



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
License Number 835931
Issued to RACHEL MICHELLE ROSA,
Respondent**

**§ BEFORE THE TEXAS
§ BOARD OF NURSING
§ ELIGIBILITY AND
§ DISCIPLINARY COMMITTEE**

ORDER OF THE BOARD

TO: Rachel Rosa
3215 Autumn Ct
Pearland, TX 77584

During open meeting held in Austin, Texas, on May 12, 2026, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by

reference for all purposes and the 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 [22 TEX. ADMIN. CODE § 213.16(j)]. 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.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 835931, previously issued to RACHEL MICHELLE ROSA to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

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

Entered this 12th day of May, 2026.

TEXAS BOARD OF NURSING

BY:

Kristin K. Benton, DNP, RN

KRISTIN K. BENTON, DNP, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charges filed February 26, 2026

d17r(2026.04.01)

Re: Permanent Registered Nurse License Number 835931
Issued to RACHEL MICHELLE ROSA
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of May, 2020, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested,
Copy Via USPS First Class Mail

Rachel Rosa
3215 Autumn Ct
Pearland, TX 77584

Via USPS Certified Mail
Return Receipt Requested

BY: Kristin K. Benton, DNP, RN

KRISTIN K. BENTON, DNP, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

**In the Matter of
Permanent Registered Nurse
License Number 835931
Issued to RACHEL MICHELLE ROSA,
Respondent**

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**BEFORE THE TEXAS
BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, RACHEL MICHELLE ROSA, is a Registered Nurse holding license number 835931, which is in current 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 October 29, 2025, while employed as a Registered Nurse with NW Surgery Center, Houston, Texas, and assigned to the PACU Unit, Respondent lacked fitness to practice nursing in that she exhibited signs of impaired behavior while on duty, including, but not limited to: standing and swaying with her upper body at a 45-degree angle and her arms hanging slack, pacing, acting disoriented, falling, talking to herself, and nodding out. Subsequently, Respondent agreed to a reasonable suspicion drug screen and when she was taken in an uber for testing, Respondent told her employer they were unable to perform the 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.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), (12) & (14), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(B) & (1)(F) and §217.12(1)(A), (1)(B), (1)(E), (4) & (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.

NOTICE IS GIVEN that cases or two formal charges are Board's action, and all pleadings must be submitted to the Board's Office of Hearings, Adjudication and Due Process, 1001 North Loop West, Suite 1000, Houston, Texas 77007.

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.

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 April 26, 2013, and October 8, 2015.

Filed this 26th day of February 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
State Bar No. 24086670

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State Bar No. 24098463

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Attachment(s): Order(s) of the Board dated April 26, 2013, and October 8, 2015.

D(2026.02.12)

BEFORE THE TEXAS BOARD OF NURSING

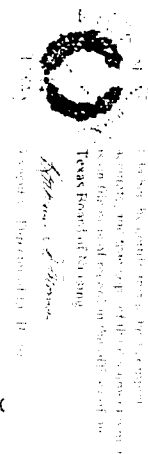
In the Matter of § AGREED
Registered Nurse License Number 835931 §
issued to RACHEL MICHELLE ROSA § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of RACHEL MICHELLE ROSA, Registered Nurse License Number 835931, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on September 16, 2015.

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 suspended status.
4. Respondent received a Baccalaureate Degree in Nursing from the University of South Carolina, Aiken, South Carolina, on May 8, 2008. Respondent was licensed to practice professional nursing in the State of Texas on May 15, 2013.
5. Respondent's nursing employment history is unknown.
6. On or about April 26, 2013, Respondent was issued an Agreed Eligibility Order by the Texas Board of Nursing. Respondent has not successfully completed the terms of this Order. A copy of the Findings of Fact, Conclusions of Law, and Order dated April 26, 2013, is attached and incorporated herein by reference as part of this Order.



7. On or about April 17, 2014, through July 29, 2015, Respondent became noncompliant with the Agreed Eligibility Order issued to her by the Texas Board of Nursing on April 26, 2013. Noncompliance is the result of Respondent's failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) contract, in that Respondent failed to submit to random drug screens. Stipulation Number Three (3) of the Agreed Eligibility Order, dated April 26, 2013, states:

"(3) PETITIONER SHALL comply with all requirements of the TPAPN contract during its term."

On or about August 11, 2015, Respondent was dismissed from the Texas Peer Assistance Program for Nurses (TPAPN) and referred to the Texas Board of Nursing.

8. Formal Charges were filed, and Respondent's license(s) to practice nursing in the State of Texas was temporarily suspended on September 14, 2015.
9. In response to Finding of Fact Number Seven (7), Respondent states that while enrolled in the TPAPN program, she never provided a positive urine sample.
10. TPAPN records indicate that Respondent did not test positive during drug screening.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.12(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 835931, heretofore issued to RACHEL MICHELLE ROSA, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas

Board of Nursing, that Registered Nurse License Number 835931, previously issued to RACHEL MICHELLE ROSA, to practice nursing in Texas is hereby **SUSPENDED** with the suspension **STAYED** and Respondent is hereby placed on **PROBATION**, in accordance with the terms of this Order, for a minimum of two (2) years **AND** until Respondent fulfills the requirements of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

II. COMPLIANCE WITH LAW

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

III. 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. **MONETARY FINE**

RESPONDENT SHALL pay a monetary fine in the amount of three hundred fifty dollars (\$350.00) within ninety (90) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

V. **EMPLOYMENT REQUIREMENTS**

In order to complete the terms of this Order, RESPONDENT must work as a nurse, providing direct patient care in a licensed healthcare setting, for a minimum of sixty-four (64) hours per month for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as a nurse have elapsed. 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 eight (8) quarters [two (2) years] of employment as a nurse.

VI. DRUG AND ALCOHOL RELATED REQUIREMENTS

- A. While under the terms of this Order, RESPONDENT SHALL abstain from

the use of alcohol, tramadol and all controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.

B. While working as a nurse under the terms of this Order, RESPONDENT SHALL submit to random periodic screens for alcohol, tramadol, and controlled substances. The Board will provide instructions on how to enroll in the Board's drug and alcohol testing program following the entry of this Order and screening will begin when Respondent obtains employment and submits the Notification of Employment form to the Board.

- For the first three (3) month [1st quarter] period RESPONDENT works as a nurse under the terms of this Order, random screens shall be performed at least once per week.
- For the next three (3) month [2nd quarter] period, random screens shall be performed at least twice per month.
- For the next six (6) month period [3rd & 4th quarters], random screens shall be performed at least once per month.
- For the remainder of the probation period, random screens shall be performed at least once every three (3) month quarterly period.

All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board. Any test result for a period of time in which the RESPONDENT is not working as a nurse under the terms of this Order will not count towards satisfaction of this requirement. All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation/probation period.

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

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates

Cocaine
Ethanol
tramadol hydrochloride (Ultram)

Phencyclidine
Propoxyphene

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

Consequences of Positive or Missed Screens. Any positive result for which RESPONDENT does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject RESPONDENT to further disciplinary action, including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

- C. While under the terms of this Order, RESPONDENT 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. RESPONDENT 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 RESPONDENT. RESPONDENT SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month quarterly period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

VII. FURTHER COMPLAINTS

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

VIII. 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.

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 30 day of September, 2015.

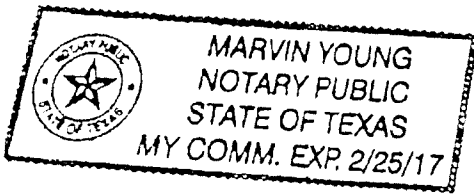
Rachel M. Rosa
RACHEL MICHELLE ROSA, Respondent

Sworn to and subscribed before me this 30 day of September, 2015.

SEAL


Marvin Young

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 30th day of September, 2015, by RACHEL MICHELLE ROSA, Registered Nurse License Number 835931, and said Order is final.

Effective this 8th day of October, 2015.


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



BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED
RACHEL MICHELLE ROSA,	§	
PETITIONER for Eligibility for Licensure	§	ELIGIBILITY ORDER

I hereby certify that the above
 is a true and correct copy of the
 original as filed with the Board of Nursing
 on this date: 03/07/2013
 Secretary, Texas Board of Nursing

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, considered the Endorsement Application, which has been processed as a Petition for Declaratory Order pursuant to 22 TEX. ADMIN. CODE §217.51(f) and §217.30 and supporting documents filed by RACHEL MICHELLE ROSA, hereinafter referred to as PETITIONER, together with any documents and information gathered by staff and Petitioner's attorney or other person.

Information received by the Board indicated evidence that PETITIONER may be ineligible for licensure pursuant to Sections 301.452(a)(3)(c) (2) and 301.433, Texas Occupations Code.

PETITIONER waived representation by counsel, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, M.N., R.N., Executive Director, on March 7, 2013.

 Katherine A. Thomas, Executive Director

- 1. This declaratory order is subject to the provisions of the Texas Administrative Code, Chapter 22, Subchapter B, Sections 22.127 and 22.128, Texas Administrative Code, which require that a declaratory order be entered on or before the 90th day following the date of the hearing.
- 2. Petitioner waived representation by counsel, notice and hearing, and agreed to the entry of this Order.

3. Petitioner received a Baccalaureate Degree in Professional Nursing from the University of South Carolina, Aiken, South Carolina, on May 1, 2008.

4. Petitioner completed the Endorsement Application and answered "Yes" to the question which reads as follows: "*For any criminal offense, including those pending appeal, have you:*

- A. *been convicted of a misdemeanor?*
 - B. *been convicted of a felony?*
 - C. *pled nolo contendere, no contest, or guilty?*
 - D. *received deferred adjudication?*
 - E. *been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?*
 - F. *been sentenced to serve jail or prison time? court-ordered confinement?*
 - G. *been granted pre-trial diversion?*
 - H. *been arrested or have any pending criminal charges?*
 - I. *been cited or charged with any violation of the law?*
 - J. *been subject of a court-martial, Article 15 violation, or received any form of military judgment/punishment/action?*
- (You may only exclude Class C misdemeanor traffic violations.)"*

5. Petitioner disclosed the following criminal history, to wit:

- A. On or about March 15, 2011, Respondent was arrested in Hunt County, Greenville, South Carolina, and subsequently charged under Cause No. F040933 for DLI, a misdemeanor offense committed on or about March 15, 2011. On or about January 20, 2012, Cause No. F040933 was nolle prossed in the Municipal Court, Greenville County, South Carolina.

6. Petitioner was not convicted of any other criminal offenses.

7. Petitioner completed the Endorsement Application and answered "yes" to the question which reads as follows: "*Has your nursing license, or any other license, ever been denied, annulled, cancelled, suspended, or otherwise placed on probation, refusal to renew a professional license, non-compliance with state's privilege held by you now or previously, or ever been censured, reprimanded or otherwise disciplined you?*"

8. On November 25, 2011, Petitioner was issued a Consent Order by the South Carolina Board of Nursing. A copy of the Consent Order is attached and incorporated by reference as part of this Order.

9. After considering the action taken by the South Carolina Board of Nursing, along with Petitioner's subsequent compliance with the terms of the Consent Order, Petitioner desires the Board to meet the requirements of the Nursing Practice Act, the Nursing Rules and Regulations and generally appear at the time and place as follows:

10. Petitioner completed the Endorsement Application and answered "Yes" to the question which reads as follows: *"Within the past five (5) years have you been addicted to and/or treated for the use of alcohol or any other drug?"*
11. On or about November 22, 2014, Petitioner entered a twenty-eight-day substance abuse treatment program at the Marion Military Remnant Center, Fort Mill, North Carolina. Petitioner was discharged on December 19, 2014, after completing the program.
12. The safety of patients and the public requires that the petitioner be deemed to practice nursing he is fit, sober, and able to consistently practice nursing in autonomous roles under demanding and stressful conditions.
13. Petitioner has sworn that, with the exception of matters disclosed in connection with the Endorsement Application, her past behavior conforms to the Board's professional character requirements of 22 F.C.R. Admin. Code § 11.027.
14. Petitioner presented no evidence of dishonesty or any other grounds for denial of professional character.
15. The Board's Director has reviewed the records of Petitioner's past behavior in light of applicable provisions of 22 F.C.R. Admin. Code § 11.027 and determined that Petitioner is not by administrative procedure barred from registration in the profession.
16. The Board's Director has reviewed the records of Petitioner's past behavior in light of the provisions and interpretations of 22 F.C.R. Admin. Code § 11.027 and § 11.028 and applicable provisions of 22 F.C.R. Admin. Code § 11.027 and § 11.028.
17. The Board's Director has reviewed the records of Petitioner's past behavior in light of applicable provisions of 22 F.C.R. Admin. Code § 11.027 and § 11.028 and in accordance with 22 F.C.R. Admin. Code § 11.027 and § 11.028.
18. Petitioner's past behavior does not constitute a violation of any provisions of 22 F.C.R. Admin. Code § 11.027 and § 11.028.
19. The Board's Director has reviewed the records of Petitioner's past behavior in light of applicable provisions of 22 F.C.R. Admin. Code § 11.027 and § 11.028.
20. The Board's Director has reviewed the records of Petitioner's past behavior in light of applicable provisions of 22 F.C.R. Admin. Code § 11.027 and § 11.028.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the matter pursuant to Sections 301.432 and 301.453, Texas Occupations Code.
2. On or about February 3, 2012, PETITIONER submitted an Endorsement Application requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(f) and §213.36.
3. Petitioner's history reflects evidence of the following grounds for denial of a license under Section 301.452(b)(3) of the Texas Occupations Code:
4. The Board may prohibit the petitioner from practicing for a specified term pursuant to Section 301.453, Texas Occupations Code.
5. The petitioner has been found to be ineligible for licensure under 22 TEX. ADMIN. CODE §217.5(f) and §213.36, and the Board has determined that the petitioner is not eligible for licensure under 22 TEX. ADMIN. CODE §217.5(f) and §213.36, and the Board has determined that the petitioner is not eligible for licensure under 22 TEX. ADMIN. CODE §217.5(f) and §213.36.
6. The Board has determined that the petitioner is not eligible for licensure under 22 TEX. ADMIN. CODE §217.5(f) and §213.36, and the Board has determined that the petitioner is not eligible for licensure under 22 TEX. ADMIN. CODE §217.5(f) and §213.36.
7. The Board has determined that the petitioner is not eligible for licensure under 22 TEX. ADMIN. CODE §217.5(f) and §213.36, and the Board has determined that the petitioner is not eligible for licensure under 22 TEX. ADMIN. CODE §217.5(f) and §213.36.
8. The Board has determined that the petitioner is not eligible for licensure under 22 TEX. ADMIN. CODE §217.5(f) and §213.36, and the Board has determined that the petitioner is not eligible for licensure under 22 TEX. ADMIN. CODE §217.5(f) and §213.36.
9. The Board has determined that the petitioner is not eligible for licensure under 22 TEX. ADMIN. CODE §217.5(f) and §213.36, and the Board has determined that the petitioner is not eligible for licensure under 22 TEX. ADMIN. CODE §217.5(f) and §213.36.

ORDER

NOW BEFORE ME, JAMES M. RYAN, Notary Public for the State of Texas, duly qualified and sworn, and after reading to the applicant the foregoing petition and the provisions of the laws of the State of Texas relating to the same, and after the applicant has acknowledged to me that he is the person named in the petition, I have signed this Order of Appointment, which shall be in full force and effect from the date hereof.

WITNESSED my hand and the seal of my office this _____ day of _____, 19____, at _____, Texas.

Notary Public for the State of Texas

I hereby certify that the foregoing is a true and correct copy of the original as the same appears in my files and records.

Notary Public for the State of Texas

I hereby certify that the foregoing is a true and correct copy of the original as the same appears in my files and records.

Notary Public for the State of Texas

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

(3) PETITIONER SHALL comply with all requirements of the TPAPN contract during its term.

(4) PETITIONER SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN contract.

IT IS FURTHER AGREED, SHOULD PETITIONER fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or revocation of PETITIONER'S license and other contract-restricted privileges, if any, to practice nursing in the State of Texas.

DATE: _____ BY: _____

CONTINUED ON NEXT PAGE

PETITIONER'S CERTIFICATION

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

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.27, 213.28, 213.29, and 213.30. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

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 my potential ineligibility for licensure through peer assistance.

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 EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of my license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

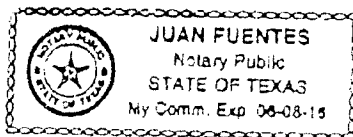
Signed this 16th day of April, 2013

Rachel M. Rosa

RACHEL MITCHELL ROSA - PETITIONER

Subscribed and sworn to before me on this 16th day of April, 2013

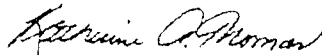
SEAL



Juan Fuentes
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 Eligibility Order that was signed on the 16th day of April, 2013, by RACHEL MICHELLE ROSA, PETITIONER for Eligibility for Licensure, and said Order is final.

Effective this 16th day of April, 2013.



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

SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING & REGULATION
BEFORE THE STATE BOARD OF NURSING

IN THE MATTER OF:

RACHEL M. ROSA, R.N.
License No. RN.201823

CONSENT AGREEMENT

OIE # 2011-155

Respondent.

By agreement of the Board of Nursing (the Board) and the above-named Respondent, the following disposition of this matter is entered pursuant to the provisions of S.C. Code Ann. § 1-23-320(i) (1976, as amended), in lieu of, *inter alia*, a hearing before a hearing officer or panel appointed by the Board. Respondent, admitting the allegations herein and agreeing to the sanctions as set forth below, agrees to waive the authorization, filing, and service of a Formal Complaint and formal hearing procedures, as set forth in the S.C. Nurse Practice Act (S.C. Code Ann. § 40-33-10, *et seq.* (1976, as amended)).

FINDINGS OF FACT

1. Respondent is licensed to practice as a Registered Nurse in South Carolina, was so licensed at all times relevant to the matters asserted in this case, and is subject to the jurisdiction of the Board.
2. Respondent admits that on March 15, 2011, while employed at Greenville Memorial Hospital in Greenville, South Carolina, Respondent was arrested for DUI in the parking lot of the hospital while on the way to report to work.
3. On March 18, 2011, Respondent admits that she was suspended from work as a result of the incident in question. On the same day, Respondent consented to a urine drug analysis, and on March 23, 2011, the drug analysis returned positive for Methadone.
4. On March 21, 2011, Respondent underwent an evaluation with Pavilion in Greenville, South Carolina and entered into their Intensive Outpatient Program. On March 29, 2011, Respondent underwent a medical review through the Employee Assistance Program with Greenville Hospital Systems, and on April 13, 2011, Respondent enrolled with the Recovering Professional Program and is currently in full compliance.
5. Respondent waives any further findings of fact in this matter.

TRUE COPY

Tanya Styles 4/25/12
SC Dept. of LLR Board of Nursing

CONCLUSIONS OF LAW

Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary or corrective action. Respondent further admits that as a result of the admissions herein, Respondent has violated S.C. Code Ann. § 40-33-110(A)(1) and (13) and § 40-1-110(f) (1976, as amended). Respondent waives any further conclusions of law with respect to this matter.

THEREFORE, IT IS AGREED WITH RESPONDENT'S CONSENT THAT:

1. Respondent's license to practice nursing in this State shall be placed on suspension, with an immediate stay, and shall be placed in a probationary status for a period of not less than one (1) year from the date of the Board's action on this Agreement, with the following specified conditions:
 - a. Respondent shall pay a Civil Penalty of \$500.00 within sixty (60) days from the date of the Board's action on this Agreement. Said penalty shall not be deemed paid until received by the Board in the form of a money order or cashier's check.
 - b. Respondent must attend the Board's Legal Aspects Workshop - Teaching Regulation through Education & Experience (T.R.E.E.) and provide written documentation to the Board or its designee within six (6) months from the date of the Board's action on this Agreement. The contact hours received for this course will not be computed in the calculation of total contact hours required for licensure or renewal.
 - c. Respondent must attend a Board-approved Ethics Course and provide written documentation to the Board or its designee within six (6) months from the date of the Board's action on this Agreement. The Board has approved the course offered through <http://www.learningext.com>. The contact hours received for this course will not be computed in the calculation of total contact hours required for licensure or renewal.
 - d. Respondent shall completely refrain from the consumption of mood-altering substances, including alcohol, except as prescribed by a duly licensed practitioner for a documented legitimate medical purpose. All use of such substances is to be reported by Respondent to the Board or its designee within 48 hours of initiation. All such medical treatment and prescribing shall be reported directly to the Board in writing by the treating practitioner within ten (10) days after the date of treatment. Respondent must inform the treating practitioner of this responsibility, provide a copy of this Consent Agreement to the treating practitioner, and ensure timely compliance. Failure to comply with any of the requirements of this paragraph shall be considered a violation of this Consent Agreement.
 - e. Respondent shall be subject to random, unannounced blood and urine alcohol and/or drug analysis as required by the Board or its designee, the

purpose being to ensure that the Respondent remains drug and/or alcohol-free. The cost of such blood and urine alcohol and/or drug analyses and reports will be borne by Respondent, which costs shall be paid within thirty (30) days after the date of the invoice. Failure to make timely payment of such costs, to provide a specimen upon request, or to remain alcohol and/or drug-free shall be considered a violation of this Consent Agreement.

f. Respondent must have a written contract with and be an active participant in the activities of the Recovering Professional Program (hereafter the Program), as approved in advance in writing by the Board, until a period of not less than five years of documented continuous sobriety and compliance with this Consent Agreement has been satisfactorily established by Respondent and until this Consent Agreement has been terminated as provided herein. Such contract shall include provisions for any assessment, treatment, monitoring and aftercare activities, and other activities as the Program shall deem appropriate. The level of participation that is appropriate for Respondent shall be determined by the Program. Respondent must fully comply with all requirements and recommendations of the Program. If required or recommended by the Program, Respondent shall submit, at Respondent's expense, to an evaluation at a facility approved by the Program, any treatment deemed appropriate by the Program at an approved facility, and any monitoring and aftercare activities specified by the Program. The Program shall submit regular written reports documenting Respondent's full compliance with the terms of the contract with the Program and this Consent Agreement. Failure to comply with any of the requirements of this paragraph shall be considered a violation of this Consent Agreement.

g. Within thirty (30) days of the date of this Consent Agreement, Respondent must provide to the Board written verification from an appropriate representative of the Program verifying that Respondent has signed a written contract with and become an active participant in the activities of the Program, as required above. Compliance with this paragraph shall not be deemed satisfied until said written verification is received by the Board. Failure to comply with any of the requirements of this paragraph shall be considered a violation of this Consent Agreement.

2. Respondent shall appear and report to the Board as requested by the Board.

Respondent shall promptly advise this Board in writing of any changes in address, practice, hospital privileges, professional status, or compliance with this Consent Agreement. Correspondence and copies of reports and notices mentioned herein shall be directed to:

S.C. Licensure and Regulation
ATTN: Board of Nursing - Compliance
P.O. Box 12167
Columbia, SC 29211-0167

4. It is understood and agreed that after a period of not less than one (1) year of compliance with this Consent Agreement, Respondent may petition the Board in writing for modification of the terms and conditions provided above. At that time, the Board, in its discretion may modify or impose such additional terms and conditions upon Respondent's license as it may deem appropriate.
5. It is further understood and agreed that at the time Respondent petitions for reinstatement or files a new application, as may be required by law, Respondent will have the burden of proving, among other things, rehabilitation and fitness to practice and any decision will be in the sole discretion of the Board.
6. It is further understood and agreed that this Consent Agreement may be terminated, in the Board's discretion, after a period of documented compliance with the terms and conditions of the Consent Agreement, and upon advice in writing from the Program that Respondent's recovery effort no longer requires monitoring.
7. It is understood and agreed that by executing this Consent Agreement, Respondent specifically consents to execute and deliver to the Board or the Program, within ten (10) days of a request, an authorization for the release to the Board or Program of any and all records, reports or other information concerning Respondent by any and all persons or entities involved, notwithstanding any privilege provided by federal or state law. Failure to comply with any of the requirements of this paragraph shall be considered a violation of this Consent Agreement.
8. It is further understood and agreed that if Respondent fails to abide by any of the aforementioned terms and conditions, or if it should be indicated from reliable reports submitted to the Board that Respondent is otherwise unable to practice nursing with reasonable skill and safety, then Respondent's license may be immediately temporarily suspended pending hearing into the matter and until further Order of the Board.
9. It is understood and agreed that if Respondent fails to meet the conditions agreed to in this Consent Agreement, Respondent's license may be immediately *administratively* suspended pending compliance. Non-compliance may result in further discipline. Any license law violations by Respondent constitute a failure to meet the conditions of this Consent Agreement.
10. It is further understood and agreed that until Respondent complies with the conditions of this Consent Agreement in accordance with the Nurse Licensure Compact, Respondent shall not practice nursing in any other party-state without the prior written approval of this Board and satisfactory documentation of prior written authorization from such other party-state. Failure to comply with any of the requirements of this paragraph shall be considered a violation of this Consent Agreement.
11. It is further understood and agreed that pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §§ 16-4-0 to 16-4-95 (1975), as amended, this Consent Agreement is a public document.

12. It is further understood and agreed that Respondent shall cooperate with the Board, its attorneys, investigators, and other representatives in the investigation of Respondent's compliance with the provisions of this Consent Agreement. Respondent may be required to furnish the Board with additional information as may be deemed necessary by the Board or its representatives. In addition to such requests, the Board in its discretion may require Respondent to submit further documentation regarding Respondent's practice, and it is Respondent's responsibility to fully comply with all reasonable requests in a timely fashion. Failure to reasonably comply with such requests will be deemed a violation of this Consent Agreement.
13. It is further understood and agreed that Respondent has full knowledge that Respondent has the right to a hearing and to be represented by legal counsel in this matter, and freely, knowingly, and voluntarily waives such rights by entering into this Consent Agreement.
14. Respondent understands and agrees that by entering into this Consent Agreement Respondent voluntarily relinquishes any right to judicial review of this or any other Board action(s) which may be taken concerning this and any related matters.
15. Respondent understands and agrees that this Consent Agreement represents a full and final settlement of the issues and violations outlined in this Agreement. This Agreement does not satisfy, prejudice, or stay any other disciplinary action pending before the Board or which may be filed in the future.
16. Respondent understands and agrees that this Consent Agreement will not become effective unless and until approved by the Board. Respondent understands and agrees that this Consent Agreement, if approved, will be disseminated as a public action of the Board in the manner provided by law. Respondent understands and agrees that if this Consent Agreement is not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the Board to adjudicate this matter.
17. This Consent Agreement shall take effect upon approval of the Board and the service upon Respondent or Respondent's counsel.

AND IT IS SO ORDERED

11/28/11
Board Approval Date

SOUTH CAROLINA BOARD OF NURSING

Sylvia A. Whiting 20, NAR, NER-SC
SYLVIA A. WHITING, PhD, APRN-BC
President of the Board

I CONSENT:

Rachel M. Rosa

RACHEL M. ROSA, R.N.

Respondent

08/17/11
Date

Lynne Rogers

LYNNE ROGERS

Agency Counsel for the S.C. Department
of Labor, Licensing and Regulation

10/18/11
Date