



Texas Board of Nursing

1801 Congress Avenue, Ste. 10-200, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.texas.gov
Kristin K. Benton, DNP, RN
Executive Director



May 27, 2025

Certified Mail No. 9214 8901 9403 8300 0015 8364 95
Return Receipt Requested, Copy Via USPS First Class Mail

Rhonda Deshun Fuller
12611 Skyview Creek Ct
Houston, TX 77047

Dear Ms. Fuller:

Your Petition for Licensure Reinstatement and the supporting information related to your potential ineligibility for relicensure was considered by the Executive Director.

Pursuant to the Occupations Code §§301.257, 301.452, and 301.453, you have been found to be ineligible for reinstatement of licensure as a nurse in the State of Texas based upon the grounds discussed below. **This is a final determination of licensure reinstatement denial.**

Our records indicate the following:

- On January 12, 2021, the Board accepted the voluntary surrender of your license. A copy of the February 13, 2024, is attached to this letter. The voluntary surrender was based on the following findings:

On or about April 9, 2020, through June 26, 2020, you failed to comply with the Agreed Order issued to you on April 19, 2018, by the Texas Board of Nursing. Noncompliance is the result of your failure to comply with Section VI, "DRUG AND ALCOHOL RELATED REQUIREMENTS," Part A, of the Agreed Order which states, in pertinent part:

"... While under the terms of this Order, RESPONDENT SHALL abstain from the use of alcohol, tramadol and all controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. ..."

- On or about April 9, 2020, you produced a specimen for a random drug screen, which resulted positive for Ethyl Glucuronide (EtG) 1385 ng/ml and Ethyl Sulfate (EtS) 741 ng/ml metabolites of alcohol.
- On or about April 20, 2020, you produced a specimen for a random drug screen, which resulted positive for Ethyl Glucuronide (EtG) 856 ng/ml and Ethyl Sulfate (EtS) 176 ng/ml metabolites of alcohol.

Kathleen Shipp, MSN, APRN, FNP
Lubbock, *President*

Allison Porter-Edwards, DrPH, MS, RN, CNE, CDDN, FAAN
Bellaire, *Vice-President*

- C. On or about June 26, 2020, you produced a specimen for a random drug screen, which resulted positive for Ethyl Glucuronide (EtG) 1059 ng/ml and Ethyl Sulfate (EtS) 418 ng/ml metabolites of alcohol.

You are subject to denial of licensure for this conduct pursuant to the following subsections of the Occupations Code §301.452(b):

- §301.452(b)(12): "lack of fitness to practice because of a mental or physical health condition that could result in injury to a patient or the public;"

The Board also requires petitioners to demonstrate their ability to consistently conform to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice; to possess good professional character; and to pose no threat to the health and safety of patients and the public. The Board has adopted a rule, located at 22 Tex. Admin. Code §213.27, that sets forth the factors and disciplinary and eligibility policies and guidelines that must be used in evaluating good professional character in eligibility and disciplinary matters. Based upon the factors specified in §213.27, you have failed to provide sufficient evidence of good professional character required by §213.27.

The Board has also adopted a rule, located at 22 Tex. Admin. Code §213.29(d)(2), regarding "Substance Use Disorders and Abuse/Misuse of Alcohol or Drugs" related to fitness to practice, which states: "Individuals who have not been diagnosed, treated, or hospitalized for a substance use disorder, but have nonetheless exhibited behaviors raising concerns about the individual's ability to practice nursing with reasonable skill and safety due to the possession, misuse, or abuse of alcohol or drugs, prescribed or otherwise, including related criminal conduct, may be required to demonstrate sobriety and abstinence from drugs and alcohol for a minimum of twelve consecutive months, through verifiable and reliable evidence, in order to obtain or retain licensure. Verifiable and reliable evidence of sobriety and abstinence from drugs and alcohol may include evidence of the completion of inpatient, outpatient, or aftercare treatment, random drug screens, individual or group therapy, and/or support group attendance." You have failed to provide proof of sobriety in accordance with the requirements of 22 Tex. Admin. Code §213.29(d)(2).

Texas Occupations Code Chapter 301, as well as the Board's rules, 22 Tex. Admin. Code §213.27; §213.29-§213.33, and the Board's Disciplinary Sanction Policies are hereby incorporated by reference herein and may be located on the Board's website at www.bon.texas.gov.

You will not be allowed to petition for reinstatement until at least one (1) year from the date of this denial and until you have satisfied any conditions outlined in your order and any requirements required by law at the time of your application.

Due to this denial, you have the right to a public hearing before an Administrative Law Judge with the State Office of Administrative Hearings. Should you decide to appeal the decision to deny you licensure, please submit a written request for a public hearing, to the attention of Office of General Counsel, 1801 Congress Avenue, Suite 10-200, Austin, Texas, 78701. Your written request to appeal this decision must be received in our office within sixty (60) days of the date of this letter. Further, if this office receives information regarding additional criminal conduct or behavior that has not been previously disclosed to or discovered by this office, please be advised that evidence of such additional criminal conduct or behavior may be used against you during the public hearing in this matter to show that you lack the good professional character and other requirements for licensure.

Rhonda Deshun Fuller

May 27, 2025

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Further, should the decision to deny your licensure be upheld by the State Office of Administrative Hearings, you will be entitled to judicial review by filing an action in the district court of Travis County, Texas. A petition for such an action must be filed not later than the 30th day after the date the licensing authority's decision is final and appealable.

If you have any questions, please contact Enforcement at (512) 305-6838.

Sincerely,

Kristin K. Benton, DNP, RN

Kristin K. Benton, DNP, RN

Executive Director

KKB/242

J5(2025.03.24)



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
Vocational Nurse License Number 210532
issued to RHONDA DESHUN FULLER

§
§
§
§

AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of RHONDA DESHUN FULLER, Vocational Nurse License Number 210532, 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 December 8, 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 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.
4. Respondent received a Certificate in Vocational Nursing from Houston Community College, Houston, Texas, on August 1, 2006. Respondent was licensed to practice vocational nursing in the State of Texas on July 3, 2007.
5. Respondent's nursing employment history includes:

7/2007 – 8/2009	LVN	Memorial Hermana Hospital Houston, Texas
5/2009 – 11/2011	LVN	Telecare Corp. Houston, Texas

Respondent's nursing employment history continued:

8/2009 – 12/2014	LVN	University Place Houston, Texas
11/2012 – 9/2013	Staff Nurse	La Hacienda Rehabilitation Center Houston, Texas
1/2015 – 5/2015	Unknown	
6/2015 – Unknown	LVN	The Lakes at Texas City Texas City, Texas
10/2019 – 11/2020	LVN	Paradigm at Westbury Houston, Texas

6. On or about May 8, 2007, Respondent was issued an Eligibility Agreed Order through an Order of the Board. On or about January 5, 2010, Respondent successfully completed the terms of the Order. A copy of the May 8, 2007, Order is attached and incorporated herein by reference as part of this Agreed Order.
7. On or about August 19, 2014, Respondent was issued the sanction of Warning with Stipulations through an Order of the Board. A copy of the August 19, 2014, Order is attached and incorporated herein by reference as part of this Agreed Order.
8. On or about July 12, 2016, Respondent's license to practice nursing in the State of Texas was Suspended with the Suspension stayed and Respondent was placed on probation through an Order of the Board. A copy of the July 12, 2016, Order is attached and incorporated herein by reference as part of this Agreed Order.
9. On or about April 19, 2018, Respondent's license to practice nursing in the State of Texas was Suspended through an Opinion and Order of the Board. A copy of the April 19, 2018, Order is attached and incorporated herein by reference as part of this Agreed Order.
10. On or about April 9, 2020, through June 26, 2020, Respondent failed to comply with the Agreed Order issued to her on April 19, 2018, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to comply with Section VI, "DRUG AND ALCOHOL RELATED REQUIREMENTS," Part A, of the Agreed Order which states, in pertinent part: "... While under the terms of this Order, RESPONDENT SHALL abstain from the use of alcohol, tramadol and all controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. ..."
 - On or about April 9, 2020, Respondent produced a specimen for a random drug screen, which resulted positive for Ethyl Glucuronide (EtG) 1385 ng/ml and Ethyl Sulfate (EtS) 741 ng/ml metabolites of alcohol.

- On or about April 20, 2020, Respondent produced a specimen for a random drug screen, which resulted positive for Ethyl Glucuronide (EtG) 856 ng/ml and Ethyl Sulfate (EtS) 176 ng/ml metabolites of alcohol.
- On or about June 26, 2020, Respondent produced a specimen for a random drug screen, which resulted positive for Ethyl Glucuronide (EtG) 1059 ng/ml and Ethyl Sulfate (EtS) 418 ng/ml metabolites of alcohol.

11. Formal Charges were filed and Respondent's license was Temporarily Suspended on November 24, 2020.

12. Respondent by her signature expresses her desire to voluntarily surrender the licenses.

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(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 Vocational Nurse License Number 210532, heretofore issued to RHONDA DESHUN FULLER.
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

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational Nurse License Number 210532 is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself/himself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until:
 - A. At least one (1) year has elapsed from the date of this Order; and
 - B. RESPONDENT has 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.

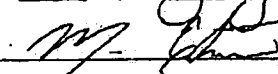
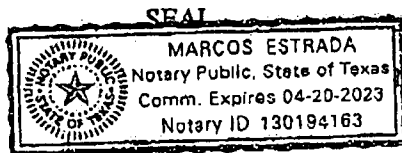
IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

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

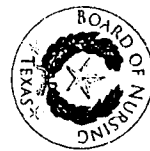
Signed this 12 day of January, 2021.
RHONDA DESHON FULLER, RESPONDENTSworn to and subscribed before me this 12 day of January, 2021.
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 12th day of January, 20 21, by RHONDA DESHUN FULLER, Vocational Nurse License Number 210532, and said Agreed Order is final.

Effective this 12th day of January, 20 21.



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.
Stephanie O'Hanrahan
Executive Director of the Board

DOCKET NUMBER 507-17-5604

IN THE MATTER OF
VOCATIONAL NURSE
LICENSE NUMBER 210532,
ISSUED TO
RHONDA D. FULLER

§ BEFORE THE STATE OFFICE
§
§ OF
§
§ ADMINISTRATIVE HEARINGS

OPINION AND ORDER OF THE BOARD

TO: RHONDA D. FULLER
C/O MARC MEYER

WILLIAM G. NEWCHURCH
ADMINISTRATIVE LAW JUDGE

At the regularly scheduled public meeting on April 19-20, 2018, the Texas Board of Nursing (Board) considered the following items: (1) the Proposal for Decision (PFD) regarding the above cited matter; (2) Staff's recommendation that the Board adopt the PFD; and (3) Respondent's recommendation to the Board regarding the PFD and order, if any.

The Board finds that after proper and timely notice was given, the above styled case was heard by an Administrative Law Judge (ALJ) who made and filed a PFD containing the ALJ's findings of facts and conclusions of law. The PFD was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein. No exceptions were filed by any party.

The Board, after review and due consideration of the PFD; Staff's recommendations; and the presentation by the Respondent during the open meeting, if any, adopts all of the findings of fact and conclusions of law of the ALJ contained in the PFD. All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

Recommendation for Sanction

Although the Board is not required to give presumptively binding effect to an ALJ's recommendation regarding sanctions in the same manner as with other findings of fact or

conclusions of law¹, the Board agrees with the ALJ that the most appropriate sanction in this matter is to suspend the Respondent's license until she is able to demonstrate twelve months of verifiable sobriety, to be followed by three years of probationary requirements, including a \$500 fine².

The ALJ found that the Respondent's conduct warrants a second tier, level II sanction, for her violations of §301.452(b)(1) and (10)³. For a second tier, sanction level II sanction for a violation of §301.452(b)(1), the Board's Disciplinary Matrix provides that an individual may be subject to the next higher sanction and an extension of the stipulations. For a second tier, sanction level II sanction for a violation of §301.452(b)(10), the Board's Disciplinary Matrix authorizes either an enforced or probated suspension or revocation of licensure.

The ALJ noted several aggravating and mitigating factors in this matter. First, the ALJ found that the Respondent's violation is a serious violation, especially since Respondent has been repeatedly subject to disciplinary action, as shown by her two prior Board orders⁴. The ALJ also found that the Respondent's violations show that her professional character is not ideal⁵. Because Respondent has repeatedly consumed alcohol after being ordered, and agreeing not to, the ALJ found that the Respondent is not completely trustworthy⁶. Further, while the Respondent mostly complied with the two prior agreed orders, they have not completely deterred her from violating the prohibition on her consumption of alcohol⁷.

The ALJ also noted, however, that the Respondent has practiced as a nurse for ten years⁸. There is one violation by the Respondent and no evidence that Respondent is

¹ Pursuant to Tex. Occ. Code. §301.459(a-1), although the Administrative Law Judge may make a recommendation regarding an appropriate action or sanction, the Board has the sole authority and discretion to determine the appropriate action or sanction.

² The ALJ also found that the requirements contained in Staff's Letter to the ALJ, dated October 10, 2017, should be imposed. The Board agrees with the ALJ's recommendations. See page 29 of the PFD.

³ See adopted Conclusion of Law Number 11.

⁴ See adopted Findings of Fact Numbers 13-14.

⁵ See adopted Finding of Fact Number 15.

⁶ See adopted Finding of Fact Number 16.

⁷ See adopted Finding of Fact Number 17.

⁸ See adopted Finding of Fact Number 10.

presently unfit to practice⁹. The ALJ also found that no patients, clients, or the public were actually harmed by the Respondent's violation and no actual damages resulted from the Respondent's violation¹⁰. Further, the Respondent does not pose a threat to the public safety¹¹.

After carefully reviewing and considering the aggravating and mitigating factors identified by the ALJ in this case, the Board has determined, pursuant to the Board's Disciplinary Matrix¹² and the Board's rules, including 22 Tex. Admin. Code §213.33, that the most appropriate sanction is an enforced suspension of the Respondent's license until she can demonstrate twelve months of verifiable sobriety, to be followed by a probationary period of three years, subject to the following probationary requirements, including a \$500 fine.

IT IS THEREFORE ORDERED, subject to ratification by the Texas Board of Nursing, that Vocational Nurse License Number 210532, previously issued to RHONDA D. FULLER, to practice nursing in Texas is hereby **SUSPENDED** and said suspension is **ENFORCED** until Respondent:

- A. Completes an appropriate treatment program approved by the Board;
- B. Provides documentation of successful completion; and
- C. Obtains twelve (12) consecutive months of sobriety, which may be demonstrated by monthly urine drug screens consistent with the "DRUG AND ALCOHOL RELATED REQUIREMENTS" of this Order.

Any relapse prior to the completion of the required twelve (12) consecutive months of sobriety will result in revocation or, at a minimum, an extension of the enforced suspension until such twelve (12) consecutive months of sobriety and additional treatment have been attained.

IT IS FURTHER ORDERED, upon verification of successful completion of the above requirements, the Suspension will be **STAYED**, and RESPONDENT will be placed on **PROBATION** for a minimum of three (3) years **AND** until Respondent fulfills the requirements of this Order.

- D. RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be

⁹ See adopted Findings of Fact Numbers 11 and 12.

¹⁰ See *id.*

¹¹ See *id.*

¹² 22 Tex. Admin. Code §213.33(b).

updated to reflect the applicable conditions outlined herein.

- E. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- F. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- G. As a result of this Order, Respondent's license(s) will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state.

I. COMPLIANCE WITH LAW

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

II. 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.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education courses within one (1) year of the suspension being stayed, unless otherwise specifically indicated:

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

- 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.*

IV. MONETARY FINE

RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00) within forty-five (45) days of the suspension being stayed. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

V. 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 twelve (12) quarterly periods [three (3) years] of employment. This requirement will not be satisfied until twelve (12) 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. **Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on 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. **No Night or Rotating Shifts, Overtime, or On-Call:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which Respondent is regularly assigned.
- E. **No Critical Care:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL NOT practice as a nurse in any critical care area. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.
- F. **No Administration of Controlled Medications:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, Propofol, or other synthetic opiates.
- G. **Indirect Supervision:** For the remainder of the probation period, 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 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.

- H. **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 nurse who supervises the RESPONDENT and these reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month quarterly period for twelve (12) quarters [three (3) years] of employment as a nurse.

VI.

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 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 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
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, **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.

VII. SUPERCEDING ORDER

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

VIII. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against the 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.

IX. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and, 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.

Entered this 19th day of April, 2018.

TEXAS BOARD OF NURSING


KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR FOR THE BOARD

Attachment: Proposal for Decision; Docket No. 507-17-5604 (November 29, 2017).

State Office of Administrative Hearings



Lesli G. Ginn
Chief Administrative Law Judge

November 29, 2017

Katherine A. Thomas, M.N., R.N.
Executive Director
Texas Board of Nursing
[REDACTED]

VIA INTERAGENCY

RE: Docket No. 507-17-5604; Texas Board of Nursing v. Rhonda D. Fuller

Dear Ms. Thomas:

Please find enclosed a Proposal for Decision in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 Tex. Admin. Code § 155.507(c), a SOAH rule which may be found at www.soah.texas.gov.

William G. Newchurch
Administrative Law Judge

WGN/dk
Enclosures

xc: John Vanderford, Assistant General Counsel, Texas Board of Nursing, 333 Guadalupe, Tower III, Ste. 460, Austin, TX 78701 – **VIA INTERAGENCY**
Kathy A. Hoffman, Legal Assistant Supervisor, Texas Board of Nursing, 333 Guadalupe, Tower III, Ste. 460, Austin, TX 78701 – **VIA INTERAGENCY**
Marc M. Meyer, 33300 Egypt Lane, Ste. C600, Magnolia, TX 77354-2878 – **VIA REGULAR MAIL**

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www.soah.texas.gov

SOAH DOCKET NO. 507-17-5604

TEXAS BOARD OF NURSING,	§	BEFORE THE STATE OFFICE
Petitioner	§	
	§	
v.	§	OF
	§	
RHONDA DESHUN FULLER,	§	
Respondent	§	ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

The staff (Staff) of the Texas Board of Nursing (Board) alleges that Rhonda Deshun Fuller (Respondent) has violated a Board order prohibiting her consumption of alcohol. For the alleged violation, Staff proposes that the Board assess a \$500 administrative penalty and impose an enforced suspension of Respondent's license until Respondent obtains one year of sobriety, followed by a probated suspension of her license for three years, a ban on Respondent's consumption of alcohol and non-prescribed medications during the term of the order, periodic testing to determine if she is complying with the ban, and other requirements.

Respondent admits that she consumed alcohol in violation of a Board order. However, she contends that the sanction proposed by Staff is unduly harsh, particularly the proposed ban on her consumption of alcohol and the alcohol testing requirements.

The Administrative Law Judge (ALJ) finds that Respondent committed the alleged violation and recommends that the Board sanction Respondent as proposed by Staff.

I. NOTICE AND JURISDICTION

Respondent does not dispute that she received the required notice of hearing and that the Board and the State Office of Administrative Hearings (SOAH) have jurisdiction over this matter. Notice and jurisdiction are addressed in the findings of fact and conclusions of law without further discussion here.

On October 10, 2017, SOAH ALJ William G. Newchurch held a hearing on the merits in this matter at SOAH in Austin, Texas. Staff appeared for the hearing and was represented by John Vanderford, attorney. Respondent appeared and was represented by Marc M. Meyer, attorney. The record was closed on the same day after Staff filed proposed language for the final order.

II. APPLICABLE LAW

The Board regulates nurses under the Nursing Practices Act.¹ Texas Occupations Code § 301.452(b) provides:

A person is subject to denial of a license or to disciplinary action under this subchapter for:

- (1) a violation of this chapter, a rule or regulation not inconsistent with this chapter, or an order issued under this chapter;
- ...
- (10) unprofessional or dishonorable conduct that, in the board's opinion, is likely to deceive, defraud, or injure a patient or the public[.]

22 Texas Administrative Code § 217.12(11)(B) provides:

The unprofessional conduct rules are intended to protect clients and the public from incompetent, unethical, or illegal conduct of licensees. The purpose of these rules is to identify unprofessional or dishonorable behaviors of a nurse which the board believes are likely to deceive, defraud, or injure clients or the public. Actual injury to a client need not be established. These behaviors include but are not limited to:

- (11) Unlawful Practice—actions or conduct that include, but are not limited to:

¹ Tex. Occ. Code ch. 301.

...

(B) Violating an order of the board[.]

Also, the Board may impose an administrative penalty on a person licensed or regulated under the Nursing Practices Act who violates the act or a rule or order adopted under the act.² The amount of the administrative penalty may not exceed \$5,000 for each violation, and each day a violation occurs or continues is a separate violation for purposes of imposing a penalty.³ The amount of the penalty shall be based on:

- (1) the seriousness of the violation, including:
 - (A) the nature, circumstances, extent, and gravity of any prohibited acts; and
 - (B) the hazard or potential hazard created to the health, safety, or economic welfare of the public;
- (2) the economic harm to property or the environment caused by the violation;
- (3) the history of previous violations;
- (4) the amount necessary to deter a future violation;
- (5) efforts made to correct the violation; and
- (6) any other matter that justice may require.⁴

In its rules, the Board includes a Disciplinary Matrix (Matrix) to be used in disciplinary matters.⁵ The Matrix categorizes "[f]ailure to comply with a substantive requirement in a prior Board order," sanctionable under Texas Occupations Code

² Tex. Occ. Code § 301.501.

³ Tex. Occ. Code § 301.502(a).

⁴ Tex. Occ. Code § 301.502(b).

⁵ 22 Tex. Admin. Code § 213.33(a)-(b).

§ 301.452(b)(1), as a "Second Tier Offense."⁶ It also states that "[s]ubstantive requirements are those stipulations in a Board Order designed to remediate, verify, or monitor the competency issue raised by the documented violation."⁷

The Matrix provides two sanction levels for violations sanctionable under § 301.452(b)(1). Sanction Level II is "Denial of Licensure, Suspension, Revocation, or Voluntary Surrender."⁸ Sanction Level I is a "[r]equirement to complete conditions of original Board order and a fine of \$500.00 or more for each additional violation."⁹ The rule for Sanction Level I specifically provides:

Violations of stipulations that are related to a substance use disorder and/or alcohol or drug abuse/misuse will result in next higher administrative sanction (ex: a violation of a Board approved Peer Assistance Order may result in an Enforced Suspension until the nurse receives treatment and obtains one (1) year of sobriety and then probation of the license with a fine and drug stipulations for three (3) years).¹⁰

Also, the Board's rules list factors to be considered "when determining the appropriate penalty/sanction in disciplinary . . . matters."¹¹

III. EVIDENCE

Respondent is licensed by the Board as a vocational nurse under license number 210532.¹² She was first licensed on July 3, 2007.¹³ She testified that she currently works at Mission Care Center in Houston, Texas.

⁶ 22 Tex. Admin. Code § 213.33(b) (Matrix at 3).

⁷ 22 Tex. Admin. Code § 213.33(b) (Matrix at 3).

⁸ 22 Tex. Admin. Code § 213.33(b) (Matrix at 3).

⁹ 22 Tex. Admin. Code § 213.33(b) (Matrix at 3).

¹⁰ 22 Tex. Admin. Code § 213.33(b) (Matrix at 3).

¹¹ 22 Tex. Admin. Code § 213.33(c).

¹² State's Ex. 1 at 1.

On August 19, 2014, in a prior case, the Board issued an agreed order (Agreed Order 1) to Respondent after concluding that she had violated certain Board rules.¹⁴ Pursuant to Agreed Order 1, she had twice signed out hydrocodone, morphine, and other medications for several patients and failed to accurately and completely document the administration of the medications to the patients; failed to comply with the facility's policy and procedure for wastage of the unused portions of the medications; and failed to take precautions to prevent the misappropriation of the medications.¹⁵

Respondent testified that her violations underlying Agreed Order 1 concerned only documentation errors and not her use of alcohol or controlled substances. Mary Terry Wylie, R.N., testified that she had worked with Respondent for six months at Mission Care, has stayed friends with Respondent, and has never seen Respondent impaired by drugs or alcohol. It was not clear from Ms. Wylie's testimony when she worked with Respondent.

In pertinent part, Agreed Order 1 stated: "RESPONDENT SHALL abstain from the consumption of alcohol [and certain medications.]"¹⁶ Respondent did not comply with Agreed Order 1's prohibition of her consumption of alcohol. On or about both February 22 and June 22, 2016, she tested positive for Ethyl Glucuronide and Ethyl Sulfate, which are metabolites of alcohol, in violation of Agreed Order 1.¹⁷

On July 12, 2016, in a second prior case, the Board issued another agreed order (Agreed Order 2) to Respondent.¹⁸ Agreed Order 2 imposed additional discipline on Respondent, and stated in pertinent parts:

¹³ State's Ex. 1 at 1.

¹⁴ State's Ex. 6.

¹⁵ State's Ex. 6 at 2-3.

¹⁶ State's Ex. 6 at 7.

¹⁷ State's Ex. 7 at 2-3.

¹⁸ State's Ex. 7.

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED . . . that Vocational Nurse License Number 210532, previously issued to [Respondent], to practice nursing in Texas is hereby **SUSPENDED** with the suspension **STAYED** and Respondent is hereby placed on **PROBATION**, in accordance with the terms of this Order, for a minimum of two (2) years **AND** until Respondent fulfills the requirements of this Order.¹⁹

...

III. SUPERCEDING ORDER

IT IS FURTHER AGREED and ORDERED that the sanction and conditions of this order **SHALL** supercede all previous stipulations required by an order entered by the [Board].²⁰

...

V. DRUG AND ALCOHOL RELATED REQUIREMENTS

A. While under the terms of this Order, RESPONDENT SHALL abstain from the use of alcohol, tramadol and all controlled substances[.]²¹

As with Agreed Order 1, Respondent did not comply with Agreed Order 2's prohibition of her consumption of alcohol, and that noncompliance is the subject of this case. On July 27, 2017, as required by Agreed Order 2, Respondent submitted to a random drug screen, which resulted positive for Ethyl Glucuronide and Ethyl Sulfate.²² There is no evidence that Respondent otherwise failed to comply with Agreed Order 2.

Respondent testified and admitted that she drank alcohol in July 2017.²³ She testified that she hosted a large party to celebrate the end of what she believed was the period during

¹⁹ Staff Ex. 7 at 4 (emphasis in original).

²⁰ Staff Ex. 7 at 5 (emphasis in original).

²¹ State's Ex. 7 at 6-7 (emphasis in original).

²² State's Ex. 8 at 5.

²³ Respondent stated that she consumed alcohol on July 27, 2017, but she may have misstated the date. July 27, 2017, was also the date she gave the sample containing metabolites of alcohol. State's Ex. 8 at 5, 7.

which her consumption of alcohol was prohibited. She stated that she drank chardonnay wine at that party. However, the term of Agreed Order 2 was for two years,²⁴ meaning its ban on Respondent's consumption of alcohol will not end until July 12, 2018, a year after she consumed alcohol.

Respondent admitted that she knew that Agreed Order 2 prohibited her consumption of alcohol for two years, but claimed that she had misunderstood when that prohibition ended. She claimed she had complied for one year with Agreed Order 1's prohibition and for a second year with Agreed Order 2's prohibition. She testified that she believed those two years of interrupted compliance satisfied the two-year prohibition under Agreed Order 2. Thus, Respondent testified that she believed it was permissible for her to consume alcohol one year after Agreed Order 2 was issued on July 12, 2016.

When questioned by Staff's counsel at the hearing, Respondent could point to nothing in Agreed Order 2 that supported her conclusion that it gave her credit for her prior abstinence from alcohol. Though Respondent contended that she did not intend to, Respondent conceded that she had violated Agreed Order 2.

Based on the above facts, Staff initiated this third enforcement action against Respondent on August 2, 2017, and sent her a letter alleging that she had violated Agreed Order 2's prohibition on her consumption of alcohol.²⁵ On August 11, 2017, Staff filed and mailed to Respondent formal charges alleging that she had consumed alcohol in violation of Agreed Order 2 and 22 Texas Administrative Code § 217.12(11)(B).²⁶ Also on August 11, 2017, the Board issued an order temporarily suspending Respondent's license, which the ALJ upheld

²⁴ Staff Ex. 7 at 4 (emphasis in original).

²⁵ State's Ex. 2.

²⁶ State's Ex. 3 at 1-2.

following a probable cause hearing.²⁷ On September 15, 2017, Staff sent to Respondent, through her attorney of record, a notice of final hearing to be held on October 10, 2017.²⁸

IV. VIOLATION

The ALJ concludes that Respondent violated Agreed Order 2 as alleged by Staff. On July 12, 2016, Agreed Order 2 was issued for a two-year term, required Respondent to abstain from the use of alcohol, and superceded all previous stipulations required by an order entered by the Board.²⁹ Respondent consumed alcohol before two years had passed after Agreed Order 2 was issued, as shown by the sample she gave on July 27, 2017,³⁰ and her own admission at the hearing.

V. SANCTION

Staff proposes a 12-month enforced suspension of Respondent's license until she completes an appropriate treatment program approved by the Board, provides documentation of successful completion of that program, and obtains 12 consecutive months of sobriety, demonstrated by monthly urine drug screens. Following that, the suspension would be stayed and Respondent would be placed on probation for a minimum of three years and until Respondent fulfills other requirements.³¹ Staff also proposes a \$500 administrative penalty.³²

Respondent concedes she will be sanctioned. However, she asks that she not be required to abstain from alcohol and comply with testing to determine if she has consumed alcohol. Respondent argues that Agreed Order 1 only concerned her failure to document her handling of

²⁷ Order No. 1 (Aug. 29, 2017); Order No. 2 (Sept. 11, 2017) (both officially noticed).

²⁸ State's Ex. 4.

²⁹ State's Ex. 7 at 4, 6-7.

³⁰ State's Ex. 8 at 5.

³¹ Staff set out the other requirements in a letter to the ALJ on Oct. 10, 2017.

³² *Id.*

medications, she has never had a problem with consumption of drugs or alcohol, and the ban on her consumption of alcohol and the testing requirements are unduly onerous.

The ALJ concludes that Respondent should be sanctioned as proposed by Staff. Respondent's violation subjects her to an administrative penalty of up to \$5,000 under Texas Occupations Code §§ 301.501-.502. Also, Respondent's violation is sanctionable under Texas Occupations Code § 301.452(b)(1) and (10), and the Matrix classifies it as a Second Tier Offense. Agreed Order 1 was issued due to Respondent's violations involving hydrocodone, morphine, and other medications. Under those circumstances and even if there was no evidence that she had previously abused drugs and alcohol, prohibiting and monitoring her for consumption of them would have been reasonable to verify that she was not abusing them and remained competent to practice nursing. Accordingly, Agreed Order 2's ban on her consumption of alcohol was a substantive requirement of the order, making her violation of the ban a Second Tier Offense.

Also, Respondent's Second Tier Offense should be sanctioned under Sanction Level II. Under the Matrix, violations of stipulations that are related to alcohol abuse/misuse will result in sanctions higher than Sanction Level I, meaning either suspension or revocation under Sanction Level II.³³ Staff proposes the same sanction given in the Matrix as an example of such a next-higher-level sanction: "[e]nforced [s]uspension until the nurse receives treatment and obtains one (1) year of sobriety and then probation of the license with a fine and drug stipulations for three (3) years."³⁴ Also, the Matrix specifies "a fine of \$500 or more for each additional violation."³⁵

In determining the appropriate level of discipline, other disciplinary factors must be considered.³⁶ Respondent has practiced nursing for over ten years, since July 3, 2007. This case

³³ 22 Tex. Admin. Code § 213.33(b) (Matrix at 3).

³⁴ 22 Tex. Admin. Code § 213.33(b) (Matrix at 3).

³⁵ 22 Tex. Admin. Code § 213.33(b) (Matrix at 3).

³⁶ Tex. Occ. Code § 301.502(b); 22 Tex. Admin. Code § 213.33(c).

concerns one violation by Respondent for engaging in unprofessional conduct by violating a Board order. There is no evidence that (1) Respondent is presently unfit to practice; (2) patients, clients, or the public were actually harmed by her violation; (3) she made misrepresentations; (4) actual damages resulted from her violation; (5) system dynamics contributed to her violation; (6) Respondent poses a threat to the public safety; (7) Respondent has been untruthful; or (8) Respondent has not complied with continuing education requirements.

However, violating a Board order is a serious violation, especially an order to which Respondent agreed. Respondent has been repeatedly subjected to disciplinary actions, as shown by Agreed Orders 1 and 2, which mar her practice history. Respondent's repeated violations also show her professional character is not ideal. Because Respondent has repeatedly consumed alcohol after being ordered and agreeing not to, Respondent is not completely trustworthy. While Respondent has mostly complied with the prior agreed orders, they have not completely deterred her from violating the prohibition on her consumption of alcohol, which suggests a more severe sanction is warranted. There is no evidence of other mitigating or aggravating circumstances, or that justice requires consideration of other factors in sanctioning Respondent.

The ALJ does not conclude that these factors show that a sanction less than that proposed by Staff is appropriate. Instead, the ALJ recommends the sanction proposed by Staff.

VI. FINDINGS OF FACT

1. Rhonda Deshun Fuller (Respondent) is licensed by the Texas Board of Nursing (Board) as a vocational nurse under license number 210532. She was first licensed on July 3, 2007.
2. Respondent currently works at Mission Care Center in Houston, Texas.
3. On August 19, 2014, the Board issued an agreed order (Agreed Order 1) to Respondent after concluding that she had violated certain Board rules. She twice signed out hydrocodone, morphine, and other medications for several patients and failed to accurately and completely document the administration of the medications to the patients; failed to comply with the facility's policy and procedure for wastage of the unused portions of the medications; and failed to take precautions to prevent the misappropriation of the medications.

4. In pertinent part, Agreed Order 1 stated: "RESPONDENT SHALL abstain from the consumption of alcohol [and certain medications.]"
5. On or about both February 22 and June 22, 2016, Respondent tested positive for Ethyl Glucuronide and Ethyl Sulfate, which are metabolites of alcohol, in violation of Agreed Order 1.
6. On July 12, 2016, the Board issued another agreed order (Agreed Order 2) to Respondent. Agreed Order 2 imposed additional discipline on Respondent and stated in pertinent parts:

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED . . . that Vocational Nurse License Number 210532, previously issued to [Respondent], to practice nursing in Texas is hereby **SUSPENDED** with the suspension **STAYED** and Respondent is hereby placed on **PROBATION**, in accordance with the terms of this Order, for a minimum of two (2) years **AND** until Respondent fulfills the requirements of this Order.

...

III. SUPERCEDING ORDER

IT IS FURTHER AGREED and ORDERED that the sanction and conditions of this order SHALL supercede all previous stipulations required by an order entered by the [Board].

...

V. DRUG AND ALCOHOL RELATED REQUIREMENTS

A. While under the terms of this Order, RESPONDENT SHALL abstain from the use of alcohol, tramadol and all controlled substances[.]

7. The term of Agreed Order 2 was for two years, meaning its ban on Respondent's consumption of alcohol will not end until July 12, 2018.
8. On July 27, 2017, as required by Agreed Order 2, Respondent submitted to a random drug screen which resulted positive for Ethyl Glucuronide and Ethyl Sulfate.
9. Respondent drank wine containing alcohol at a party she hosted in July 2017.
10. Respondent has practiced nursing for over ten years, since July 3, 2007.

11. This case concerns one violation by Respondent for engaging in unprofessional conduct by violating a Board order.
12. There is no evidence that (1) Respondent is presently unfit to practice; (2) patients, clients, or the public were actually or potentially harmed by her violation; (3) she made misrepresentations; (4) actual damages resulted from her violation; (5) system dynamics contributed to her violation; (6) Respondent poses a threat to the public safety; (7) Respondent has been untruthful; or (8) Respondent has not complied with continuing education requirements.
13. Violating a Board order is a serious violation, especially an order to which Respondent agreed.
14. Respondent has been repeatedly subjected to disciplinary actions, as shown by Agreed Orders 1 and 2, which mar her practice history.
15. Respondent's repeated violations show that her professional character is less than ideal.
16. Because Respondent has repeatedly consumed alcohol after being ordered and agreeing not to, Respondent is not completely trustworthy.
17. While Respondent has mostly complied with the prior agreed orders, they have not completely deterred her from violating the prohibition on her consumption of alcohol, which suggests a more severe sanction is warranted.
18. There is no evidence of other mitigating or aggravating circumstances, or that justice requires consideration of other factors in sanctioning Respondent.
19. Based on the above, the staff (Staff) of the Board initiated an enforcement action against Respondent on August 2, 2017, and sent her a letter alleging that she had violated Agreed Order 2's prohibition on her consumption of alcohol.
20. On August 11, 2017, Staff filed and mailed to Respondent formal charges alleging that she had consumed alcohol in violation of Agreed Order 2 and 22 Texas Administrative Code § 217.12(11)(B). Staff asked the Board to discipline Respondent under Texas Occupations Code § 301.452(b)(1) and (10) for that violation.
21. Also on August 11, 2017, the Board issued an order temporarily suspending Respondent's license, which State Office of Administrative Hearings (SOAH) Administrative Law Judge (ALJ) William G. Newchurch upheld following a probable cause hearing.
22. On September 15, 2017, Staff sent to Respondent, through her attorney of record, a notice of final hearing on October 10, 2017. The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction

under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the factual matters asserted.

23. On October 10, 2017, ALJ William G. Newchurch held a hearing on the merits of this matter at SOAH in Austin, Texas. The record was closed on the same day after Staff filed proposed language for the final order in this case.
24. Staff appeared for the hearing and was represented by John Vanderford, attorney.
25. Respondent appeared for the hearing and was represented by Marc M. Meyer, attorney.

VII. CONCLUSIONS OF LAW


1. The Board has jurisdiction over this matter. Tex. Occ. Code ch. 301.
2. SOAH has jurisdiction over the hearing in this proceeding, including the authority to issue a proposal for decision with proposed findings of fact and conclusions of law. Tex. Gov't Code ch. 2003; Tex. Occ. Code § 301.454.
3. Notice of the hearing on the merits was provided as required. Tex. Occ. Code § 301.454; Tex. Gov't Code §§ 2001.051-.052.
4. Staff had the burden of proof by a preponderance of the evidence. 1 Tex. Admin. Code § 155.427.
5. Respondent violated Agreed Order 2.
6. Respondent is subject to an administrative penalty of up to \$5,000 for her violation of Agreed Order 2. Tex. Occ. Code §§ 301.501-.502.
7. Respondent engaged in unprofessional conduct by violating Agreed Order 2. 22 Texas Administrative Code § 217.12(11)(B).
8. Respondent is subject to disciplinary action for her violation of Agreed Order 2. Tex. Occ. Code § 301.452(b)(1), (10).
9. The Board has adopted a Disciplinary Matrix (Matrix) for use in determining appropriate disciplinary actions. 22 Tex. Admin. Code § 213.33(b).
10. The Matrix classifies each violation by tier, according to the gravity of the offense, and by sanction level, based on aggravating and mitigating factors.

11. Under the Matrix, Respondent's violation of the agreed order is disciplinable under Texas Occupations Code § 301.452(b)(1) and (10) as a Second Tier Offense to which Sanction Level II applies.
12. The Board is required to consider several factors in conjunction with the Matrix when determining the appropriate sanction in disciplinary matters. 22 Tex. Admin. Code § 213.33(c).

VIII. RECOMMENDATION

Based on the above, the ALJ recommends that the Board levy a \$500 administrative penalty against Respondent, enforce suspension of her license until she obtains one year of sobriety, then probate suspension of her license for three years, ban her consumption of alcohol and non-prescribed medications during the term of the order, require periodic testing to determine if she is complying with the ban, and impose other requirements as set out in Staff's letter to the ALJ on October 10, 2017.

SIGNED November 29, 2017.



WILLIAM G. NEWCHURCH
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS



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
Vocational Nurse License Number 210532 §
issued to RHONDA DESHUN FULLER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of RHONDA DESHUN FULLER, Vocational Nurse License Number 210532, 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 Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on July 11, 2016.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing and agreed to the entry of this Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Houston Community College, Houston, Texas, on August 1, 2006. Respondent was licensed to practice vocational nursing in the State of Texas on July 3, 2007.
5. Respondent's nursing employment history includes:

03/2006 - 08/2009

GVN

Memorial Hermana Hospital
Houston, Texas

Respondent's nursing employment history continued:

05/2009 - 11/2011	LVN	Telecare Corp. Houston, Texas
08/2009 - 12/2014	LVN	University Place Houston, Texas
11/2012 - 09/2013	Staff Nurse	La Hacienda Rehabilitation Center Houston, Texas
01/2015 - 05/2015	Unknown	
06/2015 - Present	LVN	The Lakes at Texas City Texas City, Texas

6. On or about May 8, 2007, Respondent was issued an Order of Conditional Eligibility by the Texas Board of Nursing. Respondent successfully completed the terms of the Order on January 5, 2010. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated May 8, 2007, is attached and incorporated, by reference, as part of this Order.
7. On or about August 19, 2014, Respondent was issued a Warning with Stipulations Agreed Order by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated August 19, 2014, is attached and incorporated, by reference, as part of this Order.
8. On or about February 22, 2016, while employed as a Licensed Vocational Nurse with The Lakes at Texas City, Texas City, Texas, Respondent became noncompliant with the Agreed Order issued to her by the Texas Board of Nursing on August 19, 2014. Noncompliance is the result of her failure to abstain from the use of alcohol, in that she produced a specimen for a random drug screen, which resulted positive for Ethyl Glucuronide (EtG) and Ethyl Sulfate (EtS), which are metabolites of alcohol (ethanol). Stipulation Number Eight (8) of the Agreed Order, dated August 19, 2014, states, in pertinent part:

"(8) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose."
9. On or about June 22, 2016, while employed as a Licensed Vocational Nurse with The Lakes at Texas City, Texas City, Texas, Respondent became noncompliant with the Agreed Order issued to her by the Texas Board of Nursing on August 19, 2014. Noncompliance is the result of her failure to abstain from the use of alcohol, in that she produced a specimen for

a random drug screen, which resulted positive for Ethyl Glucuronide (EtG) and Ethyl Sulfate (EtS), which are metabolites of alcohol (ethanol). Stipulation Number Eight (8) of the Agreed Order, dated August 19, 2014, states, in pertinent part:

"(8) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose."

10. In response to Findings of Fact Number Eight (8), through Nine (9), Respondent states during this particular testing period she used hand sanitizers, mouth wash, and rubbing alcohol for bath, oral hygiene, and facial cleaning due to no running water as a result of her household hardship. Respondent states on June 21, 2016, a family member passed away and there was a wake. Respondent states she found out that a close friend baked a lemon drop cake with one of the ingredients used being vodka for the family as a kind gesture and sympathy. Respondent states the day before testing she consumed pieces of that cake.
11. 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.
12. Formal Charges were filed on June 28, 2016.
13. Formal Charges were mailed to Respondent on June 29, 2016.
14. On or about October 6, 2015, Respondent successfully completed a Board approved class in Jurisprudence and Ethics, which would have been a requirement of this Order.
15. On or about October 15, 2015, Respondent successfully completed a Board approved class in Nursing Documentation, which would have been a requirement of this Order.
16. On or about November 6, 2015, Respondent successfully completed a Board approved class in Sharpening Critical Thinking Skills, which would have been a requirement of this Order.

CONCLUSIONS OF LAW

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

§217.12(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 Vocational Nurse License Number 210532, heretofore issued to RHONDA DESHUN FULLER, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Vocational Nurse License Number 210532, previously issued to RHONDA DESHUN FULLER, to practice nursing in Texas is hereby **SUSPENDED** with the suspension **STAYED** and Respondent is hereby placed on **PROBATION**, in accordance with the terms of this Order, for a minimum of two (2) years **AND** until Respondent fulfills the 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. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

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 Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Order.

III. SUPERCEDING ORDER

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

IV. 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 twelve (12) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until twelve (12) quarterly periods of employment as a nurse have elapsed. Any quarterly period without continuous employment with the same employer for all three (3) months will not count towards completion of this requirement. 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. **Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on 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. **Indirect Supervision:** For the remainder of the probation period, 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 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.
- E. **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 nurse who supervises the RESPONDENT and these reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month quarterly period for twelve (12) quarters [two (2) years] of employment as a nurse.

V. DRUG AND ALCOHOL RELATED REQUIREMENTS

- A. While under the terms of this Order, RESPONDENT SHALL abstain from the use of alcohol, tramadol 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 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, tramadol, and 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, random screens shall be performed at least once every three (3) month quarterly period.

All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board. 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 at least the following substances and their metabolites:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene

tramadol hydrochloride (Ultram)

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.

VI. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against the 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..

VII. RESTORATION OF UNENCUMBERED LICENSE(S)

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

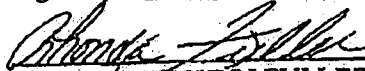
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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. 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 when this Order becomes final and the terms of this Order become effective, 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) to practice nursing in the State of Texas, as a consequence of my noncompliance.

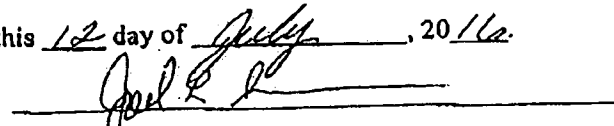
Signed this 12 day of July, 2016.



RHONDA DESHUN FULLER, Respondent

Sworn to and subscribed before me this 12 day of July, 2016.

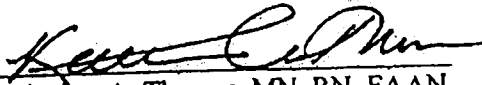
SEAL


Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 12th day of July, 2016, by RHONDA DESHUN FULLER, Vocational Nurse License Number 210532, and said Order is final.

Effective this 12th day of July, 2016.


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

BEFORE THE TEXAS BOARD OF NURSING



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 office of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

In the Matter of	§	AGREED
Vocational Nurse License Number 210532	§	
issued to RHONDA DESHUN FULLER	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of RHONDA DESHUN FULLER, Vocational Nurse License Number 210532, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13) and 301.453, Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on April 28, 2014, subject to ratification by the Board.

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 representation by counsel, informal proceedings, 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 of Vocational Nursing from Houston Community College, Houston, Texas, on August 1, 2006. Respondent was licensed to practice vocational nursing in the State of Texas on July 3, 2007.
5. Respondent's nursing employment history includes:

7/2007-10/2012

Unknown

11/2012-9/2013

Staff Nurse

La Hacienda Rehabilitation & Healthcare Center
Houston, Texas

Respondent's nursing employment history continued:

10/2013-Present

Unknown

6. On May 8, 2007, Respondent was issued an Order of Conditional Eligibility by the Board of Nurse Examiners for the State of Texas. A copy of the May 8, 2007, Order of Conditional Eligibility is attached and incorporated by reference as part of this order.
7. At the time of the initial incident, Respondent was employed as a Staff Nurse with La Hacienda Rehabilitation & Healthcare Center, Houston, Texas, and had been in this position for eight (8) months.
8. On or about August 28, 2013, while employed as a Staff Nurse with La Hacienda Rehabilitation & Healthcare Center, Houston, Texas, Respondent signed Hydrocodone tablets on the Controlled Drug Record for Patient C.C., who had been discharged from the facility three days prior. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
9. On or about August 28, 2013, through August 29, 2013, while employed as a Staff Nurse with La Hacienda Rehabilitation & Healthcare Center, Houston, Texas, Respondent signed out two (2) Hydrocodone 10/325 tablets, two (2) Hydrocodone 7.5/325 tablets, eight (8) Hydrocodone 5/325 tablets, one (1) Zolpidem 5mg, two (2) Lorazepam 1mg tablets, one (1) Temazepam 15mg tablet, one (1) Temazepam 7.5mg tablet, one (1) Hydromorphone 2mg tablet, one (1) Alprazolam 0.5mg tablet, and one (1) Morphine 15mg tablet on the Controlled Drug Record for patients C.C., A.S., R.R., G.G., T.J., C.W., G.D., D.W., S.B., T.B., J.G., and M.B., but failed to accurately and completely document the administration of the medications in the patients' Medication Administration Records (MAR) and/or Nurse's Notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patients, which could result in an overdose. Additionally, Respondent's conduct placed the hospital in violation of Chapter 483 (Dangerous Drugs Act) of the Texas Health and Safety Code.
10. On or about August 28, 2013, through August 29, 2013, while employed as a Staff Nurse with La Hacienda Rehabilitation & Healthcare Center, Houston, Texas, Respondent signed out two (2) Hydrocodone 10/325 tablets, two (2) Hydrocodone 7.5/325 tablets, eight (8) Hydrocodone 5/325 tablets, one (1) Zolpidem 5mg, two (2) Lorazepam 1mg tablets, one (1) Temazepam 15mg tablet, one (1) Temazepam 7.5mg tablet, one (1) Hydromorphone 2mg tablet, one (1) Alprazolam 0.5mg tablet, and one (1) Morphine 15mg tablet on the Controlled Drug Record for patients C.C., A.S., R.R., G.G., T.J., C.W., G.D., D.W., S.B., T.B., J.G., and M.B., but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications. Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy, and placed the pharmacy in violation of Chapter 483 (Dangerous Drugs Act) of the Texas Health and Safety Code.

11. On or about August 28, 2013, through August 29, 2013, while employed as a Staff Nurse with La Hacienda Rehabilitation & Healthcare Center, Houston, Texas, Respondent signed out Hydrocodone, Zolpidem, Lorazepam, Temazepam, Hydromorphone, Alprazolam, and Morphine, and failed to take precautions to prevent the misappropriation of the medications from the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.
12. In response to Findings of Fact Numbers Eight (8) through Eleven (11), Respondent states that due to time constraints, she was unable to document the medications on the medication administration record for each patient. Respondent states that she was able to document the as-needed and scheduled narcotic medications on the controlled drug record, and since future caregivers would have to check there before administering medication, then the patients were not in any danger of medication overdose. Respondent adds that she was contacted by the Director of Nursing to complete the documentation but when she returned to the facility, the unit manager informed her that she was not allowed in the building and was asked to leave the premises.
13. Formal Charges were filed on February 20, 2014.
14. Formal Charges were mailed to Respondent on February 21, 2014.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B)&(1)(D) and 217.12(1)(A),(1)(B),(4),(6)(G),(8),(10)(C)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 210532, heretofore issued to RHONDA DESHUN FULLER, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act,

Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S

successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*
<http://www.bon.texas.gov/compliance>

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*
<http://www.bon.texas.gov/compliance>

~~(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully~~
complete 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 program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the

Board may have for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/compliance>.*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS 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 STIPULATION PERIOD:

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and ~~all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer~~ prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by

the Board, to the Board's office within five (5) days of employment as a nurse.

(6) 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 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.

(7) 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 nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

(8) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of 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 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.

(9) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances and their metabolites:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT'S place of employment at any time during the stipulation period and require RESPONDENT to produce a specimen for screening.

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 period.

Any positive result for which the nurse does not have a valid prescription or refusal

to submit to a drug or alcohol screen may subject the nurse to further disciplinary action, including EMERGENCY 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.

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

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. 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 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 understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 24th day of April, 2014.

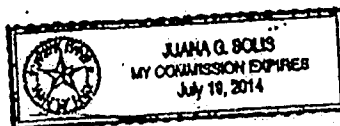
Rhonda Deshun Fuller
RHONDA DESHUN FULLER, RESPONDENT

Rhonda Deshun Fuller

Sworn to and subscribed before me this 24th day of April, 2014.


SEAL

[Signature]
Notary Public in and for the State of HARRIS



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 24th day of June, 2014, by RHONDA DESHUN FULLER, Vocational Nurse License Number 210532, and said Order is final.

Effective this 19th day of August, 2014.


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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of
RHONDA D. FULLER
PETITIONER for Eligibility for
Licensure

§
§
§
§

ORDER OF
CONDITIONAL ELIGIBILITY



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 Thomas
Executive Director of the Board

On the date entered below, the Board of Nurse Examiners for the State of Texas hereinafter referred to as the Board, considered the Application for Licensure by Examination and supporting documents filed by RHONDA D. FULLER, hereinafter referred to as PETITIONER, together with any documents and information gathered by staff and PETITIONER's Certificate contained herein. Information received by the Board produced evidence that PETITIONER may have violated Section 301.452 *et seq.*, Texas Occupations Code.

A public meeting was held on February 13, 2007, by the Eligibility and Disciplinary Committee of the Board of Nurse Examiners (Board), at 333 Guadalupe, Tower 3, Suite 460, Austin, Texas, in which the petition of RHONDA D. FULLER, PETITIONER, was considered.

PETITIONER appeared in person. PETITIONER was notified of her right to be represented by legal counsel and elected to waive representation by counsel. Board Members in attendance were: George Buchenau, Jr., RN, BSN; and Rachel Gomez, LVN. Staff present were: Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, General Counsel; Anthony L. Diggs, Director, Enforcement Division; Jason Bressie, Investigator; William Shanafelt, Investigator; and Cynthia LoCastro, Legal Assistant.

FINDINGS OF FACT

1. On or about May 9, 2006, Petitioner submitted an Application for Licensure by Examination requesting a determination of eligibility for licensure in compliance with Section 301.257 *et seq.*, Texas Occupations Code.
2. Petitioner waived representation, notice, administrative hearing, and judicial review.
3. Petitioner received a Certificate in Vocational Nursing from Houston Community College, Houston, Texas, in August 2006.
4. Petitioner completed the Application for Licensure by Examination and answered "yes" to Question Number One (1), which reads in part as follows: *"Have you been convicted, adjudged guilty by a court, pled guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests? This includes expunged offenses and deferred adjudication with or without prejudice of guilt."*
5. Petitioner disclosed the following criminal history, to wit:

On August 3, 2000, Petitioner was charged with the state jail felony offense of Unauthorized Use of a Vehicle in the 339th District Court of Harris County, Texas. Petitioner entered a plea of guilty and proceedings were deferred without adjudication of guilt and Petitioner was sentenced to three (3) years probation. On September 15, 2003, Petitioner was discharged from probation.
6. There is no evidence of any subsequent criminal conduct.
7. The Board received letters of support/recommendation for Petitioner from the following:
 - A letter of recommendation dated January 23, 2007, was submitted to the Board on behalf of Petitioner by Rachel Babincaux.
 - A letter of recommendation dated January 24, 2007, was submitted to the Board on behalf of Petitioner by Rosa S. Caldwell, Secretary, Licensed Vocational Nurses Association of Texas, Houston, Texas.
8. Licensure 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.
9. The Committee's review of the grounds for potential ineligibility has been made on the basis of the information provided by Petitioner.

10. Petitioner has sworn that his past behavior conforms to the Board's professional character requirements. Petitioner presented no evidence of behavior which is inconsistent with good professional character.
11. Petitioner has been advised that any information found to be incomplete, incorrect, or misleading will be considered and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through misrepresentation.
12. On February 13, 2006, the Eligibility and Disciplinary Committee of the Board considered evidence of Petitioner's past behavior in light of the character factors set out in 22 Texas Administrative Code §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character.

CONCLUSIONS OF LAW

1. The Board of Nurse Examiners has jurisdiction over this matter pursuant to Section 301.453, Texas Occupations Code.
2. Petitioner has submitted an application in compliance with Section 301.257 *et seq.*, Texas Occupations Code.
3. Petitioner's criminal history reflects criminal conduct which is grounds for denial of a license under Section 301.452 *et seq.*, Texas Occupations Code.
4. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452, Texas Occupations Code.
5. The Board may license an individual who has been previously convicted, adjudged guilty by a court, pled guilty or pled nolo contendere to any crime whether or not a sentence was imposed upon consideration of the factors set out in 22 Texas Administrative Code §213.28 and evaluating the direct relationship to nursing according to Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
6. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Texas Administrative Code §213.27, 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.

ORDER

NOW, THEREFORE, IT IS ORDERED that upon meeting the requirements for graduation and payment of any required fees, RHONDA D. FULLER, PETITIONER, is CONDITIONALLY ELIGIBLE to sit for the National Council Licensure Examination for Practical Nurses (NCLEX-PN® Examination). PETITIONER SHALL NOT be eligible for temporary authorization to practice as a Graduate Vocational Nurse in the State of Texas.

IT IS FURTHER ORDERED that PETITIONER SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Vocational Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.*, and this Order.

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

IT IS FURTHER AGREED and ORDERED that while PETITIONER's license is encumbered by this Order the PETITIONER may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where PETITIONER wishes to work.

IT IS FURTHER ORDERED that PETITIONER, upon attaining a passing grade on the NCLEX-PN®, shall be issued a license to practice vocational nursing in the State of Texas which shall bear the appropriate notation and PETITIONER SHALL be subject to the following stipulations.

(1) PETITIONER SHALL, within one (1) year of initial licensure in the State of Texas, successfully complete a course in Texas nursing jurisprudence. PETITIONER SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify PETITIONER's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(2) PETITIONER SHALL, within one (1) year of initial licensure in the State of Texas, successfully complete a course in nursing ethics. PETITIONER SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify PETITIONER's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, SHOULD PETITIONER PRACTICE AS A VOCATIONAL NURSE IN THE STATE OF TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND PETITIONER MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (VN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(3) PETITIONER SHALL notify each future employers in vocational nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER SHALL present a complete copy of this Order to each future employer prior to accepting an offer of employment.

(4) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Petitioner by the Board, to the Board's office within five (5) days of employment as a vocational nurse.

(5) PETITIONER SHALL be supervised by a Registered Nurse or 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 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.

(6) 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 vocational nursing. These reports shall be completed by the Registered Nurse or Licensed Vocational Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for one (1) year of employment as a vocational nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

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PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past criminal conduct, and I have caused a complete and accurate criminal history to be submitted to the Board of Nurse Examiners from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my Application for Licensure by Examination, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Section 301.257, Texas Occupations Code, Section 301.452(a), (b) and (c), Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and Board Rules 213.27, 213.28, and 213.29 at 22 Texas Administrative Code. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Graduate Vocational Nurse Permit to practice. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to registering for the NCLEX-PN® Examination or accepting any permit or license from the Board of Nurse Examiners.

I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

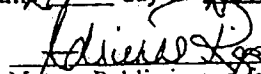
I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Executive Director of the Board of Nurse Examiners enter this Order.

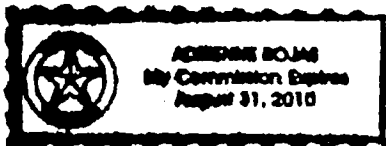
Signed this 24 day of April, 2007.


RHONDA D. FULLER, PETITIONER

Sworn to and subscribed before me this 24 day of April, 2007.

SEAL


Notary Public in and for the State of TEXAS



WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Order of Conditional Eligibility that was signed on the 24th day of April, 2007, by RHONDA D. FULLER, PETITIONER, for Application for Licensure by Examination, and said Order is final.

Entered this 8th day of May, 2007.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

By:



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