



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.  
*Kristin K. Benton, DNP, RN*  
Kristin K. Benton, DNP, RN  
Executive Director  
Texas Board of Nursing

**In the Matter of** §  
**Permanent Registered Nurse** § **BEFORE THE TEXAS**  
**License Number 713362 &** §  
**Permanent Vocational Nurse** §  
**License Number 185981** §  
**Issued to JACKIE RENEE FREGEAU,** § **BOARD OF NURSING**  
**Respondent** §

**ORDER OF TEMPORARY SUSPENSION**

TO: Jackie Fregeau  
4206 Old Springtown Rd  
Weatherford, TX 76085

A public meeting of the Texas Board of Nursing was held on March 10, 2026, at 1801 Congress Avenue, Suite 10-102, Austin, Texas, in which the Temporary Suspension of Permanent Registered Nurse License Number 713362, and Permanent Vocational Nurse License Number 185981, issued to JACKIE RENEE FREGEAU was considered pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented evidence and information concerning the conduct of JACKIE RENEE FREGEAU and whether her continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charges are substantiated:

On or about January 7, 2026, Respondent became non-compliant with the Agreed Order issued to Respondent by the Texas Board of Nursing on June 10, 2025. Non-compliance is the result of Respondent's failure to comply with Roman Numeral I (E) of the Order, which reads: E. RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current. Respondent presented to work impaired. However, Respondent refused the drug screen but did endorse drinking the previous night. On January 12, 2026, Respondent completed a Peth test which resulted positive for Phosphatidyl Ethanol 344.3ng/ml.

The Texas Board of Nursing further finds that, given the nature of the charges concerning Her fitness to practice, the continued practice of nursing by JACKIE RENEE FREGEAU constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Registered Nurse License Number 713362, and Permanent Vocational Nurse License Number 185981, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 713362, and Permanent Vocational Nurse License Number 185981, issued to JACKIE RENEE FREGEAU, to practice nursing in the State of Texas be, and the same is/are, hereby SUSPENDED IMMEDIATELY in accordance with Section 301.4551, TEXAS OCCUPATIONS CODE.

This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas. Further, RESPONDENT'S license(s) will be designated "single state" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

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IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than seventeen (17) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61<sup>st</sup> day following the date of the entry of this order.

Entered this 10th day of March, 2026.

TEXAS BOARD OF NURSING

BY: Kristin K. Benton, DNP, RN

Kristin K. Benton, DNP, RN  
EXECUTIVE DIRECTOR

D4551(2026.02.23)

**In the Matter of  
Permanent Registered Nurse  
License Number 713362 &  
Permanent Vocational Nurse  
License Number 185981  
Issued to JACKIE RENEE FREGEAU,  
Respondent**

§  
§  
§  
§  
§  
§

**BEFORE THE TEXAS  
BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JACKIE RENEE FREGEAU, is a Registered Nurse holding license number 713362, which is in current status at the time of this pleading. Further, Respondent is a Vocational Nurse holding license number 185981, which is in inactive status at the time of this pleading.

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

### **CHARGE I.**

On or about January 7, 2026, Respondent became non-compliant with the Agreed Order issued to Respondent by the Texas Board of Nursing on June 10, 2025. Non-compliance is the result of Respondent's failure to comply with Roman Numeral I (E) of the Order, which reads: E. RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current. Respondent presented to work impaired. However, Respondent refused the drug screen but did endorse drinking the previous night. On January 12, 2026, Respondent completed a Peth test which resulted positive for Phosphatidyl Ethanol 344.3ng/ml.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8)&(10), Texas Occupations Code, and is a violation of and 22 TEX. ADMIN. CODE §217.12(5).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license(s) and/or privilege(s) to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33.

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

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on adopted policies related to Substance Use Disorders and Other Alcohol and Drug Related Conduct, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

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NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order(s) of the Board dated January 8, 2013, August 8, 2013, April 21, 2016, and June 2, 2025.

Filed this 10th day of March, 2026.

TEXAS BOARD OF NURSING



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

John Vanderford, Deputy General Counsel  
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Attachment(s): Order(s) of the Board dated January 8, 2013, August 8, 2013, April 21, 2016, and June 2, 2025.

D(2026.02.23)



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.  
*Kristin K. Benton, DNP, RN*  
Kristin K. Benton, DNP, RN  
Executive Director  
Texas Board of Nursing

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of § AGREED ORDER  
Registered Nurse License Number 713362 §  
& Vocational Nurse License Number 185981 §  
issued to JACKIE RENEE FREGEAU §  
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JACKIE RENEE FREGEAU, Registered Nurse License Number 713362, and Vocational Nurse License Number 185981, 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)(3)&(12), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Kristin K. Benton, DNP, RN, Executive Director, on January 27, 2025.

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 inactive status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Weatherford College, Weatherford, Texas, on August 16, 2002. Respondent received an Associate Degree in Nursing from McLennan Community College, Waco, Texas, on December 9, 2004. Respondent was licensed to practice vocational nursing in the State of Texas on October 15, 2002. Respondent was licensed to practice professional nursing in the State of Texas on February 8, 2005.

5. On or about January 8, 2013, Respondent was required to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN) through an Order of the Board. A copy of the January 8, 2013, Order is attached and incorporated herein by reference as part of this Agreed Order.
6. On or about August 8, 2013, the Board accepted the Voluntary Surrender of Respondent's license(s) to practice nursing in the State of Texas through an Order of the Board. A copy of the August 8, 2013, Order is attached and incorporated herein by reference as part of this Agreed Order.
7. On or about April 21, 2016, Respondent's license(s) to practice nursing in the State of Texas was Reinstated through an Order of the Board. On or about June 5, 2019, Respondent successfully completed the terms of the Order. A copy of the April 21, 2016, Order is attached and incorporated herein by reference as part of this Agreed Order.
8. On or about October 15, 2024, Respondent pled Guilty to and convicted DWI BAC $\geq$ .15 OR MORE, a Class A misdemeanor offense committed on April 19, 2024, in the County Court at Law No. 1 of Parker County, Texas, under Cause No. CCL1-24-0362. As a result of the conviction, Respondent was sentenced to confinement in the Parker County Jail for a period of three hundred sixty-five (365) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of eighteen (18) months and ordered to pay a fine and court costs.
9. In Response to Findings of Fact Number Nine (9), Respondent states the stress of working full time and going to school for her Family Nurse Practitioner license was too much and Respondent started drinking again. In January 2024, she decided she could no longer live this way and check herself into an outpatient substance abuse program and completed the program. Respondent relapsed soon after that and on April 20, 2024, she was at home drinking and blackout and did not recall the events until the arrest.
10. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient cause pursuant to Section 301.452(b) (3)&(12), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 713362, and Vocational Nurse License Number 185981, heretofore issued to JACKIE RENEE FREGEAU.

4. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

### **TERMS OF ORDER**

#### **I. SANCTION AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED that Registered Nurse License Number 713362, and Vocational Nurse License Number 185981, previously issued to JACKIE RENEE FREGEAU, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **ENFORCED** until RESPONDENT:

- A. **Applies to, is accepted into, and completes enrollment in the Texas Peer Assistance Program for Nurses (TPAPN), including payment of a non-refundable participation fee to TPAPN in the amount of five hundred dollars (\$500.00), if licensed as a registered nurse, or in the amount of three hundred fifty dollars (\$350.00), if licensed as a vocational nurse;**
- B. Is **cleared to safely practice as a nurse** based on a fitness evaluation, as may be required by TPAPN; and
- C. **Waives confidentiality and provides a copy of the fully executed TPAPN participation agreement to the Board.**

IT IS FURTHER AGREED, upon verification of successful completion of the above requirements, the Suspension will be **STAYED**, and RESPONDENT will be placed on **PROBATION** for such time as is required for RESPONDENT to successfully complete the TPAPN **AND** until RESPONDENT fulfills the additional requirements of this Order.

- D. RESPONDENT SHALL submit an application for licensure renewal/reactivation, as applicable, and pay all re-registration fees, if any, and RESPONDENT'S

licensure status in the State of Texas will be activated and updated to current status and to reflect the applicable conditions outlined herein.

- E. RESPONDENT SHALL **comply with all requirements of the TPAPN participation agreement** during its term and SHALL keep all applicable licenses to practice nursing in the State of Texas in current status.
- F. RESPONDENT SHALL CAUSE the TPAPN to **notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.**
- G. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- H. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- I. Until successfully completed, RESPONDENT may not practice nursing in the State of Texas except in accordance with the terms of this Order.
- J. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

## II. COMPLIANCE WITH LAW

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

## III. REMEDIAL EDUCATION COURSE(S)

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

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

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](http://www.bon.texas.gov/compliance).*

**IV. EFFECT OF NONCOMPLIANCE**

SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in 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.

**V. RESTORATION OF UNENCUMBERED LICENSE(S)**

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) and/or privilege(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

**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. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the entry of this Order and all conditions of said Order to obtain disposition of the allegations through peer assistance and 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 TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, and/or 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 28 day of May, 2025.

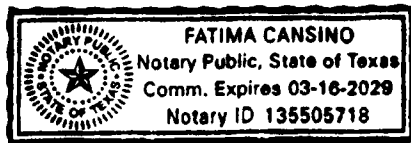
Jackie Renee Fregau  
JACKIE RENEE FREGAU, RESPONDENT

Sworn to and subscribed before me this 28 day of May, 2025.

SEAL


Fatima Cansino

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 28<sup>th</sup> day of May, 2025, by JACKIE RENEE FREGEAU, Registered Nurse License Number 713362, and Vocational Nurse License Number 185981, and said Agreed Order is final.

Effective this 2<sup>nd</sup> day of June, 2025.

  
\_\_\_\_\_  
Kristin K. Benton, DNP, RN  
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 Colman*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	REINSTATEMENT
Registered Nurse License Number 713362	§	
& Vocational Nurse License Number 185981	§	
issued to JACKIE RENEE TALMADGE	§	AGREED ORDER

On this day came to be considered by the Texas Board of Nursing, hereinafter referred to as the Board, the Petition for Reinstatement of Registered Nurse License Number 713362 and Vocational Nurse License Number 185981, held by JACKIE RENEE TALMADGE, hereinafter referred to as Petitioner.

An informal conference was held on January 26, 2016, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was represented by David Langenfeld, Attorney at Law. In attendance were Kristin Benton, MSN, RN, Director of Nursing, Executive Director's Designee; Kyle Hensley, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Jody McFarland, MSN, RN, JD, Nurse Consultant; Kristen Sinay, RN, Nurse Consultant; and Diane E. Burell, Compliance Supervisor.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Petitioner waived notice and hearing, and consented to the entry of this Order.
3. Petitioner received a Certificate in Vocational Nursing from Weatherford College, Weatherford, Texas, on August 16, 2002, and an Associate Degree in Nursing from McLennan Community College, Waco, Texas, on December 9, 2004. PETITIONER was licensed to practice vocational nursing in the State of Texas on October 15, 2002, and was licensed to practice professional nursing in the State of Texas on February 8, 2005.

4. Petitioner's nursing employment history includes:

10/02 - 1/05	LVN	Kindred Hospital, Tarrant County SW Fort Worth, Texas
2/05 - 1/07	RN	Kindred Hospital, Tarrant County SW Fort Worth, Texas
1/07 - 12/07	RN	Lifecare Hospitals of Fort Worth Fort Worth, Texas
11/07 - 11/09	RN	Methodist Mansfield Medical Center Mansfield, Texas
2/10 - 8/10	RN	UT Southwestern Hospital Dallas, Texas
10/10 - 7/11	RN	Kindred Hospital, Tarrant County SW Fort Worth, Texas
8/11 - 2/12	RN	Texas Health Harris Methodist SW Hospital Fort Worth, Texas
1/13 - 3/13	RN	Keeneland Nursing and Rehabilitation Weatherford, Texas
4/13 - 6/14	Unknown	
7/14 - Present	CNA	Hilltop Park Rehabilitation and Care Center Weatherford, Texas

5. On January 8, 2013, Petitioner was issued an Agreed Order which required her to enter and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the January 8, 2013, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
6. On August 8, 2013, the Board accepted the voluntary surrender of Petitioner's license(s) to practice vocational and professional nursing in the State of Texas. A copy of the August 8, 2013, Order of the Board, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.
7. On or about July 22, 2015, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.

8. Petitioner presented the following in support of her petition:
  - 8.1. Final Judgment, issued March 19, 2013, by the Municipal Court of the City of Carrollton, Dallas County, Texas, for the offense of Public Intoxication. Petitioner pled "No Contest" and was assessed a fine in the amount of \$350.00.
  - 8.2. Certificate of Completion, dated February 17, 2015, for completion of the Pecan Valley Centers Co-Occurring Psychiatric & Substance Disorder (COPSD) program.
  - 8.3. Letter, dated August 2014, from Gary R. Hively, LCDC, Pecan Valley Centers, Weatherford, TX Office, stating Petitioner was admitted to the COPSD (Co-Occurring Psychiatric Substance Disorder) program on December 17, 2013. The COPSD program consists of weekly individual sessions to address substance abuse, emotional and mental health issues. Petitioner has made marked progress in many life areas and continues to work daily to maintain a substance free lifestyle. Petitioner also attends AA meetings on a regular basis and works with her AA sponsor. She has responded well to individual counseling and continues to show positive signs for maintaining long term sobriety. Mr. Hively explains Petitioner's emotional and mental health has been stabilized and she is compliant with current prescribed medications to help her maintain a balanced lifestyle.
  - 8.4. Letter, dated March 31, 2015, from Pam DeMone, MSN, APRN-BC, PMHNP, Pecan Valley Centers, Granbury, Texas, stating Petitioner has been a client of Pecan Valley Centers since August 2014. She has been seeing her for medication management since September 2014. Petitioner is in compliance with her appointments and her treatment plan. Petitioner is taking medication for depression and is working full-time and caring for herself and her family.
  - 8.5. Letter of support, from Cathy O stating she met Petitioner a few years ago through the Alcoholics Anonymous group they both attend. She has supported Petitioner since she slipped back in July of last year. Petitioner's previous sponsor had unexpectedly become hospitalized and Petitioner was without a mentor for a few months and she became overwhelmed by difficult life circumstances leading to a very short relapse. Petitioner has always maintained consistent attendance to meetings and has made great strides in her recovery. She has even started sponsoring other alcoholics and embraces the 12 steps in her everyday life. Ms. O feels Petitioner is addressing her own mental health issues by practicing positive and consistent coping mechanisms and building a strong support system to help her through life's trials.
  - 8.6. Letter of support, dated December 16, 2015, from Jean Nast, Weatherford, Texas, stating she has been a sober member of Alcoholics Anonymous since October 19, 1991, and has been sponsoring Petitioner in AA since the beginning of this past summer. They meet weekly to work the steps of the program and they talk/text throughout the week. Petitioner is diligent in her step work, dedicated to her recovery, and in Ms. Nast's opinion, doing very well. Petitioner is also doing very well in her schooling.
  - 8.7. Letter, dated December 4, 2015, from Bob Gallagher, stating he and Petitioner attend Bible Based Recovery support group meetings at the First United Methodist Church in

Weatherford, Texas. Petitioner started coming to his group back in July 2015, shortly after she celebrated her first year of sobriety with another local AA group. Petitioner's meeting attendance is regular and for several months she volunteers to chair the Friday noon meetings.

- 8.8. Letter of support, dated February 12, 2015, from Candice G. Lamb, RN, stating she worked with Petitioner at Westside Campus of Care in White Settlement, Texas, in 2012 where Petitioner was employed as a RN. She also worked with her last year, subsequent to Petitioner surrendering her license, at Hilltop Rehabilitation in Weatherford, Texas. Ms. Lamb has observed a dramatic change in Petitioner's overall well-being over the past three (3) years. When she initially met Petitioner, she was emotionally unstable and coping with life's problems with alcohol. She was constantly anxious and lacked a stable support system. Petitioner continued to be resilient in her recovery and eventually she was able to maintain sobriety and her life circumstances improved as a result. Petitioner was determined to reenter the medical field and came back to Hilltop Rehabilitation as a CNA in July 2014. She is dependable and accountable for her actions. Petitioner maintains a positive attitude and is considerate of the resident's needs and has a good rapport with her co-workers and her optimism is contagious. Ms. Lamb explains Petitioner has many friends in Weatherford and has a stable support system in place to help her maintain her sobriety and manage her life.
- 8.9. Letter of support, dated February 26, 2015, from Ruth B. Cogswell, President, Strategic, Weatherford, Texas, stating she is a long standing member of Alcoholics Anonymous, twenty-five (25) years, and has known Petitioner since she started attending meetings almost two (2) years ago. She is pleased to report that Petitioner is not only maintaining her sobriety, but thriving in it. She is an active member of the program and attends meetings regularly and has taken on a service position of chairing meetings. Petitioner is learning the value of rigorous honesty and applying the steps to her life and it shows. Ms. Cogswell knows that Petitioner loves being an aide at a local nursing home and believes she would be an asset as a nurse again.
- 8.10. Letter of support, from Angel Adams, Weatherford, Texas, stating states she attends meetings with Petitioner regularly at Awayward Group of Alcoholics Anonymous in Weatherford, Texas. Ms. Adams describes Petitioner as positive and outgoing, sharing often and always offering a welcome to newcomers. In addition to her active participation in AA, Petitioner aggressively maintains sobriety by working closely with a sponsor from their group and has completed both inpatient and outpatient treatment. Petitioner has made great effort to reassess her priorities in life and has strengthened her relationships with her three children.
- 8.11. Documentation of support group attendance dating from July 1, 2014, through December 24, 2015.
- 8.12. Documentation of seventeen (17) negative drug screens collected from August 25, 2014, through January 19, 2016.
- 8.13. Documentation of the required continuing education contact hours.

9. Petitioner gives July 5, 2014, as her date of sobriety.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. 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.
3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

#### ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of JACKIE RENEE TALMADGE, Registered Nurse License Number 713362 and Vocational Nurse License Number 185981, to practice nursing in the state of Texas, be and the same is hereby GRANTED, AND SUBJECT TO THE FOLLOWING STIPULATIONS SO LONG AS THE PETITIONER complies 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 the stipulations contained in 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 Petitioner to practice nursing in the State of Texas.

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

IT IS FURTHER AGREED and ORDERED that while Petitioner's license(s) is/are encumbered by this Order, Petitioner may not work outside the State of Texas pursuant to a nurse licensure

compact privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Petitioner wishes to work.

(1) PETITIONER SHALL pay all re-registration fees and be issued a license to practice nursing in the State of Texas, which shall bear the appropriate notation. Said licenses issued to JACKIE RENEE TALMADGE, shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL pay a monitoring fee in the amount of five hundred (\$500.00) dollars. PETITIONER SHALL pay this fine within forty-five (45) days of relicensure. 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.

(3) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in Texas nursing jurisprudence and 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. 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. 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 at the following Board website address:*  
<http://www.bon.texas.gov/compliance>.

(4) PETITIONER SHALL, within one (1) year of relicensure, 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, PETITIONER 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 PETITIONER CHOOSE TO WORK AS A NURSE IN TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATION PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) 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:**

(5) PETITIONER SHALL notify all future employers in nursing of this Order of the Board and the stipulations on PETITIONER'S license(s). PETITIONER 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.

(6) 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 nurse.

(7) For the first year of employment as a Nurse under this Order, PETITIONER 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 PETITIONER and immediately available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). The 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.

(8) For the remainder of the stipulation period, PETITIONER SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years 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.

(9) PETITIONER 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 PETITIONER is regularly assigned for one (1) year of employment as a nurse.

(10) PETITIONER SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a nurse. 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.

(11) PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, Propofol, or other synthetic opiates for one (1) year of employment as a nurse.

(12) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the 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) month period for three (3) year(s) of employment as a nurse.

(13) PETITIONER 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, PETITIONER 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 PETITIONER 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.**

(14) PETITIONER 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. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months. 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:

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

A Board representative may appear at the PETITIONER'S place of employment at any time during the stipulation period and require PETITIONER 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. PETITIONER 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 PETITIONER's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

(15) PETITIONER SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. PETITIONER SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the PETITIONER'S progress in therapy, rehabilitation and capability to safely practice nursing. The report must indicate whether or not the PETITIONER'S stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3)

months. If therapy is recommended beyond the initial three (3) months, the reports shall then be required at the end of each three (3) month period for the remainder of the stipulation period, or until PETITIONER is dismissed from therapy.

(16) PETITIONER SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by PETITIONER. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

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

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PETITIONER'S CERTIFICATION

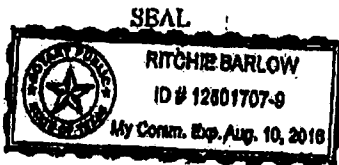
I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with 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 convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license(s) to practice nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 9 day of March, 2016

Jackie Renee Talmadge  
JACKIE RENEE TALMADGE, Petitioner

Sworn to and subscribed before me this 9 day of Mar, 2016.



Ritchie Barlow  
Notary Public in and for the State of Texas

Approved as to form and substance.

David J. Laugenfeld  
David Laugenfeld, Attorney for Petitioner

Signed this 11<sup>th</sup> day of March, 2016

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 9th day of March, 2016, by JACKIE RENEE TALMADGE, Registered Nurse License Number 713362 and Vocational Nurse License Number 185981, and said Order is final.

Effective this 21st day of April, 2016.



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



Executive Director of the Board  
The following finding was reviewed and approved, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of §  
Registered Nurse License Number 713362 §  
& Vocational Nurse License Number 185981 §  
issued to JACKIE RENEE TALMADGE §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 713362, and Vocational Nurse License Number 185981, issued to JACKIE RENEE TALMADGE, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

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

FINDINGS OF FACT

1. Respondent is currently licensed to practice professional and vocational nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from Weatherford College, Weatherford, Texas, on August 16, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on October 15, 2002. Respondent received an Associate Degree in Nursing from McLennan Community College, Waco, Texas, on December 9, 2004. Respondent was licensed to practice professional nursing in the State of Texas on February 8, 2005.

4. Respondent's complete professional and vocational nursing employment history includes:

10/02-01/05	LVN	Kindred Hospital, Tarrant County Southwest, Fort Worth, Texas
02/05-01/07	RN	Kindred Hospital, Tarrant County Southwest, Fort Worth, Texas

Respondent's complete professional and vocational nursing employment history continued:

01/07-12/07	RN	Lifecare Hospitals of Fort Worth Fort Worth, Texas
11/07-11/09	RN	Methodist Mansfield Medical Center Mansfield, Texas
12/09-01/10	Unknown	
02/10-08/11	RN	UT Southwestern Hospital Dallas, Texas
08/11-02/12	RN	Texas Health Harris Methodist Southwest Fort Worth Hospital, Fort Worth, Texas
03/12-Present	Unknown	

5. On or about January 8, 2013, Respondent was issued an Agreed Order requiring her to participate and successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Finding of Fact, Conclusions of Law and Order dated is attached and incorporated herein by reference as part of this Order.
6. On or about June 25, 2013, Respondent became non-compliant with the Agreed order issued to her by the Texas Board of Nursing on January 8, 2013. Non-compliance is the result of Respondent submitting specimens for drug screens that resulted positive for alcohol metabolites. Specifically, on April 22, 2013, Respondent tested positive for Ethyl Glucuronide (312 ng/mL) and Ethyl Sulfate (384 ng/mL), and on June 19, 2013, Respondent tested positive for Ethyl Glucuronide (1380g/mL) and Ethyl Sulfate (182 ng/mL). Additionally, on both occasions Respondent admitted to drinking alcohol. Stipulation Number Three (3) of the Agreed Order dated January 8, 2013, states in pertinent part:
  - (3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current.

Respondent was dismissed from TPAPN on June 25, 2013 for non-compliance and referred back to the Board.

7. On July 29, 2013, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated July 29, 2013, is attached and incorporated herein by reference as part of this Order.

8. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
9. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(5),(9),(10)(A)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1),(9)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 713362, and Vocational Nurse License Number 185981, heretofore issued to JACKIE RENEE TALMADGE, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER


NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 713362, and Vocational Nurse License Number 185981, heretofore issued to JACKIE RENEE TALMADGE, to practice nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

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

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

Effective this 8th day of August, 2013.

TEXAS BOARD OF NURSING

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

JACKIE RENEE TALMADGE  
200 MURL'S LAKE RD #5  
WEATHERFORD, TX 76085

Registered Nurse License Number 713362 and Vocational Nurse License Number 185981

Voluntary Surrender Statement

Dear Texas Board of Nursing:

I no longer desire to be licensed as a nurse. Accordingly, I voluntarily surrender my license(s) to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I may not petition for reinstatement until one (1) year from the effective date of the Order. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature Jackie Talmadge

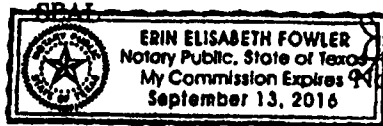
Date 7/25/13

Registered Nurse License Number 713362, and Vocational Nurse License Number 185981

The State of Texas

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

Sworn to before me the 29<sup>th</sup> day of July, 2013.



Erin Elisabeth Fowler  
Notary Public in and for the State of Texas

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED
Registered Nurse License Number 713362	§	
& Vocational Nurse License Number 185981	§	
issued to JACKIE RENEE TALMADGE	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JACKIE RENEE TALMADGE, Registered Nurse License Number 713362, and Vocational Nurse License Number 185981, 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),(12)&(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 November 29, 2012.

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 professional and vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Weatherford College, Weatherford, Texas, on August 16, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on October 15, 2002. Respondent received an Associate Degree in Nursing from McLennan Community College, Waco, Texas, on December 9, 2004. Respondent was licensed to practice professional nursing in the State of Texas on February 8, 2005.



I do hereby certify this to be a complete, accurate, and true copy of the document, which is on file or is on record in the offices of the Texas Board of Nursing.  
*Katherine A. Thomas*  
Executive Director of the Board

5. Respondent's complete professional and vocational nursing employment history includes:

10/02-01/05	LVN	Kindred Hospital, Tarrant County Southwest Fort Worth, Texas
02/05-01/07	RN	Kindred Hospital, Tarrant County Southwest Fort Worth, Texas
01/07-12/07	RN	Lifecare Hospitals of Fort Worth Fort Worth, Texas
11/07-11/09	RN	Methodist Mansfield Medical Center Mansfield, Texas
12/09-01/10	Unknown	
02/10-08/11	RN	UT Southwestern Hospital Dallas, Texas
08/11-02/12	RN	Texas Health Harris Methodist Southwest Fort Worth Hospital, Fort Worth, Texas
03/12-Present	Unknown	

6. On or about August 12, 2010, while employed as a Registered Nurse with UT Southwestern Hospital and assigned to the St. Paul Building, Dallas, Texas, Respondent lacked fitness to practice nursing in that she showed general odd behaviors including: unable to stay still, slouching, moving her jaw muscles side to side, and tightening then releasing her neck muscles. Additionally, once confronted about her behavior and given the option of a drug screen, Respondent resigned in lieu of submitting a specimen for a drug screen. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
7. In response to Finding of Fact Number Six (6), Respondent states that during her employment she was experiencing depression and anxiety resulting from her divorce and the amount of stressed placed on her shoulders when she was suddenly without a support system and the full time care giver of her three (3) children.
8. On or about July 22, 2011, while employed as a Registered Nurse with Kindred Hospital Fort Worth Southwest, Fort Worth, Texas, Respondent withdrew Dilaudid from the Medication Dispensing System for a patient, but failed to document or completely and accurately

document the administration of the medication, including signs, symptoms, and responses to the medication in the patients' Medication Administration Records and/or nurses notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

9. On or about July 22, 2011, while employed as a Registered Nurse with Kindred Hospital Fort Worth Southwest, Fort Worth, Texas, Respondent withdrew Dilaudid from the Medication Dispensing System for a patient, but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medications. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
10. On or about July 26, 2011, while employed as a Registered Nurse with Kindred Hospital Fort Worth Southwest, Fort Worth, Texas, Respondent lacked fitness to practice nursing in that she fell asleep while at a patient's bedside, had slow and slightly slurred speech, and demonstrated an unsteady gait. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
11. On or about July 22, 2011, while employed as a Registered Nurse with Kindred Hospital Fort Worth Southwest, Fort Worth, Texas, Respondent misappropriated Dilaudid from the facility or patients thereof or failed to take precautions to prevent such misappropriation. Additionally, when confronted Respondent presented an empty vial of Dilaudid and a 3cc syringe with clear liquid. The syringe fluid was tested and found not to contain any drug content. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
12. In response to Findings of Fact Numbers Eight (8), through Eleven (11), Respondent states that she met and began a relationship with a man who physically and mentally abused her. Respondent states she was suspended from Kindred for a medication error. Respondent states she became more depressed and started displaying some of the same physical traits that led to her previous termination and in an attempt to cover up her error and save her job she drew up saline into a syringe and was intending to waste the contents when her supervisor took her aside and sent her home.
13. On or about February 9, 2012, while employed as a Registered Nurse with Texas Health Harris Methodist Southwest Fort Worth Hospital, Fort Worth, Texas, Respondent lacked fitness to practice nursing in that she smelled of alcohol, appeared slow, tearful at times and fumbled a lot. Additionally, when confronted and a blood screen was requested Respondent refused. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

14. On or about February 5, 2012, while employed as a Registered Nurse with Texas Health Harris Methodist Southwest Fort Worth Hospital, Fort Worth, Texas, Respondent withdrew Dilaudid from the Medication Dispensing system for patient "T" at 0334 but failed to waste unused portions of the medication until 0605. Respondent failed to take precautions to prevent the loss of the medication.
15. On or about October 29, 2012, Respondent completed a chemical dependency evaluation performed by Dr. Jim Womack. Dr. Womack states that Respondent denied abusing alcohol, and described herself as a "social drinker"; however, her account of long-term consumption of "probably two (2) bottles of wine a week" involving "1.75 liter bottles," reflects almost seventeen (17) ounces of wine each day. Additionally, Dr. Womack states Respondent admitted to using mouthwash to camouflage the alcohol smell on her breath when at work, and more recently, Respondent indicated that she would get her children off to school and have a couple to a few glasses of wine to go to sleep. Dr. Womack concludes that the Respondent is at risk for continued alcohol abuse without ongoing psychotherapy until such time her life has been stabilized for at least a year from the onset of her reported therapy, or until such time her therapist is able to provide a positive report of her emotional stability, social judgment, and coping methods in dealing with stress. Dr. Womack reports that Respondent's personality development puts her at risk for deterioration in many aspects of her life unless she gains insight and skills with which to address past regrets and emotional pain, and how to effectively cope with future ones. Dr. Womack states that without such intervention, it is believed that Respondent will be at a heightened risk to continue excessive consumption of alcohol and very poor decision making skills. Dr. Womack recommends, in addition to ongoing psychotherapy by a licensed psychologist adept at addressing dual diagnoses problems (alcohol abuse and problematic personality features), Respondent should agree to random drug testing and should be evaluated by a psychiatrist for the need of medication to assist her in managing her anxiety.
16. The Respondent's conduct as described in the preceding Finding(s) of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
17. 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.
18. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance abuse and/or mental illness.
19. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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),(B),(C),(D)&(T) and 22 TEX. ADMIN. CODE §217.12(1)(A),(B),(C)&(E),(4),(5),(6)(A)&(G),(10)(B)&(C) and (11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10),(12)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 713362, and Vocational Nurse License Number 185981, heretofore issued to JACKIE RENEE TALMADGE, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

### ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT, in lieu of the sanction of Revocation under Section 301.453, Texas Occupations Code, SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

IT IS FURTHER AGREED and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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 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 multistate licensure 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, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in 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.

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RESPONDENT'S CERTIFICATION

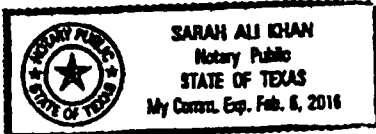
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and 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 revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 2<sup>nd</sup> day of January 2013.

Jackie Renee Talmadge  
JACKIE RENEE TALMADGE, RESPONDENT

Sworn to and subscribed before me this 2<sup>nd</sup> day of Jan, 2013.

SEAL



[Signature]  
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 accept and enter the Agreed Order that was signed on the 2<sup>nd</sup> day of January, 20 13, by JACKIE RENEE TALMADGE, Registered Nurse License Number 713362, and Vocational Nurse License Number 185981, and said Order is final.

Entered and effective this 8th day of January, 20 13.



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