE ARGUELLO, B.N. #108029
PAGE 2

After reviewing the Complaint and information provided at the prehearing conference, Respondent agrees to the entry of an Order dispensing with the need for further proceedings on the Complaint. By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the allegations stated in the Complaint. By Respondent's signature on this Order, Respondent acknowledges that she has read and understood this Order and has approved it for consideration by the Board. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

THEREFORE, PREMISES CONSIDERED, The Board of Vocational Nurse Examiners does hereby order that license number 108029, heretofore issued to SUSIE ARGUELLO be suspended, suspension stayed and placed on probation for a period of two (2) years.

The probation of said license is subject to the following stipulations to wit:

1. That Respondent shall cause her nursing employer(s) to submit satisfactory reports to the Board office on a quarterly basis throughout the term of probation.
2. That Respondent shall not be employed by a nurse registry/temporary nurse agency or as a private duty nurse throughout the term of probation.
3. That Respondent shall work only under the direct supervision of a licensed medical professional throughout the term of probation.
4. That Respondent shall not work in an autonomous nursing position throughout the term of probation.

5. That Respondent shall submit to monthly blood alcohol and urine drug screens upon demand of the Board staff for the first year of probation. Thereafter, and for the remainder of said probation, Respondent shall submit to random periodic blood alcohol and urine drug screens upon demand of the Board staff. Said screens shall be properly monitored with adherence to chain of custody procedure. The results of said screens shall be submitted to the Board office by the laboratory. The expense of said screens shall be borne by Respondent.

6. That Respondent shall obtain psychological or psychiatric counseling and cause her psychologist/psychiatrist to submit satisfactory reports to the Board office on a quarterly basis throughout the term of probation. The expense of said counseling shall be borne by Respondent.

7. That Respondent must enroll in or audit and successfully complete a nursing program course encompassing the following areas of study: Pharmacology and Documentation and submit documentation of successful course completion to the Board office within the first six (6) months of probation. Respondent/Applicant shall be responsible for locating said course(s) and obtaining approval of Board staff prior to enrollment or audit. Said course(s) shall be in-house at a community college, university, or nursing program. The expense of said course(s) shall be borne by Respondent.

8. That Respondent must enroll in or audit and successfully complete a Stress Management course/seminar and submit documentation of successful course completion to the Board office within the first six (6) months of probation. Respondent shall be responsible for locating said course and obtaining approval of Board staff prior to enrollment or audit. The expense of said course shall be borne by Respondent.

9. That any period(s) of unemployment must be documented in writing by Respondent and submitted directly to the Board office on a quarterly basis throughout the term of probation.

10. That if Respondent's place of employment, name, address or telephone number changes, Respondent is to notify the Board office immediately.

It is also ordered that SUSIE ARGUELLO shall comply with all the provisions of Article 4528c, Revised Civil Statutes of Texas.

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

Dated this the 29 day of October, 1991.

Susie Arguello
Signature of Respondent

49 Box 1399
Current Address

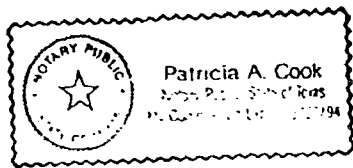
Beaumont TX 77713
City, State and Zip

409, 8663529
Area Code and Telephone Number

The State of Texas
County of Albany

Before me, the undersigned authority, on this day personally appeared SUSIE ARGUELLO 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 this the 29 day of October, 1991.



Patricia A. Cook
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 3-27-94

Marjorie A. Bronk
Marjorie A. Bronk, R.N.
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 30th day of October, 1991.

Lucretia G. Best
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

ENDORSEMENT OF THE BOARD
To The Agreed Board Order
in the matter of Vocational Nurse
License No. 108029
Issued to SUSIE ARGUELLO

At its regularly called session, 19th day of November, 1991, came on to be considered the indicated Agreed Board Order pertaining to SUSIE ARGUELLO. The Board having reviewed the contents of said Order, the Order should be, and is hereby, endorsed as an Order of the Board and made an official act of the Board of Vocational Nurse Examiners for the State of Texas.

Said Order is rendered this the 19th day of November, 1991.

Wanda Jean Chadler
Heidi Lopez

Arnie Mae Parkhill

Virginia M. Bauman

Betty Lee McLenore

Charlotte J. Sifford, Sr.

Roxie A. Parker

Sharon L. Johnson

AGREED BOARD ORDER
RE: SUSIE ARGUELLO, LV 08029
PAGE 6

108029

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of November, 1991,

a true and correct copy of the foregoing Order was served by placement in the
U.S. Mail, first class, and addressed to the following person(s):

Susie Arguello
Route 9, Box 1399
Beaumont, Texas 77713

Marjorie A Bronk, R.N.
Marjorie Bronk, R.N.
Executive Director
Agent for the Board of Vocational Nurse Examiners

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois,		Complainant)		
	v.)		
SUSIE ARGUELLO License No. 041329686,		Respondent)		No. 201006479

ORDER

This matter having come before the Board of Nursing of the Department of Financial and Professional Regulation of the State of Illinois, Division of Professional Regulation, hereinafter the "Department," and the Board of Nursing, having made certain Findings of Fact, Conclusions of Law and a Recommendation to the Director of the Department; and the Department having complied with all required notices; and the time allowed for filing of a Motion for Rehearing before the Director of the Department having now passed;

NOW, THEREFORE, I JAY STEWART, Director of the Division of Professional Regulation of the DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, do HEREBY ORDER that the Findings of Fact, Conclusions of Law and Recommendation of the Board of Nursing are accepted; however the Findings of Fact, Conclusions of Law and Recommendation are amended as follows.

Although the Board of Nursing did not recommend a minimum period, I HEREBY ORDER that Respondent SUSIE ARGUELLO's license as a Registered Nurse is INDEFINITELY SUSPENDED FOR A MINIMUM PERIOD OF THREE YEARS.

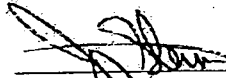
IT IS FURTHER ORDERED that Respondent immediately surrender said Certificate of Registration and all other indicia of licensure to the Department of Financial and Professional Regulation, Division of Professional Regulation of the State of Illinois. Upon failure to do so, the

Department shall seize said Certificate of Registration.

DATED THIS 13th day of July, 20 11.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL
REGULATION, of the State of Illinois,
Brent E. Adams, Secretary

DIVISION OF PROFESSIONAL REGULATION



JAY STEWART
DIRECTOR

Ref: Case No. 20106479
Lic. No. 041329686

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

DEPARTMENT OF FINANCIAL)	
and PROFESSIONAL REGULATION)	
of the State of Illinois,	Complainant) No.2010-06479
v.)	
SUSIE ARGUELLO)	
License No. 041-329686,	Respondent)

**FINDINGS OF FACT, CONCLUSIONS OF LAW
AND RECOMMENDATION TO THE DIRECTOR**

Now comes the Board of Nursing of the Department of Financial and Professional Regulation of the State of Illinois, Division of Professional Regulation, and, after reviewing the record in this matter, a majority of its members hereby makes the following Findings of Fact, Conclusions of Law, and Recommendation to the Director:

FINDINGS OF FACT

1. THAT SUSIE ARGUELLO, Respondent, holds a Certificate of Registration as a Registered Nurse in the State of Illinois, License No. 041-329686, issued by the Department of Financial and Professional Regulation of the State of Illinois, Division of Professional Regulation (the "Department"). Said license is presently in "ACTIVE" status.
2. THAT the Department filed a Complaint against Respondent and sent notice of said Complaint to Respondent by certified and regular mail on December 2, 2010, to Respondent's last known address in accordance with the Department's records.
3. THAT Count I of said Complaint alleged that Respondent holds an Illinois license to practice as a Registered Nurse; that Respondent concurrently holds a Texas license to

practice as a Registered Nurse, License No. 668745; that Respondent voluntarily surrendered said license in an Agreed Order with the Board of Nurse Examiners for the State of Texas on April 7, 2004..

4. THAT such acts and/or omissions by Respondent are grounds for discipline and fines pursuant to 225 ILCS 65/70-5(b)(10).
5. THAT Respondent failed to appear either in person or through an attorney for a Preliminary Hearing on January 10, 2011.
6. THAT on January 10, 2011, the Administrative Law Judge issued an Order to Answer or Be held in Default, which stated that Respondent must file an Answer to the Department's Complaint on or before February 9, 2011, and Respondent must be present for a status hearing scheduled for February 14, 2011.
7. THAT Respondent did not file an Answer to the Department's Complaint by February 9, 2011.
8. THAT Respondent failed to appear or have her attorney appear for the status hearing held on February 14, 2011.
9. THAT on February 14, 2011, the Administrative Law Judge issued an Order of Default for Failure to Appear or Answer and to Transfer the Matter to the Board on the Pleadings.
10. THAT the allegations set forth in Count I of the above-described Complaint are true and correct.

CONCLUSIONS OF LAW

1. THAT the Board of Nursing of the Department of Financial and Professional Regulation of the State of Illinois has jurisdiction over the subject matter and the parties in this case.
2. THAT the aforementioned facts subject Respondent's License to discipline.

RECOMMENDATION

The Board of Nursing of the Department of Financial and Professional Regulation of the State of Illinois, after making the above Findings of Fact and Conclusions of Law, recommends to Donald W. Seasock, the Acting Director of the Division of Professional Regulation, that the Certificate of Registration as a Registered Nurse, License No. 041-329686, issued to SUSIE ARGUELLO, be **INDEFINITELY SUSPENDED**.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.

DATED THIS 6th DAY OF May, 2011.

[Signature]
MEMBER

[Signature]
MEMBER

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MEMBER

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MEMBER

RFP:
Lic. No. 041-329686
Case No. 2010-06479

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

DIVISION OF PROFESSIONAL REGULATION)
of the State of Illinois, Complainant)

v.)

) 201006479
)

SUSIE ARGUELLO Respondent

NOTICE

TO: SUSIE ARGUELLO
4118 CHRIS DRIVE
ABILENE, TX 79606

PLEASE TAKE NOTICE that the Director of the Division of Professional Regulation did sign the attached Order.

YOU ARE FURTHER NOTIFIED that you have a right to judicial review of all final administrative decisions of this Department, pursuant to the provisions of the "ADMINISTRATIVE REVIEW ACT," approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

The order of the Director of the Division of Professional Regulation will be implemented as of the date of the Order unless the Order states otherwise.

DIVISION OF PROFESSIONAL REGULATION
of the State of Illinois

BY: *Mari S. Orday*
Clerk for the Department

All inquiries should
be directed to:
Chicago Office - 312-814-4504
Springfield Office - 217-785-0820

STATE OF ILLINOIS)
)
COUNTY OF SANGAMON) ss:

UNDER PENALTY of perjury, as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, the undersigned Certifies that I caused copies of the attached NOTICE AND CONSENT OR ORDER, to be deposited in the United States mail, by certified mail at 320 W. Washington, Springfield, Illinois 62786, before 5:00 p.m. with proper postage prepaid on the 13th day of July, 2011 to all parties at the addresses listed on the attached documents.


AFFIANT

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART, State Bar No. 83047
Supervising Deputy Attorney General
4 California Department of Justice
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5339
Facsimile: (916) 327-8643
7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2007-269

13 SUSIE ARGUELLO,
a.k.a. SUSIE M. ARGUELLO

DEFAULT DECISION



[Gov. Code §11520]

15 Registered Nurse License No. 597236

16 Respondent.

17
18 **FINDINGS OF FACT**

19 1. On or about April 10, 2007, Complainant Ruth Ann Terry, M.P.H., R.N.,
20 in her official capacity as the Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs, filed Accusation No. 2007-269 against Susie Arguello, also known as Susie
22 M. Arguello ("Respondent"), before the Board of Registered Nursing.

23 2. On or about April 2, 2002, the Board of Registered Nursing ("Board")
24 issued Registered Nurse License Number 597236 to Respondent. Respondent's registered nurse
25 license expired on July 31, 2007.

26 3. On or about April 27, 2007, Araceli Mercado, an employee of the Office
27 of the Attorney General, served by Certified and First Class Mail a copy of the Accusation No.
28

1 2007-269, Statement to Respondent, Notice of Defense, Request for Discovery, and Government
2 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,
3 which was and is 4118 Chris Drive, Abilene, TX 79606. A copy of the Accusation and the
4 related documents are attached as exhibit A and are incorporated herein by reference.

5 4. Service of the Accusation was effective as a matter of law under the
6 provisions of Government Code section 11505, subdivision (c).

7 5. Business and Professions Code section 118 states, in pertinent part:

8 (b) The suspension, expiration, or forfeiture by operation of law of a
9 license issued by a board in the department, or its suspension, forfeiture, or
10 cancellation by order of the board or by order of a court of law, or its surrender
11 without the written consent of the board, shall not, during any period in which it
12 may be renewed, restored, reissued, or reinstated, deprive the board of its
13 authority to institute or continue a disciplinary proceeding against the licensee
14 upon any ground provided by law or to enter an order suspending or revoking the
15 license or otherwise taking disciplinary action against the license on any such
16 ground.

13 6. Government Code section 11506 states, in pertinent part:

14 (c) The respondent shall be entitled to a hearing on the merits if the
15 respondent files a notice of defense, and the notice shall be deemed a specific
16 denial of all parts of the accusation not expressly admitted. Failure to file a notice
17 of defense shall constitute a waiver of respondent's right to a hearing, but the
18 agency in its discretion may nevertheless grant a hearing.

17 7. Respondent failed to file a Notice of Defense within 15 days after service
18 upon her of the Accusation, and therefore waived her right to a hearing on the merits of
19 Accusation No. 2007-269.

20 8. California Government Code section 11520 states, in pertinent part:

21 (a) If the respondent either fails to file a notice of defense or to appear at
22 the hearing, the agency may take action based upon the respondent's express
23 admissions or upon other evidence and affidavits may be used as evidence without
24 any notice to respondent.

24 9. Pursuant to its authority under Government Code section 11520, the Board
25 finds Respondent is in default. The Board will take action without further hearing and, based on
26 Respondent's express admissions by way of default and the evidence before it, contained in
27 exhibit A, finds that the allegations in Accusation No. 2007-269 are true.

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10. The total costs for investigation and enforcement are \$923.25 as of July 17, 2007.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Susie Arguello, also known as Susie M. Arguello, has subjected her Registered Nurse License Number 597236 to discipline.

2. A copy of the Accusation and the related documents are attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violation alleged in the Accusation: Business and Professions Code section 2761, subdivision (a)(4) (disciplinary action by the Texas Board of Nurse Examiners).

Attachments:

Exhibit A: Accusation No. 2007-269 and Related Documents

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 JANICE K. LACHMAN, State Bar No. 186131
Supervising Deputy Attorney General
4 California Department of Justice
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-7384
Facsimile: (916) 327-8643
7
Attorneys for Complainant
8

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

13 SUSIE ARGUELLO,
a.k.a. SUSIE M. ARGUELLO

14 

15 Registered Nurse License No. 597236

16 Respondent.
17

Case No. 2007-269

ORDER ON DEFAULT DECISION

[Gov. Code §11520]

18
19 IT IS SO ORDERED that Registered Nurse License Number 597236, heretofore
20 issued to Respondent Susie Arguello, also known as Susie M. Arguello, is revoked.

21 Pursuant to Government Code section 11520, subdivision (c), Respondent may
22 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
23 within seven (7) days after service of the Decision on Respondent. The agency in its discretion

24 ///

25 ///

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27 ///

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1 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
2 statute.

3 This Decision shall become effective on October 21, 2007.

4 It is so ORDERED September 21, 2007

5 *LaTranice H. Tate*

6 FOR THE BOARD OF REGISTERED NURSING
7 DEPARTMENT OF CONSUMER AFFAIRS

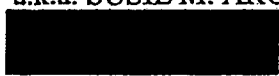
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Exhibit A

Accusation No. 2007-269 and Related Documents

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART, State Bar No. 83047
Supervising Deputy Attorney General
4 California Department of Justice
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5339
Facsimile: (916) 327-8643
7 Attorneys for Complainant

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:
13 SUSIE ARGUELLO,
a.k.a. SUSIE M. ARGUELLO
14 
15 Registered Nurse License No. 597236
16 Respondent.

Case No. 2007-269
ACCUSATION

18 Complainant alleges:

19 **PARTIES**

- 20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
22 ("Board"), Department of Consumer Affairs.
23 2. On or about April 2, 2002, the Board issued Registered Nurse License
24 Number 597236 to Susie Arguello, also known as Susie M. Arguello ("Respondent").
25 Respondent's registered nurse license was in full force and effect at all times relevant to the
26 charges brought herein and will expire on July 31, 2007, unless renewed.

27 ///

28

1 Examiners in the disciplinary proceeding titled *In the Matter of License Number 668745 issued*
2 *to SUSIE ARGUELLO*, Respondent voluntarily surrendered her license to practice registered
3 nursing in the state of Texas^{1/}. A true and correct copy of the Agreed Order is attached as exhibit
4 "A" and incorporated herein by reference.

5 PRAYER


6 WHEREFORE, Complainant requests that a hearing be held on the matters herein
7 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

8 1. Revoking or suspending Registered Nurse License Number 597236, issued
9 to Susie Arguello, also known as Susie M. Arguello;

10 2. Ordering Susie Arguello, also known as Susie M. Arguello, to pay the
11 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
12 case, pursuant to Business and Professions Code section 125.3; and

13 3. Taking such other and further action as deemed necessary and proper.

14
15 DATED: 4/10/07

16
17
18 
19 RUTH ANN TERRY, M.P.H., R.N.
20 Executive Officer
21 Board of Registered Nursing
22 Department of Consumer Affairs
23 State of California
24 Complainant

25 03579110-SA2006102310
26 Arguello, Susie.acc.wpd
27 clp; 3/16/07

28 1. The Agreed Order also provided that Respondent would be allowed to petition for reinstatement of
licensure after one year had elapsed from the date of the Order and she had obtained objective, verifiable proof of
twelve (12) consecutive months of sobriety immediately preceding the petition.

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EXHIBIT A
Agreed Order

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 668745 § AGREED
issued to SUSIE ARGUELLO § ORDER

An investigation by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, produced evidence indicating that SUSIE ARGUELLO, hereinafter referred to as Respondent, License Number 668745, may have violated Section 301.452(b)(9) & (10), Texas Occupations Code.

An informal conference was held on May 27, 2003, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Shirley Madrid, Attorney at Law. Ms. Madrid subsequently withdrew from representing Respondent. In attendance were Katherine A. Thomas, MN, RN, Executive Director; E. Joy Sparks, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Noemi Leal, Supervising Investigator.

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.
2. Respondent waived notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in Texas.
4. Respondent received an Associate Degree in Nursing from Cisco Junior College, Abilene, Texas, in December 1999. Respondent was licensed to practice professional nursing in the State of Texas on June 6, 2000.

5. Respondent's professional employment history includes:

1984 - 1986	LVN	Woods Psychiatric Institute Abilene, Texas
1986 - 1988	LVN	Humana Hospital Abilene, Texas
10/88 - 10/89	LVN	Medical Personnel Pool Fort Worth, Texas
1990 - 1993	LVN	MCH Services Houston, Texas
1993 - 1996	LVN	Portamedic San Antonio, Texas
1996 - 1997	LVN	Portamedic Lubbock, Texas
1996 - 1999	LVN	EMSI Abilene, Texas
03/98 - 09/98	LVN	Medical City Dallas Dallas, Texas
09/98 - 02/99	LVN	Brownwood Regional Medical Center Brownwood, Texas
11/98 - 01/00	Agency Nurse	Nurses Unlimited Managed Care, Inc. Odessa, Texas
10/00 - 01/03	Agency Nurse	Nurses Unlimited Managed Care, Inc. Odessa, Texas
1/00 - 12/01	Staff Nurse CCU	Hendrick Medical Center Abilene, Texas
12/01 - 07/02	Agency Nurse	Travel Nurse International San Francisco, California
07/02 - 09/02	Agency Nurse	Texas Nurse Connection, LLC Abilene, Texas

Respondent's professional employment continued:

04/03 - Present	Staff Nurse NICU	Abilene Regional Hospital Abilene, Texas
-----------------	---------------------	---

6. On November 19, 1991, Respondent's license to practice vocational nursing was Suspended with the Suspension stayed and Respondent was placed on Probation for two (2) years by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Complaint, Findings of Fact, Conclusions of Law, and Agreed Board Order dated November 19, 1991, is attached and incorporated by reference as part of this Order.
7. On September 15, 1992, Respondent's license to practice vocational nursing was Revoked by the Board of Vocational Nurse Examiners for the State of Texas. Copies of the Complaint, Proposal for Decision, and Order of the Board dated September 15, 1992, are attached and incorporated by reference as part of this Order.
8. On August 11, 1997, Respondent's license to practice vocational nursing was Reinstated with Probation Conditions by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Agreed Board Order dated August 11, 1997, is attached and incorporated by reference as part of this Order. Respondent met all the probation conditions on December 29, 1998.
9. On or about December 13, 1999, and April 19, 2000, Respondent submitted Applications for Initial Licensure by Examination to the office of the Board of Nurse Examiners for the State of Texas. Respondent completed the Affidavit of Eligibility for Licensure/Certification and answered as follows:
"I attest to the truth of the following statements:
(3) Have not within the past five (5) years become addicted to or been treated for the use of alcohol or any other drug.
(5) Have never been denied licensure/certification or had disciplinary action taken against me by any governmental authority in any country, state or province."
- On or about November 19, 1991, Respondent's license to practice vocational nursing was Suspended, with the Suspension stayed and placed on Probation for two (2) years by the Board of Vocational Nurse Examiners for the State of Texas. The Complaint filed by the Board of Vocational Nurse Examiners states that Respondent was found by a co-worker to be self-injecting Phenergan. On or about September 15, 1992, Respondent's license to practice vocational nursing was Revoked by the Board of Vocational Nurse Examiners for the State of Texas.
10. At the time of the incidents in Findings of Fact number eleven (11), through sixteen (16), Respondent was employed as an Agency Nurse with Texas Nurse Connection, LLC, Abilene, Texas, and had been employed with the agency for approximately two (2) months.

11. On or about September 2002, while employed with Texas Nurse Connection, LLC, Abilene, Texas, and on assignment at University Medical Center, Lubbock, Texas, Respondent misappropriated 1700 mg of Demerol belonging to the facility and/or the patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.
12. On or about September 2002, while employed with Texas Nurse Connection, LLC, Abilene, Texas, and on assignment at University Medical Center, Lubbock, Texas, Respondent engaged in the intemperate use of Demerol. Possession of Demerol is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Demerol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
13. On or about September 2002, while employed with Texas Nurse Connection, LLC, Abilene, Texas, and on assignment at University Medical Center, Lubbock, Texas, Respondent withdrew Demerol from the PYXIS medication dispensing system for patients which was in excess frequency and/or dosage of the physician's order. In addition, Respondent withdrew Demerol for patients who were not assigned to her and had already received the medication, as follows:

Date	Time	Patient	Physician's Order	Pyxis Record	Medication Administration Record	Nurses Notes
9/4/02	2131	2666756	Demerol 25mg IV Q 4 hrs PRN	Demerol 25mg	2131	2445
9/5/02	0027	same	same	Demerol 25mg	No	No
9/7/02	0939	2666246	Demerol 75-100mg IV Q 2hrs PRN severe pain	Demerol 100mg	No, Demerol 100mg given by another RN at 0940	No
9/13/02	0008	2666264	Demerol 50-75mg IVP Q 4 hrs PRN pain	Demerol 50mg	No	No
9/13/02	0009	same	same	Demerol 50mg	No	No
9/13/02	0032	same	same	Demerol 50mg	No	No
9/13/02	0359	same	same	Demerol 50mg	No	No
9/13/02	0359	same	same	Demerol 50mg	No	No
9/16/02	2107	same	same	Demerol 50mg	No	No
9/16/02	2144	same	same	Demerol 50mg	No	No
9/16/02	2337	same	same	Demerol 50mg	No	No

Date	Time	Patient	Physician's Order	Pyxis Record	Medication Administration Record	Nurses Notes
9/17/02	2118	2666264	Demerol 50-75mg IVP Q 4 hrs PRN pain	Demerol 50mg	No	No
9/17/02	2119	same	same	Demerol 50mg	No	No
9/18/02	0027	same	same	Demerol 50mg	No	No
9/18/02	0027	same	same	Demerol 50mg	No	No
9/18/02	0311	same	same	Demerol 50mg	No	No
9/18/02	0312	same	same	Demerol 50mg	No	No

Respondent's conduct was likely to injure the patients in that the administration of Demerol in excess frequency and/or dosage of the physician's order could result in the patients suffering from adverse reactions.

14. On or about September 2002, while employed with Texas Nurse Connection, LLC, Abilene, Texas, and on assignment at University Medical Center, Lubbock, Texas, Respondent withdrew Demerol from the PYXIS medication dispensing system for patients but failed to follow the policy and procedure for the wastage. Respondent's conduct was likely to deceive the pharmacy and placed them in violation of Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act).
15. On or about September 4, 2002, through September 18, 2002, while employed with Texas Nurse Connection, LLC, Abilene, Texas, and on assignment at University Medical Center, Lubbock, Texas, Respondent withdrew Demerol from the PYXIS medication dispensing system for patients but failed to accurately and completely document the administration in the patients' Medication Administration Record (MAR) and Nurses Notes, as follows:

Date	Time	Patient	Physician's Order	PYXIS Record	MAR	Nurses Notes
9/4/02	2131	2666756	Demerol 25mg IV Q 4 hrs PRN	Demerol 25mg	2131	2445
9/7/02	0939	2666246	Demerol 75-100mg IV Q 2hrs PRN severe pain	Demerol 100mg	No	No
9/7/02	1526	same	same	Demerol 100mg	No	No
9/8/02	1416	same	same	Demerol 100mg	No	No
9/12/02	0144	same	Demerol 100mg IV Q 4 hrs PRN pain	Demerol 100mg	No	No
9/13/02	0008	2666264	Demerol 50-75mg IVP Q 4 hrs PRN pain	Demerol 50mg	No	No
9/13/02	0009	same	same	Demerol 50mg	No	No

Date	Time	Patient	Physician's Order	PYXIS Record	MAR	Nurses Notes
9/13/02	0032	2666264	Demerol 50-75mg IVP Q 4 hrs PRN pain	Demerol 50mg	No	No
9/13/02	0359	same	same	Demerol 50mg	No	No
9/13/02	0359	same	same	Demerol 50mg	No	No
9/16/02	2107	same	same	Demerol 50mg	No	No
9/16/02	2144	same	same	Demerol 50mg	No	No
9/16/02	2337	same	same	Demerol 50mg	No	No
9/17/02	2118	same	same	Demerol 50mg	No	No
9/17/02	2119	same	same	Demerol 50mg	No	No
9/18/02	0027	same	same	Demerol 50mg	No	No
9/18/02	0027	same	same	Demerol 50mg	No	No
9/18/02	0311	same	same	Demerol 50mg	No	No
9/18/02	0312	same	same	Demerol 50mg	No	No

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on the documentation to further medicate the patients which could result in an overdose.

16. At the time of the incidents in Findings of Fact number seventeen (17) and eighteen (18), Respondent was employed as an Agency Nurse with Nurses Unlimited Managed Care, Inc., Odessa, Texas, and had been employed with the Agency for approximately two (2) years and one (1) month.
17. On or about November 2002, through December 2002, while employed with Nurses Unlimited Managed Care, Inc., Odessa, Texas, and on assignment at San Angelo Community Medical Center, San Angelo, Texas, Respondent misappropriated Demerol belonging to the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medication.
18. On or about December 2002, while employed with Nurses Unlimited Managed Care, Inc., Odessa, Texas, and on assignment at San Angelo Community Medical Center, San Angelo, Texas, Respondent engaged in the intemperate use of Demerol in that Respondent provided a specimen for a drug screen which tested positive for Demerol. Possession of Demerol is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Demerol by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

19. On August 8, 2003, Respondent completed a Forensic Psychological Evaluation performed by Jarvis A. Wright, Ph.D., Psychologist, San Angelo, Texas. Dr. Wright states that he administered the Substance Abuse Subtle Screening Inventory as an objective measure of substance dependency. "I asked Susie to respond to the inventory twice, one time to reflect her entire life and another to reflect the past year of her life. The two profiles were essentially identical. Both were defensive. Neither met the criteria for high probability of having a substance dependence disorder. Susie did not exhibit mental disorder or defect sufficient to impair her capacity to follow the rules of practice described in the documents provided to me by the Board of Nurse Examiners for the State of Texas. In my opinion, Susie's relative freedom from serious mental illness constituted a reasonable probability that she would be able to consistently behave in accordance with the requirements of Rule 213.27-213.29 at 22 Texas Administrative Code, as well as minimum standards set by the Board's rules 217.11 at 22 TCA and generally accepted nursing standards. The best predictor of future behavior is past behavior. If due process determines the allegations false, past behavior will predict an excellent probability that Susie would consistently avoid behaviors identified by the Board as constituting unprofessional conduct. If due process confirms the allegations, the opposite will apply."
20. On January 5, 2004, Respondent completed a polygraph examination performed by Donald W. Ramsey, MA, Polygraph Examiner. The evaluation resulted in a finding of deception indicated. During Mr. Ramsey's post interview Respondent admitted that she had stolen some Demerol from the Hospitals at which she was employed. Respondent stated that she took the Demerol for her father to help ease his pain and never took it for herself.
21. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice professional nursing in the State of Texas.
22. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
23. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 301.452(b)(2), (9) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1), (3), (4), (18), (19), (20),(22), & (23).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 668745, heretofore issued to SUSIE ARGUELLO, including revocation of Respondent's professional license to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.452(b), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

IT IS THEREFORE AGREED and ORDERED, that the VOLUNTARY SURRENDER of License Number 668745, heretofore issued to SUSIE ARGUELLO to practice professional nursing in the State of Texas, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-size license, heretofore issued to SUSIE ARGUELLO, to the office of the Board of Nurse Examiners.
2. RESPONDENT SHALL NOT practice professional 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.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
4. 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 multistate licensure privilege, if any, to practice professional nursing in the State of Texas.

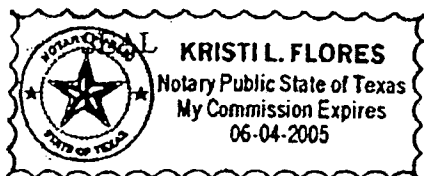
RESPONDENT'S CERTIFICATION

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 violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 26 day of March, 2004.

Susie Arguello
SUSIE ARGUELLO, Respondent

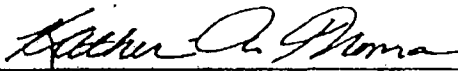
Sworn to and subscribed before me this 26 day of march, 2004.



Kristi L Flores
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of nursing License Number 668745, previously issued to SUSIE ARGUELLO.

Effective this 7th day of April, 2004.



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

I certify this to be a true copy of the records on file with the Board of Nurse Examiners for the State of Texas.

Date: 2-7-06

Signature: Beth May, Admin. Asst. II