

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	REINSTATEMENT
Registered Nurse License Number 821041	§	AGREED ORDER
issued to ASHLY NICOLE LANCE,	§	
a/k/a ASHLEY NICOLE MARSH	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, consider the Petition for Reinstatement, hereinafter referred to as the Petition, of Registered Nurse License Number 821041, held by ASHLY NICOLE LANCE, a/k/a ASHLEY NICOLE MARSH, hereinafter referred to as Petitioner.

Petitioner waived notice and hearing and agreed to the entry of this Reinstatement Agreed Order approved by Kristin K. Benton, DNP, RN, Executive Director, on December 4, 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 Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Petitioner waived notice and hearing, and agreed to the entry of this Reinstatement Agreed Order.
3. Petitioner received an Associate Degree in Nursing from Tyler Jr College, Tyler, Texas, on May 11, 2012. Petitioner was licensed to practice professional nursing in the State of Texas on June 28, 2012.
4. Petitioner's nursing employment history includes:

6 – 2/2013	RN	East Texas Medical Center
6 – 8/2015	RN	Nacogdoches Memorial Hospital
11/2014 – 1/2015	RN	Epic Home Health

Petitioner's nursing employment history continued:

5/2023 – 9

RN

Pediatric Home Health

5. On or about April 16, 2015, Petitioner was issued the sanction of Warning with Stipulations through an Order of the Board. A copy of the April 16, 2015, Order is attached and incorporated herein by reference as part of this Reinstatement Agreed Order.
6. On or about April 21, 2016, Petitioner's license to practice nursing in the State of Texas was Revoked through an Order of the Board. A copy of the April 21, 2016, Order is attached and incorporated herein by reference as part of this Reinstatement Agreed Order.
7. On or about February 25, 2025, Petitioner submitted a Petition for Reinstatement of License to practice nursing in the State of Texas.
8. Petitioner presented the following in support of said petition:
 - A. Letter of support dated August 5, 2024, from Kimberly Bohannan.
 - B. Letter of support dated November 4, 2024, from Jacqueline Bretta.
 - C. Letter of support from Jacoby Brown.
 - D. Letter of support dated July 21, 2024, from Yoland Denise Drew.
 - E. Letter of support dated November 12, 2024, from Mary A. Seekle Edwards.
 - F. Letter of support from Jessica Flynt.
 - G. Letter of support from Cynthia Himstedt.
 - H. Letter of support dated August 16, 2024, from Barbie Johnston.
 - I. Letter of support dated August 21, 2024, from Rylee Kirkwood.
 - J. Letter of support from Joshua Lance.
 - K. Letter of support dated July 25, 2024, from Ashley Lott.
 - L. Letter of support dated August 20, 2024, from Kellie Marsh.
 - M. Letter of support dated August 20, 2024, from Kenya Meacham.
 - N. Letter of support dated August 2, 2024, from Jessie Miller.
 - O. Letter of support dated July 28, 2024, from Kamden De'Milo Reed.
 - P. Letter of support dated April 6, 2025, from Misti Seaton.
 - Q. Letter of support from Christina Williams.
 - R. Documentation of the required continuing education contact hours.
9. On or about October 13, 2025, Petitioner completed a forensic psychological evaluation performed by Paul Andrews, Ph.D. According to Dr. Andrews, Petitioner was diagnosed with bipolar disorder and has been successfully treated for the condition since 2020. Petitioner continues to have symptoms of hypermania, PTSD, and anxiety although she said these conditions are under control. Dr. Andrews' assessment of Petitioner leads him

to conclude that she currently meets criteria that are outlined for consideration in evaluating "good professional character." Petitioner appears to be a productive and stable citizen of society without criminal leanings or current substance abuse problems. Dr. Andrews' recommendation is that if allowed to resume Petitioner's licensed practice as a nurse that she has a period of monitoring as she has history of use of several types of recreational drugs, no history of substance abuse treatment, history of significant mental illness symptoms, and limited sustained treatment with a consistent provider. It will be important that Petitioner's compliance with prescribed psychiatric medication be monitored as well as mental health symptoms that might interfere with her work as a nurse or tempt her back into drug use. Continued participation in psychotherapy with the same provider over time and informed workplace supervision are strongly recommended at least during a return to nursing with its demands and opportunities for substance abuse. As with any chronic potentially debilitating mental health condition, it is very important that the person have ongoing monitoring in order to identify potential self-delusions about discontinuing treatment or ignoring warning signs of possible relapse. It is Dr. Andrews' opinion that with these safeguards Petitioner is capable of performing responsibly and without significant impairment as a licensee.

10. The Executive Director considered evidence of Petitioner's past behavior in light of the factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for relicensure.
11. The Executive Director considered evidence of Petitioner's substance use disorder, and subsequent rehabilitation as provided in 22 TEX. ADMIN. CODE §213.29 and in accordance with 22 TEX. ADMIN. CODE §213.33.
12. The Executive Director considered evidence of Petitioner's mental illness and subsequent treatment as provided in 22 TEX. ADMIN. CODE §213.29 and in accordance with 22 TEX. ADMIN. CODE §213.33.
13. Relicensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.
14. The Executive Director's review of Petitioner's eligibility for relicensure has been made on the basis of Petitioner's disclosures.
15. Petitioner'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. This reinstatement is made pursuant to Sections 301.453(c) and 301.467, Texas Occupations Code and 22 TEX. ADMIN. CODE §213.26.
3. The Board may relicense an individual upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, if the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
4. The Board may license an individual who has a history of mental illness and substance use disorder after consideration of the criteria set out in 22 TEX. ADMIN. CODE §213.29 if the Board determines the individual does not pose a direct threat to the health and safety of patients or the public.
5. 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.
6. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).
7. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. REINSTATEMENT OF LICENSURE AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that the petition of ASHLY NICOLE LANCE for reinstatement of license to practice nursing in the State of Texas be **GRANTED** and Registered Nurse License Number 821041 is/are hereby **REINSTATED** in accordance with the terms of this Order.

- A. PETITIONER SHALL submit an application for licensure renewal/reactivation, as applicable, and pay all re-registration fees, if any, and PETITIONER'S licensure status in the State of Texas will be activated and updated to current status and to reflect the applicable conditions outlined herein.

- B. Until successfully completed, this Order SHALL apply to any and all future licenses issued to PETITIONER to practice nursing in the State of Texas.
- C. Until successfully completed, this Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- D. Until successfully completed, PETITIONER may not practice nursing in the State of Texas except in accordance with the terms of this Order.
- E. As a result of this Order, PETITIONER'S license(s) will be designated "single state" as applicable and PETITIONER may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

II. COMPLIANCE WITH LAW

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

III. PEER ASSISTANCE PROGRAM REQUIREMENTS

IT IS FURTHER AGREED and ORDERED that PETITIONER SHALL comply with the following conditions for such a time as is required for PETITIONER to successfully complete the **Texas Peer Assistance Program for Nurses (TPAPN)**:

- A. **Within forty-five (45) days** following the date of relicensure, PETITIONER SHALL apply to TPAPN.
- B. **Within ninety (90) days** following the date of relicensure, PETITIONER SHALL sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee payable 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.

- C. Upon acceptance into the TPAPN, PETITIONER SHALL **waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.**
- D. PETITIONER 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 in current status.
- E. PETITIONER SHALL CAUSE the TPAPN to **notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.**

IV. REMEDIAL EDUCATION COURSE(S)

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

- A. **A Board-approved course in Texas nursing jurisprudence and ethics** that shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft, and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted.
- B. **The course "Righting a Wrong,"** a 3.0 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) International Center for Regulatory Scholarship (ICRS).

In order to receive credit for completion of this/these course(s), PETITIONER SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. PETITIONER SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

V. EFFECT OF NONCOMPLIANCE

SHOULD PETITIONER 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 PETITIONER'S license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

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

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PETITIONER'S CERTIFICATION

I understand this Order is conditioned upon the accuracy and completeness of my petition and disclosures. I further understand that subsequently discovered discrepancies in my petition and/or disclosures will result in investigation and possible disciplinary action, up to revocation of my license(s).

I have reviewed this Order. I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order.

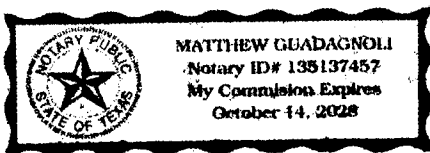
I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license(s) to practice nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, and/or REVOCATION of my license(s) and/or nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 4 day of March, 2024.

Ashly Nicole Lance
ASHLY NICOLE LANCE,
a/k/a ASHLEY NICOLE MARSH, PETITIONER

Sworn to and subscribed before me this 4 day of March, 2024.

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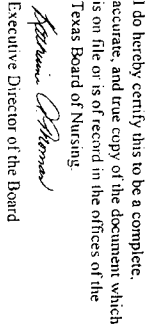
[Signature]
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 4th day of March, 2026, by ASHLY NICOLE LANCE, a/k/a ASHLEY NICOLE MARSH, Registered Nurse License Number 821041, and said Reinstatement Agreed Order is final.

Effective this 23rd day of April, 2026.

Kristin K. Benton, DNP, RN

Kristin K. Benton, DNP, RN
Executive Director on behalf
of said Board



§ AGREED
§
§ ORDER
§

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(9)&(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 September 26, 2014.

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 professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from Tyler Junior College, Tyler, Texas, on May 11, 2012. Respondent was licensed to practice professional nursing in the State of Texas on June 28, 2012.
5. Respondent's professional nursing employment history includes:

East Texas Medical Center
Tyler, Texas

Respondent's professional nursing employment history includes:

03/2013 - 05/2013	Unknown	
05/2013 - Current	RN	Pediatric Home Health Tyler, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with East Texas Medical Center, Tyler, Texas, and had been in that position for eight (8) months.
7. On or about February 26, 2013, while employed with East Texas Medical Center, Tyler, Texas, Respondent misappropriated Zofran belonging to the facility and patients thereof. Additionally, Respondent admitted that she removed the Zofran from the Pyxis under Patient Medical Record Number 0427568's account, but administered the medication to herself instead. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
8. On or about February 26, 2013, while employed with East Texas Medical Center, Tyler, Texas, Respondent removed Zofran from the Pyxis for patients, but failed to follow facility policy and procedure for wastage of the unused portions of said medications. Respondent's conduct was likely to deceive the hospital pharmacy and placed the pharmacy in violation of Chapter 481 (Controlled Substance Act) of the Texas Health and Safety Code.
- ~~9. On or about February 26, 2013, while employed with East Texas Medical Center, Tyler, Texas, Respondent falsified medical records for Patient Medical Record Number 0427568 in that she removed Zofran from the Pyxis, under said patient's account, however she admitted to using the medication for her personal use. Respondent's conduct resulted in inaccurate medical records and was likely to deceive subsequent care givers who relied on the information while providing care to the residents.~~
10. On or about February 27, 2013, while employed with East Texas Medical Center, Tyler, Texas, Respondent engaged in the intemperate use of amphetamines in that she produced a specimen for a drug screen that resulted positive for amphetamines. Unlawful possession of amphetamines is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substance Act). The use of amphetamines by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patients' conditions, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
11. In response to Findings of Fact Number Seven (7) through Ten (10), Respondent states she was sick but chose not to call in for various reasons. Respondent states that she had to take her prescribed Tussicaps, which contains hydrocodone, to control her coughing that evening

at work but the combination of coughing, having an empty stomach, and taking hydrocodone made her very nauseous. Respondent explains she had been taking Adderall, which made her impulsive, and she impulsively withdrew the Zofran and administered half a dose to herself so she wouldn't leave her co-workers in a bind. Respondent states she made a bad choice and didn't consider the implications of taking and administering the Zofran to herself.

12. 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 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(5),(6)(A), (6)(G),(10)(A),(10)(C),(10)(D)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(9)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 821041, heretofore issued to ASHLY NICOLE MARSH.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS** in accordance with the terms 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. REMEDIAL EDUCATION COURSE(S)

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

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

EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse, providing direct patient care in a licensed healthcare setting, for a minimum of sixty-four (64) hours per month for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as a nurse have elapsed. 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. **Indirect Supervision:** RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice,

or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

- D. **Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the 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 four (4) quarters [one (1) year] 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 stipulation/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 stipulation 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. 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

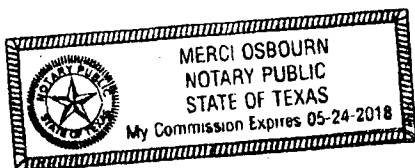
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said 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 _____ day of _____, 20____.

Ashly Nicole Marsh
ASHLY NICOLE MARSH, Respondent

Sworn to and subscribed before me this 2 day of March, 2015.

SEAL



Merci Osbourn

Notary Public in and for the State of 5-24-18

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 2nd day of March, 2015, by ASHLY NICOLE MARSH, Registered Nurse License Number 821041, and said Order is final.

Effective this 16th day of April, 2015.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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.
Executive Director of the Board

DOCKET NUMBER 507-16-0161

IN THE MATTER OF	§	BEFORE THE STATE OFFICE
PERMANENT CERTIFICATE	§	
NUMBER 821041,	§	OF
ISSUED TO	§	
ASHLY NICOLE MARSH	§	ADMINISTRATIVE HEARINGS

OPINION AND ORDER OF THE BOARD

TO: ASHLY NICOLE MARSH

SARAH STARNES
ADMINISTRATIVE LAW JUDGE

At the regularly scheduled public meeting on April 21-22, 2016, the Texas Board of Nursing (Board) considered the following items: (1) Order No. 4, *Default Dismissal*, issued by the ALJ in the above cited matter; (2) Staff's recommendation that the Board revoke the Respondent's registered nursing license by default; and (3) Respondent's recommendation to the Board regarding the above cited matter, if any.

On December 17, 2015, the ALJ convened a hearing on the merits in this matter. Staff of the Board was present for the hearing. However, the Respondent was not present at the hearing, and no one appeared on her behalf. During the hearing on December 17, 2015, Staff introduced evidence into the record demonstrating that Respondent had been sent a Second Amended Notice of Hearing by first class certified mail return receipt requested to her last known address of record maintained by the Board in accordance with 22 Tex. Admin. Code §213.10(a). The ALJ found that Staff's notice was adequate and issued Order No. 4, *Default Dismissal*, granting Staff's Motion for Default and dismissing the case from the docket of SOAH and remanding it to the Board for informal disposition on a default basis in accordance with the Government Code §2001.056.

The Board, after review and due consideration of Order No. 4, issued by the ALJ in the above cited matter, finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with the Government Code §2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Occupations Code Chapter 301 (Nursing Practice Act) for retention of Respondent's license to practice professional nursing in the State of Texas. The Board further finds that the First Amended Formal Charges were properly initiated and filed in accordance with the Occupations Code §301.458. The Board further finds that proper and timely notice regarding the violations alleged in the First Amended Formal Charges was given to Respondent in accordance with the requirements of the Government Code §2001.051 and §2001.052 and 1 Tex. Admin. Code §155.501. The Board further finds that the Respondent failed to appear in accordance with 22 Tex. Admin. Code Chapter 213 and 1 Tex. Admin. Code §155.501. As a result of the Respondent's failure to

appear, the Board has determined that the factual allegations listed in the First Amended Formal Charges are to be deemed admitted by default and the Board is authorized to enter a default order against the Respondent pursuant to the Government Code §2001.056 and 22 Tex. Admin. Code §213.22. Further, the Board has determined that it is entitled to revoke the Respondent's registered nursing license pursuant to 22 Tex. Admin. Code §213.33(m).

Therefore, the Board hereby adopts the factual allegations, which have been deemed admitted, and the conclusions of law contained in the First Amended Formal Charges, which are attached hereto and incorporated herein by reference for all purposes, and Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing in accordance with the Government Code Chapter 2001 and 22 Tex. Admin. Code §213.23(l), as applicable. All parties have a right to judicial review of this Order. All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

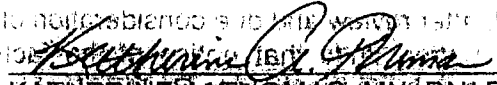
IT IS, THEREFORE, ORDERED THAT Permanent Certificate Number 821041, previously issued to ASHLY NICOLE MARSH, to practice nursing in the State of Texas be, and the same is hereby, **REVOKED**.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privileges, if any, to practice nursing in the State of Texas.

FURTHER, pursuant to the Occupations Code §301.467, RESPONDENT is not eligible to petition for reinstatement of licensure until at least one (1) year has elapsed from the date of this Order. Further, upon petitioning for reinstatement, RESPONDENT must satisfy all then existing requirements for licensure.

Entered this 23rd day of April, 2016:

TEXAS BOARD OF NURSING


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

Attachment: First Amended Formal Charges

In the Matter of	§	BEFORE THE TEXAS
Permanent Registered Nurse	§	
License Number 821041	§	
Issued to ASHLY NICOLE MARSH,	§	
Respondent	§	BOARD OF NURSING

FIRST AMENDED FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ASHLY NICOLE MARSH, is a Registered Nurse holding License Number 821041, which is in suspended 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 August 5, 2015, through August 9, 2015, while employed as a Registered Nurse with Nacogdoches Memorial Hospital, Nacogdoches, Texas, Respondent withdrew Morphine from the medication dispensing system for Patient Numbers 29718467 and 29738721, but failed to timely administer the Morphine, and/or accurately and completely document the administration of the medication in the patients' Medication Administration Record (MAR) as follows:

Date	Time	Patient	Medication Withdrawn	Waste	Physician's Order	MAR
8/5/15	742P	WG 29718467	(1) Morphine 5mg	2.5 mg 920P	Morphine 2.5mg Q 4hrs PRN	1055P 2.5mg
8/5/15	1039P	WG 29718467	(1) Morphine 5mg	None	Morphine 2.5mg Q 4hrs PRN	1128P 2.5mg
8/6/15	1223A	WG 29718467	(1) Morphine 5mg	None	Morphine 2.5mg Q 4hrs PRN	258A 2.5mg
8/9/15	955P	JA 29738721	(1) Morphine 5mg	2mg 1107P	Morphine 3mg IV Q 2hrs PRN	1105P 3mg
8/9/15	1107P	JA 29738721	(1) Morphine 5mg	2mg 1248A	Morphine 3mg IV Q 2hrs PRN	1247A 3mg
8/9/15	1248A	JA 29738721	(1) Morphine 5mg	2mg 232A	Morphine 3mg IV Q 2hrs PRN	226A 3mg
8/9/15	315A	JA 29738721	(1) Morphine 5mg	2mg 418A	Morphine 3mg IV Q 2hrs PRN	416A 3mg

Respondent's conduct could have resulted in the patients suffering pain unnecessarily, or could have injured 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 481 (Controlled Substances Act) of the Texas Health and Safety Code.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 Tex. Admin. Code §217.11(1)(A),(1)(B),(1)(C)&(1)(D), and 22 Tex. Admin. Code §217.12(1)(A),(1)(B),(1)(C),(4)&(1)(B).

CHARGE II.

On or about August 5, 2015, through August 9, 2015, while employed as a Registered Nurse with Nacogdoches Memorial Hospital, Nacogdoches, Texas, Respondent withdrew Morphine from the medication dispensing system for Patient Numbers 29718467 and 29738721 in excess frequency of the physician's order, as follows:

Date	Time	Patient	Medication Withdrawn	Waste	Physician's Order	MAR
8/5/15	742P	WG 29718467	(1) Morphine 5mg	2.5 mg 920P	Morphine 2.5mg Q 4hrs PRN	1053P 2.5mg
8/5/15	1039P	WG 29718467	(1) Morphine 5mg	None	Morphine 2.5mg Q 4hrs PRN	1128P 2.5mg
8/6/15	1223A	WG 29718467	(1) Morphine 5mg	None	Morphine 2.5mg Q 4hrs PRN	258A 2.5mg
8/9/15	726P	JA 29738721	(1) Morphine 5mg	None	Morphine 3mg IV Q 2hrs PRN	730P 3mg
8/9/15	856P	JA 29738721	(1) Morphine 5mg	None	Morphine 3mg IV Q 2hrs PRN	936P 3mg
8/9/15	955P	JA 29738721	(1) Morphine 5mg	2mg 942P	Morphine 3mg IV Q 2hrs PRN	1105P 3mg
8/9/15	1107P	JA 29738721	(1) Morphine 5mg	2mg 1248A	Morphine 3mg IV Q 2hrs PRN	1247A 3mg
8/9/15	1248A	JA 29738721	(1) Morphine 5mg	2mg 232A	Morphine 3mg IV Q 2hrs PRN	226A 3mg
8/9/15	315A	JA 29738721	(1) Morphine 5mg	2mg 418A	Morphine 3mg IV Q 2hrs PRN	416A 3mg
8/9/15	542A	JA 29738721	(1) Morphine 5mg	2mg 559A	Morphine 3mg IV Q 2hrs PRN	553A 3mg

Respondent's conduct was likely to injure the patients in that the administration of Morphine in excess frequency of the physician's order could result in the patients suffering from adverse reactions. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 Tex. Admin. Code §217.11(1)(A),(1)(B),(1)(C)(2)/(3), and 22 Tex. Admin. Code §217.12(1)(A),(1)(B),(4)&(1)(B).

CHARGE III.

On or about August 5, 2015, through August 9, 2015, while employed as a Registered Nurse with Nacogdoches Memorial Hospital, Nacogdoches, Texas, Respondent withdrew Morphine from the medication dispensing system for Patient Numbers 29718467 and 29738721, but failed to follow the facility's policy and procedure for wastage of the unused portions of the medications as follows:

Date	Time	Patient	Medication Withdrawn	Waste	Physician's Order	MAR
8/5/15	1039P	WG 29718467	(1) Morphine 5mg	None	Morphine 2.5mg Q 4hrs PRN	1128P 2.5mg
8/6/15	1223A	WG 29718467	(1) Morphine 5mg	None	Morphine 2.5mg Q 4hrs PRN	258A 2.5mg
8/9/15	726P	JA 29738721	(1) Morphine 5mg	None	Morphine 3mg IV Q 2hrs PRN	770P 3mg

Respondent's conduct left medications unaccounted for, was likely to deceive the hospital pharmacy, and placed the pharmacy in violation of the Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 Tex. Admin. Code §217.11(1)(A)&(1)(B), and 22 Tex. Admin. Code §217.12(1)(A),(1)(B),(4),(10)(C)&(11)(B).

CHARGE IV.

On or about August 5, 2015, through August 9, 2015, while employed as a Registered Nurse with Nacogdoches Memorial Hospital, Nacogdoches, Texas, Respondent misappropriated Morphine from the facility and patients thereof, or failed to take precautions to prevent the misappropriation of the medication from the facility and patients thereof. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 Tex. Admin. Code §217.12(1)(A), (1)(B),(4),(6)(G),(8),(10)(F) &(11)(B).

CHARGE V.

On or about August 10, 2015, Respondent was noncompliant with the Agreed Order issued to her by the Texas Board of Nursing on April 16, 2015. Noncompliance is the result of her failure to abstain from the use of Morphine in that she submitted a specimen for a drug screen that resulted positive for Morphine. Section (V) of the Agreed Order dated April 16, 2015, states, in pertinent part:

- 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."

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 Tex. Admin. Code §217.12(11)(B).

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 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. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services; the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1,200.00).

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.

NOTICE IS GIVEN that to the extent applicable, 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.

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.

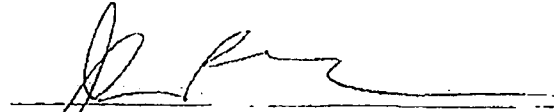
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NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated April 16, 2015.

Filed this 19 day of November, 2015.

TEXAS BOARD OF NURSING



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

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Natalie E. Adelaja, Assistant General Counsel
State Bar No. 24064715

John R. Griffith, Assistant General Counsel
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

John F. Legris, Assistant General Counsel
State Bar No. 00785533

John Vanderford, Assistant General Counsel
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-8657
F: (512) 305-8101 or (512) 305-7401

Attachments: Agreed Order of the Board dated April 16, 2015

BEFORE THE TEXAS BOARD OF NURSING



I do hereby certify that the foregoing is a true and correct copy of the order of the Texas Board of Nursing as it appears in the official records of the Board.

Katherine A. Thomas, MN, RN
Executive Director of the Board

In the Matter of § AGREED
Registered Nurse License Number 821041 §
issued to ASHLY NICOLE MARSH § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ASHLY NICOLE MARSH, Registered Nurse License Number 821041, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 001.452(b)(9) & (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 September 26, 2014.

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 professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from Tyler Junior College, Tyler, Texas, on May 11, 2012. Respondent was licensed to practice professional nursing in the State of Texas on June 28, 2012.
5. Respondent's professional nursing employment history includes:

06/2012 - 03/2013

RN

East Texas Medical Center
Tyler, Texas

Respondent's professional nursing employment history includes:

03/2013 - 05/2013

Unknown

05/2013 - Current

RN

Pediatric Home Health
Tyler, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with East Texas Medical Center, Tyler, Texas, and had been in that position for eight (8) months.
7. On or about February 26, 2013, while employed with East Texas Medical Center, Tyler, Texas, Respondent misappropriated Zofran belonging to the facility and patients thereof. Additionally, Respondent admitted that she removed the Zofran from the Pyxis under Patient Medical Record Number 0427568's account, but administered the medication to herself instead. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.
8. On or about February 26, 2013, while employed with East Texas Medical Center, Tyler, Texas, Respondent removed Zofran from the Pyxis for patients, but failed to follow facility policy and procedure for wastage of the unused portions of said medications. Respondent's conduct was likely to deceive the hospital pharmacy and placed the pharmacy in violation of Chapter 481 (Controlled Substance Act) of the Texas Health and Safety Code.
- ~~9. On or about February 26, 2013, while employed with East Texas Medical Center, Tyler, Texas, Respondent falsified medical records for Patient Medical Record Number 0427568 in that she removed Zofran from the Pyxis under said patient's account, however she admitted to using the medication for her personal use. Respondent's conduct resulted in inaccurate medical records and was likely to deceive subsequent care givers who relied on the information while providing care to the residents.~~
10. On or about February 27, 2013, while employed with East Texas Medical Center, Tyler, Texas, Respondent engaged in the intemperate use of amphetamines in that she produced a specimen for a drug screen that resulted positive for amphetamines. Unlawful possession of amphetamines is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substance Act). The use of amphetamines by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patients' conditions, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
11. In response to Findings of Fact Number Seven (7) through Ten (10), Respondent states she was sick but chose not to call in for various reasons. Respondent states that she had to take her prescribed Tussicaps, which contains hydrocodone, to control her coughing that evening.

at work but the combination of coughing, having an empty stomach, and taking hydrocodone made her very nauseous. Respondent explains she had been taking Adderall, which made her impulsive, and she impulsively withdrew the Zofran and administered half a dose to herself so she wouldn't leave her co-workers in a bind. Respondent states she made a bad choice and didn't consider the implications of taking and administering the Zofran to herself.

12. 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 22 TEX. ADMIN. CODE §217.12(1)(A), (1)(B), (4), (5), (6)(A), (6)(G), (10)(A), (10)(C), (10)(D) & (11)(B).
4. The evidence received is sufficient cause, pursuant to Section 301.452(b)(9) & (10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 821041, heretofore issued to ASHLY NICOLE MARSH.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS** in accordance with the terms 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. REMEDIAL EDUCATION COURSE(S)

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

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

In order to complete the terms of this Order, RESPONDENT must work as a nurse, providing direct patient care in a licensed healthcare setting, for a minimum of sixty-four (64) hours per month for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as a nurse have elapsed. 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 of receiving 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 Form:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.

C. **Indirect Supervision:** RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice,

or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

- D. **Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the 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 four (4) quarters [one (1) year] 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 stipulation/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	Mefenadone
Benzodiazepines	Methadone
Cannabinoids	Morphine
Cocaine	Opiates
Ethanol	Phencyclidine
Uranadol hydrochloride (Ultram)	Propoxyphene

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.

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. 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

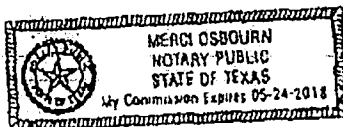
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said 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 _____ day of _____, 20____.

Ashly Nicole Marsh
ASHLY NICOLE MARSH, Respondent

Sworn to and subscribed before me this 2 day of March, 2015.

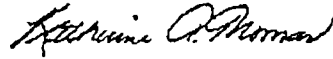
SEAL



M. Osbourn
Notary Public in and for the State of S. 24-18

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 2nd day of March, 2015, by ASHLY NICOLE MARSH, Registered Nurse License Number 821041, and said Order is final.

Effective this 16th day of April, 2015.



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