

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

DEBAROAH VAUGHN ZIMBELMAN
aka DEBORAH VAUGHN WHITE
17418 MONTANA FALLS DRIVE
ROUND ROCK, TX 78681

Registered Nurse License No. 452433

Respondent.

Case No. 2005-78

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on JULY 5, 2005

IT IS SO ORDERED this JUNE 2, 2005.

Sandra K. Erickson

President
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 BILL LOCKYER, Attorney General
of the State of California
2 HANNAH HIRSCH ROSE, State Bar No. 56276
Deputy Attorney General
3 California Department of Justice
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102-7004
Telephone: (415) 703-5515
5 Facsimile: (415) 703-5480
6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:
11
12 DEBORAH VAUGHN WHITE ZIMBELMAN
A.K.A. DEBORAH VAUGHN WHITE
13 17418 Montana Falls Drive
Round Rock, TX 78681
14 Registered Nurse License No. 452433
15 Respondent.

Case No. 2005-78

OAH No.

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16
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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20
21 PARTIES

- 22 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
23 the Board of Registered Nursing. She brought this action solely in her official capacity and is
24 represented in this matter by Bill Lockyer, Attorney General of the State of California, by
25 Hannah Hirsch Rose, Deputy Attorney General.
- 26 2. Deborah Vaughn White Zimbelman (Respondent) is representing herself
27 in this proceeding and has chosen not to exercise her right to be represented by counsel.
- 28 3. On or about March 31, 1990, the Board of Registered Nursing issued

1 Registered Nurse License No. 452433 to a.k.a. Deborah Vaughn White, Deborah Vaughn White
2 Zimbelman. The License was in full force and effect at all times relevant to the charges brought
3 in Accusation No. 2005-78 and will expire on March 31, 2006, unless renewed.

4
5 JURISDICTION

6 4. Accusation No. 2005-78 was filed before the Board of Registered Nursing
7 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The
8 Accusation and all other statutorily required documents were properly served on Respondent on
9 October 29, 2004. Respondent timely filed her Notice of Defense contesting the Accusation. A
10 copy of Accusation No. 2005-78 is attached as exhibit A and incorporated herein by reference.

11
12 ADVISEMENT AND WAIVERS

13 5. Respondent has carefully read, and understands the charges and allegations
14 in Accusation No. 2005-78. Respondent also has carefully read, and understands the effects of
15 this Stipulated Surrender of License and Order.

16 6. Respondent is fully aware of her legal rights in this matter, including the
17 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
18 counsel, at her own expense; the right to confront and cross-examine the witnesses against her;
19 the right to present evidence and to testify on her own behalf; the right to the issuance of
20 subpoenas to compel the attendance of witnesses and the production of documents; the right to
21 reconsideration and court review of an adverse decision; and all other rights accorded by the
22 California Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
24 each and every right set forth above.

25
26 CULPABILITY

27 8. Respondent admits the truth of each and every charge and allegation in
28 Accusation No. 2005-78, agrees that cause exists for discipline and hereby surrenders her

1 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
2 against Respondent. This stipulation constitutes a record of the discipline and shall become a
3 part of Respondent's license history with the Board.

4 14. Respondent shall lose all rights and privileges as a Registered Nurse in
5 California as of the effective date of the Board's Decision and Order.

6 15. Respondent shall cause to be delivered to the Board both her License
7 wall and pocket license certificate on or before the effective date of the Decision and Order.

8 16. Respondent fully understands and agrees that if she ever files an
9 application for licensure or a petition for reinstatement in the State of California, the Board shall
10 treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations
11 and procedures for reinstatement of a revoked license in effect at the time the petition is filed,
12 and all of the charges and allegations contained in Accusation No. 2005-78 shall be deemed to be
13 true, correct, and admitted by Respondent when the Board determines whether to grant or deny
14 the petition.

15 17. Upon reinstatement of the license, Respondent shall pay to the Board costs
16 associated with its investigation and enforcement pursuant to Business and Professions Code
17 section 125.3 in the amount of Two Thousand Five Hundred Dollars and No Cents (\$2,500.00).
18 Respondent shall be permitted to pay these costs in a payment plan approved by the Board.

19 18. Should Respondent ever apply or reapply for a new license or certification,
20 or petition for reinstatement of a license, by any other health care licensing agency in the State of
21 California, all of the charges and allegations contained in Accusation, No. 2005-78 shall be
22 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
23 Issues or any other proceeding seeking to deny or restrict licensure.

24 19. Respondent shall not apply for licensure or petition for reinstatement for
25 two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

26 20. Respondent shall pay the Board its costs of investigation and enforcement
27 in the amount of \$2,500.00 prior to issuance of a new or reinstated license.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 2/2/05

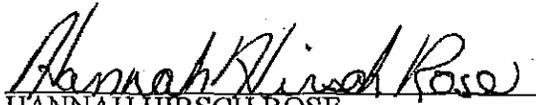

DEBORAH VAUGHN WHITE ZIMBELMAN
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 3/1/05

BILL LOCKYER, Attorney General
of the State of California


HANNAH HIRSCH ROSE
Deputy Attorney General

Attorneys for Complainant

DOJ Docket Number/Matter ID: SF2004400731
Zimelman.surrender stip.wpd

Exhibit A
Accusation No. 2005-78

1 BILL LOCKYER, Attorney General
of the State of California
2 HANNAH HIRSCH ROSE, State Bar No. 56276
Deputy Attorney General
3 California Department of Justice
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102-7004
Telephone: (415) 703-5515
5 Facsimile: (415) 703-5480
6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. *2005-78*

11 **DEBORAH VAUGHN WHITE ZIMBELMAN,**
12 **A.K.A. DEBORAH VAUGHN WHITE**
17418 Montana Falls Drive
13 Round Rock, TX 78681
14 **Registered Nurse License No. 452433**

ACCUSATION

Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
20 Department of Consumer Affairs.

21 2. On or about March 31, 1990, the Board of Registered Nursing ("Board")
22 issued Registered Nurse License Number 452433 to Deborah Vaughn White Zimbelman, also
23 known as Deborah Vaughn White ("Respondent"). The license will expire on March 31, 2006,
24 unless renewed.

25 **STATUTORY PROVISIONS**

26 3. Section 2750 of the Business and Professions Code ("Code") provides that
27 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

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1 license, for any reason provided in Article 3 (commencing with section 2750 of the Code) of the
2 Nursing Practice Act.

3 4. Section 2761 of the Code provides, in pertinent part:

4 "The board may take disciplinary action against a certified or licensed
5 nurse or deny an application for a certificate or license for any of the following:

6 (a) Unprofessional conduct, which includes, but is not limited to, the
7 following:

8 (4) Denial of licensure, revocation, suspension, restriction, or any other
9 disciplinary action against a health care professional license or certificate by another state or
10 territory of the United States, by any other government agency, or by another California health
11 care professional licensing board. A certified copy of the decision or judgment shall be
12 conclusive evidence of that action."

13 5. Section 2762 of the Code provides, in pertinent part:

14 "In addition to other acts constituting unprofessional conduct within the
15 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person
16 licensed under this chapter to do any of the following:

17 (a) Obtain or possess in violation of law, or prescribe, or except as
18 directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or
19 herself, or furnish or administer to another, any controlled substance as defined in Division 10
20 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or
21 dangerous device as defined in Section 4022.

22 (b) Use any controlled substance as defined in Division 10 (commencing
23 with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device
24 as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
25 injurious to himself or herself, any other person, or the public or to the extent that such use
26 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
27 license."

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1 **SECOND CAUSE FOR DISCIPLINE**

2 (Dangerous or Injurious Use of a Controlled Substance)

3 11. Respondent's registered nurse license is subject to discipline under
4 section 2761, subdivision (a) and section 2762, subdivision (b) of the Code, in that from on or
5 about September 2, 1999, until on or about October 13, 1999, while on-duty as a licensed
6 registered nurse at Good Samaritan Hospital located in San Jose, California, Respondent used
7 Vicodin to such an extent or in such a manner as to be dangerous or injurious to Respondent, any
8 other person, or the public, or to the extent that such usage impaired Respondent's ability to
9 conduct with safety to the public the practice of nursing.

10 **OUT-OF-STATE DISCIPLINE**

11 12. Effective January 8, 2004, in a disciplinary action entitled: "In the Matter
12 of License Number 677767 issued to Deborah Vaughn Zimbelman," Respondent's State of Texas
13 nursing license was voluntarily surrendered to the Board of Nurse Examiners for the State of
14 Texas. Respondent's license was surrendered following findings by the Board of Nurse
15 Examiners for the State of Texas that on or about January 10, 2003, while employed with St
16 David's Hospital located in Austin, Texas, Respondent used Codeine, as evidenced by a
17 specimen obtained during a drug screen which tested positive for that substance. In addition, on
18 or about January 10, 2003, while employed with St David's Hospital located in Austin, Texas,
19 Respondent also failed to comply with the Eligibility Agreed Order issued by the Board of Nurse
20 Examiners for the State of Texas on March 8, 2001, requiring that Respondent successfully
21 complete the Texas Peer Assistance Program for nurses. A copy of the disciplinary action
22 entitled: "In the Matter of License Number 677767 issued to Deborah Vaughn Zimbelman," is
23 attached hereto as Exhibit "A" and is incorporated herein by reference.

24 **THIRD CAUSE FOR DISCIPLINE**

25 (Out-of-State Discipline)

26 13. Respondent's registered nurse license is subject to discipline under
27 section 2761, subdivision (a)(4) of the Code, in that pursuant to the disciplinary action entitled:
28 "In the Matter of License Number 677767 issued to Deborah Vaughn Zimbelman," effective

1 January 8, 2004, Respondent's State of Texas nursing license was disciplined by the Board of
2 Nurse Examiners for the State of Texas.

3 **PRAYER**

4 **WHEREFORE**, Complainant requests that a hearing be held on the matters
5 herein alleged, and that following the hearing the Board issue a decision:

- 6 1. Revoking or suspending Registered Nurse License Number 452433 issued
7 to Deborah Vaughn White Zimbelman, also known as Deborah Vaughn White;
- 8 2. Ordering Deborah Vaughn White Zimbelman, also known as Deborah
9 Vaughn White to pay the reasonable costs incurred by the Board in the investigation and
10 enforcement of this case pursuant to section 125.3 of the Code; and,
- 11 3. Taking such other and further action as deemed necessary and proper.

12 **DATED:** 10/26/04

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

ATTACHMENT A

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 677767 § AGREED
issued to DEBORAH VAUGHN ZIMBELMAN § ORDER

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of License Number 677767, issued to DEBORAH VAUGHN ZIMBELMAN, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

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

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

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Baccalaureate Degree in Nursing from Dominican College of San Rafael, San Rafael, California, on May 1, 1989. Respondent was licensed to practice professional nursing in the State of Texas on June 12, 2001.
5. Respondent's professional employment history includes:

5/89 - 7/91	GN/Staff Nurse Surgical ICU	Santa Clara Valley Medical Center San Jose, CA
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Respondent's professional employment history continued:

12/91 - 2/92	Travel Nurse ICU/ Trauma	Lee Memorial Hospital Fort Myers, FL
3/92 - 4/92	Unknown	
5/92 - 1/96	Staff/Float Nurse	H.R.N. Services Campbell, CA
8/92 - 10/93	Staff Nurse Med/Surg ICU	Good Samaritan Hospital of Santa Clara Valley Los Gatos, CA
3/94 - 3/95	Visit Nurse	Home Health Plus San Jose, CA
1/96 - 5/97	Case Manager	First American Homecare Los Gatos, CA
5/97 - 2/98	Staff Nurse Psychiatric Unit	Charter Hospital San Jose, CA
3/98 - 10/99	Staff Nurse ICU	Good Samaritan Hospital Los Gatos, CA
11/99 - 6/01	Unknown	
7/01 - 9/02	Staff Nurse PCU	Heart Hospital of Austin Austin, Texas
10/02 - 8/03	Telemetry Nurse Cardiac Unit	St. David's Hospital Austin, Texas
8/03 - Present	Not Employed as a Registered Nurse	

6. On March 8, 2001, an Eligibility Agreed Order was issued to the Respondent by the Board of Nurse Examiners for the State of Texas, requiring her to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Eligibility Agreed Order dated March 8, 2001, Findings of Fact, and Conclusions of Law is attached and incorporated by reference as part of this Order.

7. At the time of the initial incident, Respondent was employed as a Telemetry Nurse in the Cardiac Unit with St. David's Hospital, Austin, Texas, and had been in this position for three (3) months .
8. On or about January 10, 2003, while employed with St. David's Hospital, Austin, Texas, Respondent engaged in the intemperate use of Codeine in that Respondent produced a specimen for a drug screen which tested positive for Codeine. Possession of Codeine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Codeine by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
9. On or about January 10, 2003, while employed with St. David's Hospital, Austin, Texas, Respondent failed to comply with the Eligibility Agreed Order issued to her by the Board of Nurse Examiners for the State of Texas on March 8, 2001. On January 10, 2003, Respondent produced a specimen for a drug screen which tested positive for Codeine, which constitutes a failure to comply with Stipulation Number Three (3) of the Agreed Order which states in pertinent part:

"RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term."

10. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice professional nursing in the State of Texas.
11. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
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 a violations of Section 301.452(b) (1), (9) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12 (1).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 677767, heretofore issued to DEBORAH VAUGHN ZIMBELMAN, including revocation of Respondent's professional license to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.452(b), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of License Number 677767, heretofore issued to DEBORAH VAUGHN ZIMBELMAN, to practice professional nursing in the State of Texas, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-size license, heretofore issued to DEBORAH VAUGHN ZIMBELMAN, to the office of the Board of Nurse Examiners.
2. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.

3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 6th day of January 2004.

Deborah Vaughn Zimelman
DEBORAH VAUGHN ZIMBELMAN, Respondent

Sworn to and subscribed before me this 6 day of January, 2004.



Hetal Patel
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of License Number 677767, previously issued to DEBORAH VAUGHN ZIMBELMAN.

Effective this 8th day of January, 2004.



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of
DEBORAH VAUGHN ZIMBELMAN
APPLICANT for Eligibility for
Licensure Temp 81804
SSN 562-55-7161

§ ELIGIBILITY
§
§ AGREED ORDER
§ June, 16, 2001

On
17418 Montana Fall
Round Rock, TX
78681

On the date entered below, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the Temporary License/Endorsement Application and supporting documents filed by DEBORAH VAUGHN ZIMBELMAN, hereinafter referred to as APPLICANT, together with any documents and information gathered by staff and APPLICANT's Certificate contained herein. Information received by the Board produced evidence that APPLICANT may have violated Article 4525(b)(8), Revised Civil Statutes of Texas, as amended.

APPLICANT waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered on January 4, 2001, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. On or about November 12, 2000, Applicant submitted a Temporary License/Endorsement Application requesting a determination of eligibility for licensure in compliance with 301.260 *et seq.*, Texas Occupations Code.
2. Applicant waived representation, notice, administrative hearing, and judicial review.
3. Applicant provided a "yes" answer to the inquiry authorized by Rule 213.29(b)(1) at 22 Texas Administrative Code. Question Number 13 reads: "Have you ever been addicted to or treated for the use of alcohol or any other drug within the past five (5) years?"
4. Applicant presented evidence of current fitness to practice professional nursing.

ENTERED

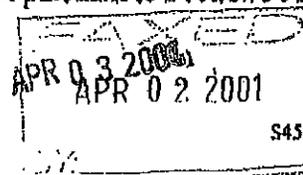
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5. Applicant presented satisfactory proof of One (1) consecutive years of sobriety and support group attendance. Applicant's sobriety date is November 3, 1999.
6. The Board received letters of support/recommendation for Applicant from the following:
 - ~~Sanj Recovery Center, Inpatient Care Center, Campbell, California~~
 - We Care Health Professional's Support Group, Los Gatos, California.
7. The safety of patients and the public requires that all persons licensed to practice nursing be fit, sober, and able to consistently practice nursing in autonomous roles under demanding and stressful conditions.
8. The Executive Director considered evidence of Applicant's substance abuse and subsequent rehabilitation as provided in §213.29, 22 Texas Administrative Code.
9. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of the information provided by Applicant.
10. The Board has determined that the Applicant for licensure who has not been fit and sober for a period of at least five (5) continuous years [sixty (60) continuous months], poses a direct threat to the health and safety of patients and the public and should not be issued an unencumbered license.
11. Applicant has sworn that, with the exception of matters disclosed in connection with the Temporary License/Endorsement Application, Applicant's past behavior conforms to the Board's professional character requirements. Applicant presented no evidence of behavior which is inconsistent with the Board's character requirements in 22 Texas Administrative Code §213.27.
12. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Texas Administrative Code §213.27, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
13. Applicant'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. The Board of Nurse Examiners has jurisdiction over this matter pursuant to Section 301.453 *et seq.*, Texas Occupations Code.

ENTERED



2. Applicant has submitted an application in compliance with Section 301.260 *et seq.*, Texas Occupations Code.
3. Applicant shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452 *et seq.*, Texas Occupations Code.
4. The Board of Nurse Examiners may license an individual who has a history of substance abuse, after consideration of the criteria set out in 22 Texas Administrative Code §213.29, the Board determines the Applicant does not currently pose a direct threat to the health and safety of patients or the public.
5. The Board may, in its discretion, order a Applicant, upon initial licensure as a registered nurse, to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED that the application of DEBORAH VAUGHN ZIMBELMAN, APPLICANT, is hereby conditionally GRANTED and shall be subject to conditions.

(1) APPLICANT shall obtain and read the Texas Nursing Practice Act, and the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice.

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

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

ENTERED

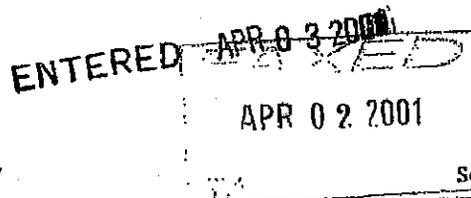
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(4) IT IS FURTHER AGREED and ORDERED that while APPLICANT's license is encumbered by this Order the APPLICANT may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas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

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

- (1) APPLICANT SHALL apply to and be accepted into the TPAPN.
- (2) Upon acceptance into the TPAPN, APPLICANT SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.
- (3) Upon verification by the Board of APPLICANT's acceptance into TPAPN and APPLICANT's payment of the necessary fees, APPLICANT SHALL be issued a license to practice professional nursing in the State of Texas.
- (4) APPLICANT SHALL comply with all requirements of the TPAPN contract during its term.
- (5) APPLICANT SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

IT IS FURTHER AGREED, SHOULD APPLICANT 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 revocation of APPLICANT's license to practice professional nursing in the State of Texas.



APPLICANT'S CERTIFICATE

I am the Applicant in this matter. I have fully and truthfully disclosed all relevant information in conformity with Rule 213.29 at Texas Administrative Code. I certify that my past behavior, except as disclosed in my Temporary License/Endorsement Application, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

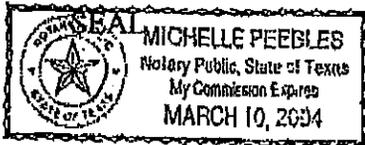
In connection with my application, I acknowledge that I have read and I understand Section 301.257, Texas Occupations Code, Section 301.452 (a),(b) and (c), Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and Board Rules 213.27, 213.28, and 213.29 at 22 Texas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

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

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

Signed this 27 day of Feb. 2001
Deborah Vaughn Zimbelman
DEBORAH VAUGHN ZIMBELMAN, APPLICANT

Sworn to and subscribed before me this 27 day of February, 2001.



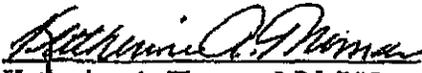
Michelle Peebles
Notary Public in and for the State of Texas

FAXED
APR 02 2001

ENTERED APR 03 2001

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Order of Conditional Eligibility that was signed on the 27th day of February, 2001, by DEBORAH VAUGHN ZIMBELMAN, APPLICANT, for Temporary License/Endorsement Application, and said Order is final.

Entered and effective this 8th day of March, 2001.


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

Attachments: Section 301.257, Texas Occupations Code
Section 301.452(a),(b) and (c), Texas Occupations Code
Section 301.453, Texas Occupations Code
Rule 213.27, 22 Texas Administrative Code
Rule 213.28, 22 Texas Administrative Code
Rule 213.29, 22 Texas Administrative Code
Chapter 53, Sec. 53.001 *et seq.*, Texas Occupations Code

ENTERED

