BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Vocational Nurse	§	AGREED
License Number 148361	§	
issued to KARNE LEE HUTSON	§	ORDER

TEXAS BOARD OF NURSING

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

Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as the B considered the matter of KARNE LEE HUTSON, Vocational Nurse License Number 148 hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(8), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on November 30, 2010, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).

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

3. Respondent is currently licensed to practice vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from North Central Texas College-VN Program, Gainesville, Texas on August 12, 1994. Respondent was licensed to practice vocational nursing in the State of Texas on September 13, 1994.

5. Respondent's nursing employment history includes:

09/1994 to 02/1995	Staff LVN	Hamilton Hospital Olney, Texas

Respondent's nursing employment history continued.

02/1995 to 10/1995	Staff LVN	Archer Nursing Home Archer City, Texas
10/1995 to 10/1996	Staff LVN	Family Home Health Care Burkburnett, Texas
10/1996 to 06/1997	Staff LVN	Sunny Hills Nursing Home Henrietta, Texas
10/1996 to 12/1996	Staff LVN-PRN	Torch Home Health Care Wichita Falls, Texas
04/1997 to 02/1998	Staff LVN	Great Western Home Health Care Burkburnett, Texas
02/1998 to 07/1998	Unknown	
08/1998 to 10/2002	Staff LVN	United Regional Healthcare Wichita Falls, Texas
08/2002 to 03/2005	Agency LVN	Nurse Staffing of Dallas Dallas, Texas
04/2005 to 05/2009	Not employed in nursing	
06/2009 to Present	Staff LVN	Fort Carson Army Hospital Fort Carson, Colorado

6. On or about June 25, 2009, while holding a license as a vocational nurse in the State of Texas and practicing nursing under Respondent's practical nursing license issued by the State of Colorado on June 8, 2009, Respondent was issued an Order of Suspension by the Colorado State Board of Nursing, indefinitely suspending Respondent's Colorado Practical Nursing license No. 46852 for failure to complete the Colorado Peer Assistance Services as directed by Colorado Board of Nursing Stipulation and Final Agency Order, Case No. 2009-003006 issued June 8, 2009. On June 30, 2009, Respondent's Colorado Practical Nurse License was reinstated after she reentered the Colorado Peer Assistance Program. A copy of the Colorado Board of Nursing Order of Suspension dated June 25, 2009 and Stipulation and Final Agency Order, dated June 30, 2009, is attached and incorporated, by reference, as part of this Order.

7. In response to Finding of Fact Number Six (6), Respondent states she understands she has a problem with alcohol and drugs and is attempting to overcome these issues with the program she is now enrolled in.

8. 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 of Section 301.452(b)(8), Texas Occupations Code.

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 148361, heretofore issued to KARNE LEE HUTSON, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Vocational Nurse License Number 148361, previously issued to KARNE LEE HUTSON, to practice vocational nursing in Texas is hereby SUSPENDED with the suspension STAYED and Respondent is hereby placed on PROBATION with the following agreed terms of probation:

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

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

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

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

(2) RESPONDENT SHALL fully comply with all the terms and conditions of the Order of the Board issued to KARNE LEE HUTSON on June 8, 2009, by the Colorado Board of Nursing. RESPONDENT SHALL CAUSE the Colorado Board of Nursing to submit quarterly reports, on forms provided by the Texas Board, that KARNE LEE HUTSON is in compliance with the Order of the Board, and RESPONDENT SHALL cause the Colorado Board of Nursing to submit written verification of Respondent's successful completion of that Order. Evidence of compliance/completion with the terms of the Order of the Colorado State Board of Nursing will be accepted as evidence of compliance/completion of the terms of this Order issued by the Texas Board of Nursing.

IT IS FURTHER AGREED and ORDERED that 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.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall 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 alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 15 day of April, 2011.

Karne Lee Hutson

KARNE LEE HUTSON, Respondent

Sworn to and subscribed before me this 15 day of April, 2011.

SEAL

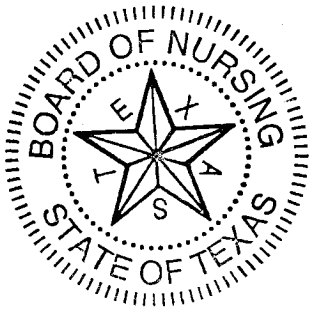
PAULA L SOLANO
NOTARY PUBLIC
STATE OF COLORADO
My commission Expires 1/12/14

Paula L. Solano

Notary Public in and for the State of Colorado

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 15th day of April, 2011, by KARNE LEE HUTSON, Vocational Nurse License Number 148361, and said Order is final.

Effective this 14th day of June, 2011.



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

Dora
Department of Regulatory Agencies

Division of Registrations
Rosemary McCool
Director

State Board of Nursing
Mark Merrill
Program Director

Bill Ritter, Jr.
Governor

D. Rico Munn
Executive
Director

CERTIFIED COPY

I hereby certify that the attached is a true and correct copy of the Stipulation and Final Agency Order and Order of Suspension regarding the license to practice as a practical nurse of Karen Lee Hutson in the State of Colorado.

In testimony whereof, I sign my name and affix the seal of this Board at Denver, Colorado, on this 10th day of July, 2009.

Charlene K. Douglas, Complaint Specialist

1560 Broadway, Suite 1350 Denver, Colorado 80202 Phone 303.894.2430
Fax 303.894.2821 www.dora.state.co.us V/TDD 711

Consumer Protection

BEFORE THE STATE BOARD OF NURSING
STATE OF COLORADO
Case No. 2009-003006

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE APPLICATION FOR A LICENSE TO PRACTICE PRACTICAL NURSING IN THE STATE OF COLORADO OF KAREN LEE HUTSON,

ISSUED LPN LICENSE NO. 46852

IT IS HEREBY STIPULATED by and between the State Board of Nursing, Inquiry Panel A, acting in its licensing capacity pursuant to section 12-38-108(1)(b)(II), C.R.S., (the "Board") and Karen Lee Hutson ("Applicant") as follows:

1. Applicant submitted an application for a license to practice as a practical nurse in the State of Colorado dated December 12, 2008. The Board considered Applicant's application and agreed to grant Applicant a license to practice practical nursing in Colorado subject to the terms and conditions of this Stipulation and Final Agency Order ("Order").

2. The Board has jurisdiction over the person of Applicant and the subject matter of this Order.

3. It is the intent of the parties and the purpose of this Order to provide for a settlement of all matters set forth in case number 2009-003006 only, without the necessity of holding a formal disciplinary hearing. This Order constitutes the entire agreement between the parties, and there are no other agreements or promises, written or oral, which modify, interpret, construe or affect this Order.

4. Applicant understands that:

   a. Applicant has the right to be represented by an attorney of the Applicant's choice and Applicant has voluntarily chosen to proceed without representation;

   b. Applicant has the right to a formal disciplinary hearing pursuant to section 12-38-118, 24-4-104(9), and 24-4-105, C.R.S.;

   c. By entering into this Order, Applicant knowingly and voluntarily waives the right to a hearing, admits the facts contained in this Order, and relieves the Board of its burden of proving such facts;

d. By entering into this Order, Applicant knowingly and voluntarily waives the right to present a defense by oral and documentary evidence, and to cross-examine witnesses who would testify on behalf of the Board;

e. By entering into this Order, Applicant knowingly and voluntarily waives the right to seek judicial review of this Order; and

f. By entering into this Order, Applicant agrees that during the effective period of this Order, any license issued by the State of Colorado shall be a single state license without multistate licensure privilege to practice in other states, except as otherwise provided in this Order.

5. Applicant admits as follows:

a. On or about December 12, 2008, Applicant submitted an Application for Licensure by Endorsement to the Board.

b. In her application for licensure, Applicant answered "yes" to Question 4 in the Screening Questions section which asks "Have you ever been convicted, entered a plea of guilty, nolo contendere, or no contest for any felony, misdemeanor or petty offense?"

c. On or about October 12, 2005, Applicant entered a plea of guilty to one count of Burglary 2-Of Dwelling-Attempted, a class 4 felony, in the Pueblo County District Court, case number 05CR1544.

d. Burglary 2-Of Dwelling-Attempted is a crime defined by title 18 of the Colorado Revised Statutes.

e. On or about January 23, 2006, Applicant was sentenced to a four year term of probation.

f. Pursuant to the Conditions of Probation issued by the Pueblo County District Court on or about January 30, 2006, Applicant is required to participate in a substance abuse treatment program.

g. From approximately 2003 to 2005, Respondent smoked crack cocaine.

h. Application is recovering from drug addiction.

6. By virtue of the facts admitted in paragraph 5 above, Applicant admits, and the Board hereby finds, that Applicant is subject to discipline pursuant to 12-38-117(1) (b)(i) and (l), C.R.S.

7. The Board is authorized by sections 12-38-116(4)(c)(III) and -118, C.R.S. to order such conditions upon Applicant's practice as deemed necessary, which are set forth in this Order.

8. The Board is authorized to suspend, revoke or otherwise discipline any licensee as provided in section 12-38-108(1)(b.5), C.R.S., for any of the following:

> **12-38-117. Grounds for discipline.** (1) "Grounds for discipline," as used in this article, means any action by any person who:
>
> (b)(I) Has been convicted of a felony or any crime that would constitute a violation of this article.
>
> (II) (A) For purposes of this paragraph (b), "conviction" includes the entry of a plea of guilty or nolo contendere or the imposition of a deferred sentence.
>
> (B) A certified copy of the judgment of a court of competent jurisdiction of such conviction or plea shall be prima facie evidence of such conviction.
>
> (i) Is addicted to or dependent on alcohol or habit-forming drugs, is a habitual user of controlled substances, as defined in section 12-22-303(7), or other drugs having similar effects, or is diverting controlled substances, as defined in section 12-22-303(7), or other drugs having similar effects from the licensee's place of employment; except that the board has the discretion not to discipline the licensee if such licensee is participating in good faith in a program approved by the board designed to end such addiction or dependency;
>
> (l) Has engaged in any conduct which would constitute a crime as defined in title 18, C.R.S., and which conduct relates to such person's employment as a practical or professional nurse. In conjunction with any disciplinary proceeding pertaining to this paragraph (l) , the board shall be governed by the provisions of section 24-5-101, C.R.S.

PARTICIPATION IN THE PEER ASSISTANCE SERVICES

9. By entering into this Order, Applicant voluntarily requests, and the Board grants, permission to participate in the Board's nursing peer health

assistance/alternative to discipline program, as provided by, and also known as, Peer Assistance Services ("PAS") pursuant to section 12-38-131, C.R.S. In the event that PAS is eliminated or in any way ceases to exist during the period of time in which Applicant is undergoing evaluation or monitoring, the Board may order substitution of another such program or the Board itself may monitor Applicant. Under such circumstances, monitoring terms may be subject to amendment or revision, as the Board, in its discretion, determines necessary to establish terms substantially equivalent to those set forth in this Order and all provisions of this Order concerning PAS shall be applicable to the substituted program. Additionally, Applicant hereby agrees that any release or authorization granted to PAS shall also apply to any subsequent program during the effective period of this Order.

10. By entering into this Order, Applicant agrees **to complete the intake to participate in PAS within three (3) days of the effective date of this Order.** Failure to complete the intake within three (3) days of the effective date of this Order shall constitute a violation of this Order.

11. Applicant shall be evaluated by PAS to determine an appropriate monitoring and treatment plan. Applicant agrees to comply with all terms and conditions determined by PAS, and shall enter into a written contract with PAS, setting forth such terms and conditions (the "PAS Contract"). Failure to **sign the PAS Contract within fourteen (14) days** of the effective date of this Order shall constitute a violation of this Order.

12. By entering into this Order, Applicant authorizes the Board to request and receive information, which would otherwise be confidential, that is related to Applicant from any healthcare professional providing services pursuant to Applicant's involvement in PAS. Additionally, Applicant authorizes the Board to release Board records to any healthcare professional providing services pursuant to Applicant's involvement in PAS.

13. This information may include alcohol and drug abuse treatment program records that may be confidential under federal or state law. Respondent authorizes the Board to re-disclose and make public, consistent with Board policy, information obtained from PAS necessary for the limited purposes of enforcing this Order, seeking sanctions for non-compliance with this Order, or other purposes authorized in the Nurse Practice Act, sections 12-38-101 to -133, C.R.S. Medical records shall not become public records by virtue of such use. Any revocation of any release or authorization by Respondent concerning such confidential information shall constitute a violation of this Order.

14. Within two (2) weeks of the effective date of this Order, and within two (2) weeks of obtaining nursing employment at any time during the pendency of this Order, Applicant shall provide a copy of this Order to the immediate nursing supervisor at Applicant's place of employment.

POSSIBLE SANCTIONS FOR VIOLATION OF THIS ORDER

15. Applicant acknowledges that PAS shall provide a report to the Board within 24 hours, or the next working day, of Applicant's termination from PAS for any reason other than successful completion. Termination from PAS may occur for failure to comply with Applicant's treatment plan or failure to comply with any term of the PAS Contract, or upon a finding by PAS that Applicant is unable to practice nursing with reasonable skill and safety to the patients. PAS may also refer Applicant to the Board for non-compliance not resulting in termination from PAS. Following notification of Applicant's non-compliance with PAS or termination from PAS, the Board may take appropriate action as authorized by the Nurse Practice Act, section 12-38-101 *et seq.* C.R.S., and/or this Order.

16. Applicant acknowledges that if Applicant is referred to the Board for non-compliance, documents kept in the possession of PAS regarding Applicant will be sent to the Board.

17. If at any time during the duration of this Order, Applicant fails to attend or complete PAS, the Board may, as provided by section 12-38-131(4), C.R.S., immediately suspend Applicant's license to practice practical nursing.

a. In the event that the Board suspends Applicant's license for failing to attend or complete PAS, the Board shall send an Order of Suspension to Applicant by first class mail to Applicant's address of record with the Board. Such suspension shall be effective three days after the Order of Suspension is mailed by first class mail, postage prepaid, to Applicant's address of record.

b. In the case of such suspension, the Board shall lift the suspension upon review of evidence establishing that Applicant has resumed compliance with PAS.

c. Within ten (10) days of the receipt of an Order of Suspension, Respondent may request a hearing contesting the allegation(s) that led to the section 12-38-131, C.R.S., suspension. In the hearing, the Respondent shall bear the burden of proving that the license should not be suspended. Such hearing will be limited to the issue of whether Respondent failed to attend or complete the program. A request for hearing will not stay the suspension of Respondent's license.

18. If at any time during the duration of this Order, Applicant violated any term of this Order other than as addressed in the above paragraph, the Board may, as provided by section 12-38-116.5(4)(c)(IV), C.R.S., suspend Applicant's license to

practice practical nursing until such time as Applicant complies with such conditions or may revoke Applicant's license to practice nursing.

a. In the event that the Board suspends or revokes Applicant's license pursuant to section 12-38-116.5(4)(c)(IV), C.R.S., the Board shall send either an Order of Suspension or Order of Revocation to Applicant by first class mail to Applicant's address of record with the Board. Such suspension or revocation shall be effective three days after the date the Order of Suspension or Order of Revocation is mailed by first class mail, postage prepaid, to Applicant's address of record.

b. In the case of a suspension, the Board shall lift the suspension upon review of evidence establishing that Applicant has resumed compliance with this Order.

c. In the case of a revocation, the Applicant may not resume the practice of nursing unless and until Applicant successfully applies for and is granted a new license to practice nursing pursuant to the Nurse Practice Act, sections 12-38-101 to -133 C.R.S.

d. Within ten (10) days of the receipt of an Order of Suspension or Order of Revocation, Respondent may request a hearing contesting the allegation(s) that led to the section 12-38-116.5(4)(c)(IV), C.R.S., suspension or revocation. In the hearing, the Respondent shall bear the burden of proving that the license should not be suspended or revoked. Such hearing will be limited to the issue of whether Respondent complied with all terms of this Order. A request for hearing will not stay the suspension or revocation or Respondent's license.

19. In addition to any remedy set forth above, the Board may commence disciplinary proceedings pursuant to sections 12-38-116.5, 24-4-104 and -105, C.R.S., for any additional act subject to discipline under section 12-38-117, C.R.S. In the event of a subsequent disciplinary hearing, this Order shall be admissible into evidence. In the event the facts that constitute the alleged violation of this Order are determined to be unproven, no disciplinary action shall be taken by the Board, and this Order shall remain operative and in full force and effect. The pendency of any disciplinary action pursuant to this Order shall not affect the obligation of Applicant to comply with the terms of this Order.

OTHER TERMS

20. At the end of Applicant's PAS Contract, Applicant will provide written proof to the Board of successful completion of the PAS Contract. If the Board finds that Applicant adhered to all terms of this Order, then this proceeding shall be concluded.

21. By signing this Order, Applicant authorizes PAS to release to the Board a copy of Applicant's signed PAS application and signed PAS contract.

22. In the event of relocation to another state Respondent's requirements under this Order will be stayed until completed, except as otherwise provided in this Order.

23. In the event of relocation to another state that is not a member of the Nurse Licensure Compact, sections 24-60-3201 and -3202, C.R.S. (non-party state), Applicant shall notify the Board of the change of address within thirty (30) days of such relocation. Applicant acknowledges that the Board may notify the Board of Nursing, or the equivalent regulatory agency in any state to which Applicant relocates or applies for a health care license, of the existence and terms of, and Applicant's compliance with, this Order.

24. In the event of relocation to a state, that is a member of the Nurse Licensure Compact (party state), Applicant shall obtain prior written authorization from the Board and from the equivalent regulatory agency in the other party state to which Applicant is relocating, in order to practice nursing in the other party state.

25. Applicant may request to complete the requirements of this Order while relocated to another state by submitting verifiable written proof of practice under the same or similar conditions as required by this Order. The decision whether or not to grant credit for nursing practice in another state shall rest exclusively in the discretion of the Board.

26. Applicant shall comply with all provisions of the Nurse Practice Act, all rules and regulations of the Board and obey all other state and federal laws while the terms of this Order are in effect.

27. Both parties acknowledge that the terms of this Order were mutually negotiated and determined.

28. Both parties acknowledge that they understand the legal consequences of this Order, both parties enter into this Order voluntarily, and both parties agree that no term or condition of this Order is unconscionable.

29. All costs and expenses incurred by Applicant to comply with this Order shall be the sole responsibility of Applicant, and shall not in any way be the obligation of the Board.

30. This Order shall become an order of the Board when approved by the Board and signed by an authorized Board representative.

31. In the event this Order is not signed by an authorized Board representative, it shall be void and Applicant shall not be bound by any provisions hereof or admissions herein.

32. Upon signature by an authorized Board representative, this Order and all of its terms shall have the same force and effect as an order entered after a formal hearing pursuant to section 12-38-118, C.R.S., except that it may not be appealed. This Order and all of its terms also constitute an order of the Board for purposes of section 12-38-117(1)(g), C.R.S., and any violation of this Order may constitute grounds for further disciplinary sanctions.

33. This Order shall be admissible as evidence at any future hearing before the Board.

34. During the pendency of any action arising out of this Order, the obligations of the parties shall be deemed to be in full force and effect and shall not be tolled.

35. Upon becoming effective, this Order shall become a permanent part of the record and shall be open to public inspection and publicized pursuant to the Board's standard policies and procedures. Additionally, this Order shall be reported to the National Council of State Boards of Nursing, the Healthcare Integrity and Protection Data Bank and as otherwise required by state or federal law.

APPLICANT

Karen Lee Hutson

Karen Lee Hutson

STATE BOARD OF NURSING

Mark Merrill

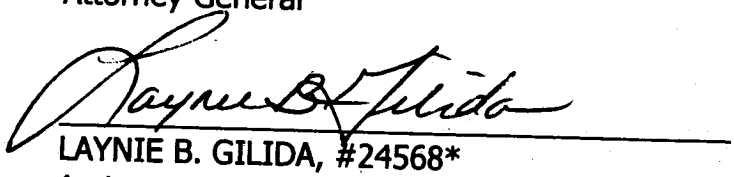
MARK MERRILL
Program Director
State Board of Nursing
1560 Broadway, Suite 1370
Denver, Colorado 80202

Effective Date: This 1st day

of June, 200_.

APPROVED AS TO FORM

JOHN W. SUTHERS
Attorney General



LAYNIE B. GILIDA, #24568*
Assistant Attorney General
Business and Licensing Section

Attorneys for the State Board of Nursing

1525 Sherman Street, 7th Floor
Denver, Colorado 80203
Telephone: (303) 866-3545
FAX: (303) 866-5395
*Counsel of Record

BEFORE THE STATE BOARD OF NURSING
STATE OF COLORADO

Case No. 2009-003006

ORDER OF SUSPENSION PURSUANT TO SECTION 12-38-116.5(4)(c)(IV), C.R.S.

IN THE MATTER OF THE LICENSE TO PRACTICE AS A PRACTICAL NURSE IN THE STATE OF COLORADO OF KAREN HUTSON, LPN, LICENSE NO. 46852,

Respondent.

TO: Karen Hutson, ("Respondent")

Pursuant to section 12-38-116.5(4)(c)(IV), C.R.S., Respondent's licenses to practice as a practical nurse in the State of Colorado is hereby suspended by the State Board of Nursing ("Board"), effective June 25. 2009, based upon the following:

1. Respondent was licensed to practice as a practical nurse in the State of Colorado on or about June 8, 2009, and was issued license number 46852.

2. Effective on June 8, 2009, Respondent and the Board entered into a Stipulation and Final Agency Order in lieu of a formal disciplinary hearing ("June 8, 2009, Stipulation and Final Agency Order"). The conditions of the June 8, 2009, Stipulation and Final Agency Order were imposed pursuant to the authority of section 12-38-116.5(4)(c)(III), C.R.S.

3. Respondent agreed to be bound by the terms and conditions set forth in the June 8, 2009, Stipulation and Final Agency Order, attached hereto as Attachment 1 and fully incorporated herein by this reference.

4. On June 16, 2009, the Board received notification from Peer Assistance Services ("PAS") that Respondent cancelled her PAS intake, stating that she will no longer be pursuing her Colorado practical nurse licensure.

5. Respondent thereby failed to comply with Paragraph No. 10 of the June 8, 2009, Stipulation and Final Agency Order.

THEREFORE IT IS ORDERED, in accordance with section 12-38-116.5(4)(c)(IV), C.R.S., that the license to practice practical nursing of Karen Hutson, LPN, is suspended, effective 5:00 p.m., June 25, 2009. Any such suspension shall remain in effect until lifted

by the Board. The Board shall lift the suspension of the license upon review of evidence establishing that Respondent has resumed compliance with the June 8, 2009, Stipulation and Final Agency Order.

COMMENCING AT 5:00 P.M. ON JUNE 25, 2009, RESPONDENT SHALL NOT ENGAGE IN OR PERFORM ANY ACT REQUIRING A COLORADO LICENSE TO PRACTICE PRACTICAL NURSING.

DATED AND SIGNED this 22nd day of June, 2009.

FOR THE STATE BOARD OF NURSING,

Terri Miller for.

MARK MERRILL
Program Director

BEFORE THE STATE BOARD OF NURSING
STATE OF COLORADO
Case No. 2009-003006

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF THE APPLICATION FOR A LICENSE TO PRACTICE PRACTICAL NURSING IN THE STATE OF COLORADO OF KAREN LEE HUTSON,

ISSUED LPN LICENSE NO. 46852

IT IS HEREBY STIPULATED by and between the State Board of Nursing, Inquiry Panel A, acting in its licensing capacity pursuant to section 12-38-108(1)(b)(II), C.R.S., (the "Board") and Karen Lee Hutson ("Applicant") as follows:

1. Applicant submitted an application for a license to practice as a practical nurse in the State of Colorado dated December 12, 2008. The Board considered Applicant's application and agreed to grant Applicant a license to practice practical nursing in Colorado subject to the terms and conditions of this Stipulation and Final Agency Order ("Order").

2. The Board has jurisdiction over the person of Applicant and the subject matter of this Order.

3. It is the intent of the parties and the purpose of this Order to provide for a settlement of all matters set forth in case number 2009-003006 only, without the necessity of holding a formal disciplinary hearing. This Order constitutes the entire agreement between the parties, and there are no other agreements or promises, written or oral, which modify, interpret, construe or affect this Order.

4. Applicant understands that:

   a. Applicant has the right to be represented by an attorney of the Applicant's choice and Applicant has voluntarily chosen to proceed without representation;

   b. Applicant has the right to a formal disciplinary hearing pursuant to section 12-38-118, 24-4-104(9), and 24-4-105, C.R.S.;

   c. By entering into this Order, Applicant knowingly and voluntarily waives the right to a hearing, admits the facts contained in this Order, and relieves the Board of its burden of proving such facts;

d. By entering into this Order, Applicant knowingly and voluntarily waives the right to present a defense by oral and documentary evidence, and to cross-examine witnesses who would testify on behalf of the Board;

e. By entering into this Order, Applicant knowingly and voluntarily waives the right to seek judicial review of this Order; and

f. By entering into this Order, Applicant agrees that during the effective period of this Order, any license issued by the State of Colorado shall be a single state license without multistate licensure privilege to practice in other states, except as otherwise provided in this Order.

5. Applicant admits as follows:

a. On or about December 12, 2008, Applicant submitted an Application for Licensure by Endorsement to the Board.

b. In her application for licensure, Applicant answered "yes" to Question 4 in the Screening Questions section which asks "Have you ever been convicted, entered a plea of guilty, nolo contendere, or no contest for any felony, misdemeanor or petty offense?"

c. On or about October 12, 2005, Applicant entered a plea of guilty to one count of Burglary 2-Of Dwelling-Attempted, a class 4 felony, in the Pueblo County District Court, case number 05CR1544.

d. Burglary 2-Of Dwelling-Attempted is a crime defined by title 18 of the Colorado Revised Statutes.

e. On or about January 23, 2006, Applicant was sentenced to a four year term of probation.

f. Pursuant to the Conditions of Probation issued by the Pueblo County District Court on or about January 30, 2006, Applicant is required to participate in a substance abuse treatment program.

g. From approximately 2003 to 2005, Respondent smoked crack cocaine.

h. Application is recovering from drug addiction.

6. By virtue of the facts admitted in paragraph 5 above, Applicant admits, and the Board hereby finds, that Applicant is subject to discipline pursuant to 12-38-117(1) (b)(i) and (l), C.R.S.

7. The Board is authorized by sections 12-38-116(4)(c)(III) and -118, C.R.S. to order such conditions upon Applicant's practice as deemed necessary, which are set forth in this Order.

8. The Board is authorized to suspend, revoke or otherwise discipline any licensee as provided in section 12-38-108(1)(b.5), C.R.S., for any of the following:

> **12-38-117. Grounds for discipline.** (1) "Grounds for discipline," as used in this article, means any action by any person who:
>
> (b)(I) Has been convicted of a felony or any crime that would constitute a violation of this article.
>
> (II) (A) For purposes of this paragraph (b), "conviction" includes the entry of a plea of guilty or nolo contendere or the imposition of a deferred sentence.
>
> (B) A certified copy of the judgment of a court of competent jurisdiction of such conviction or plea shall be prima facie evidence of such conviction.
>
> (i) Is addicted to or dependent on alcohol or habit-forming drugs, is a habitual user of controlled substances, as defined in section 12-22-303(7), or other drugs having similar effects, or is diverting controlled substances, as defined in section 12-22-303(7), or other drugs having similar effects from the licensee's place of employment; except that the board has the discretion not to discipline the licensee if such licensee is participating in good faith in a program approved by the board designed to end such addiction or dependency;
>
> (l) Has engaged in any conduct which would constitute a crime as defined in title 18, C.R.S., and which conduct relates to such person's employment as a practical or professional nurse. In conjunction with any disciplinary proceeding pertaining to this paragraph (l) , the board shall be governed by the provisions of section 24-5-101, C.R.S.

PARTICIPATION IN THE PEER ASSISTANCE SERVICES

9. By entering into this Order, Applicant voluntarily requests, and the Board grants, permission to participate in the Board's nursing peer health

assistance/alternative to discipline program, as provided by, and also known as, Peer Assistance Services ("PAS") pursuant to section 12-38-131, C.R.S. In the event that PAS is eliminated or in any way ceases to exist during the period of time in which Applicant is undergoing evaluation or monitoring, the Board may order substitution of another such program or the Board itself may monitor Applicant. Under such circumstances, monitoring terms may be subject to amendment or revision, as the Board, in its discretion, determines necessary to establish terms substantially equivalent to those set forth in this Order and all provisions of this Order concerning PAS shall be applicable to the substituted program. Additionally, Applicant hereby agrees that any release or authorization granted to PAS shall also apply to any subsequent program during the effective period of this Order.

10. By entering into this Order, Applicant agrees **to complete the intake to participate in PAS within three (3) days of the effective date of this Order.** Failure to complete the intake within three (3) days of the effective date of this Order shall constitute a violation of this Order.

11. Applicant shall be evaluated by PAS to determine an appropriate monitoring and treatment plan. Applicant agrees to comply with all terms and conditions determined by PAS, and shall enter into a written contract with PAS, setting forth such terms and conditions (the "PAS Contract"). Failure to **sign the PAS Contract within fourteen (14) days** of the effective date of this Order shall constitute a violation of this Order.

12. By entering into this Order, Applicant authorizes the Board to request and receive information, which would otherwise be confidential, that is related to Applicant from any healthcare professional providing services pursuant to Applicant's involvement in PAS. Additionally, Applicant authorizes the Board to release Board records to any healthcare professional providing services pursuant to Applicant's involvement in PAS.

13. This information may include alcohol and drug abuse treatment program records that may be confidential under federal or state law. Respondent authorizes the Board to re-disclose and make public, consistent with Board policy, information obtained from PAS necessary for the limited purposes of enforcing this Order, seeking sanctions for non-compliance with this Order, or other purposes authorized in the Nurse Practice Act, sections 12-38-101 to -133, C.R.S. Medical records shall not become public records by virtue of such use. Any revocation of any release or authorization by Respondent concerning such confidential information shall constitute a violation of this Order.

14. Within two (2) weeks of the effective date of this Order, and within two (2) weeks of obtaining nursing employment at any time during the pendency of this Order, Applicant shall provide a copy of this Order to the immediate nursing supervisor at Applicant's place of employment.

POSSIBLE SANCTIONS FOR VIOLATION OF THIS ORDER

15. Applicant acknowledges that PAS shall provide a report to the Board within 24 hours, or the next working day, of Applicant's termination from PAS for any reason other than successful completion. Termination from PAS may occur for failure to comply with Applicant's treatment plan or failure to comply with any term of the PAS Contract, or upon a finding by PAS that Applicant is unable to practice nursing with reasonable skill and safety to the patients. PAS may also refer Applicant to the Board for non-compliance not resulting in termination from PAS. Following notification of Applicant's non-compliance with PAS or termination from PAS, the Board may take appropriate action as authorized by the Nurse Practice Act, section 12-38-101 *et seq.* C.R.S., and/or this Order.

16. Applicant acknowledges that if Applicant is referred to the Board for non-compliance, documents kept in the possession of PAS regarding Applicant will be sent to the Board.

17. If at any time during the duration of this Order, Applicant fails to attend or complete PAS, the Board may, as provided by section 12-38-131(4), C.R.S., immediately suspend Applicant's license to practice practical nursing.

a. In the event that the Board suspends Applicant's license for failing to attend or complete PAS, the Board shall send an Order of Suspension to Applicant by first class mail to Applicant's address of record with the Board. Such suspension shall be effective three days after the Order of Suspension is mailed by first class mail, postage prepaid, to Applicant's address of record.

b. In the case of such suspension, the Board shall lift the suspension upon review of evidence establishing that Applicant has resumed compliance with PAS.

c. Within ten (10) days of the receipt of an Order of Suspension, Respondent may request a hearing contesting the allegation(s) that led to the section 12-38-131, C.R.S., suspension. In the hearing, the Respondent shall bear the burden of proving that the license should not be suspended. Such hearing will be limited to the issue of whether Respondent failed to attend or complete the program. A request for hearing will not stay the suspension of Respondent's license.

18. If at any time during the duration of this Order, Applicant violated any term of this Order other than as addressed in the above paragraph, the Board may, as provided by section 12-38-116.5(4)(c)(IV), C.R.S., suspend Applicant's license to

practice practical nursing until such time as Applicant complies with such conditions or may revoke Applicant's license to practice nursing.

a. In the event that the Board suspends or revokes Applicant's license pursuant to section 12-38-116.5(4)(c)(IV), C.R.S., the Board shall send either an Order of Suspension or Order of Revocation to Applicant by first class mail to Applicant's address of record with the Board. Such suspension or revocation shall be effective three days after the date the Order of Suspension or Order of Revocation is mailed by first class mail, postage prepaid, to Applicant's address of record.

b. In the case of a suspension, the Board shall lift the suspension upon review of evidence establishing that Applicant has resumed compliance with this Order.

c. In the case of a revocation, the Applicant may not resume the practice of nursing unless and until Applicant successfully applies for and is granted a new license to practice nursing pursuant to the Nurse Practice Act, sections 12-38-101 to -133 C.R.S.

d. Within ten (10) days of the receipt of an Order of Suspension or Order of Revocation, Respondent may request a hearing contesting the allegation(s) that led to the section 12-38-116.5(4)(c)(IV), C.R.S., suspension or revocation. In the hearing, the Respondent shall bear the burden of proving that the license should not be suspended or revoked. Such hearing will be limited to the issue of whether Respondent complied with all terms of this Order. A request for hearing will not stay the suspension or revocation or Respondent's license.

19. In addition to any remedy set forth above, the Board may commence disciplinary proceedings pursuant to sections 12-38-116.5, 24-4-104 and -105, C.R.S., for any additional act subject to discipline under section 12-38-117, C.R.S. In the event of a subsequent disciplinary hearing, this Order shall be admissible into evidence. In the event the facts that constitute the alleged violation of this Order are determined to be unproven, no disciplinary action shall be taken by the Board, and this Order shall remain operative and in full force and effect. The pendency of any disciplinary action pursuant to this Order shall not affect the obligation of Applicant to comply with the terms of this Order.

OTHER TERMS

20. At the end of Applicant's PAS Contract, Applicant will provide written proof to the Board of successful completion of the PAS Contract. If the Board finds that Applicant adhered to all terms of this Order, then this proceeding shall be concluded.

21. By signing this Order, Applicant authorizes PAS to release to the Board a copy of Applicant's signed PAS application and signed PAS contract.

22. In the event of relocation to another state Respondent's requirements under this Order will be stayed until completed, except as otherwise provided in this Order.

23. In the event of relocation to another state that is not a member of the Nurse Licensure Compact, sections 24-60-3201 and -3202, C.R.S. (non-party state), Applicant shall notify the Board of the change of address within thirty (30) days of such relocation. Applicant acknowledges that the Board may notify the Board of Nursing, or the equivalent regulatory agency in any state to which Applicant relocates or applies for a health care license, of the existence and terms of, and Applicant's compliance with, this Order.

24. In the event of relocation to a state, that is a member of the Nurse Licensure Compact (party state), Applicant shall obtain prior written authorization from the Board and from the equivalent regulatory agency in the other party state to which Applicant is relocating, in order to practice nursing in the other party state.

25. Applicant may request to complete the requirements of this Order while relocated to another state by submitting verifiable written proof of practice under the same or similar conditions as required by this Order. The decision whether or not to grant credit for nursing practice in another state shall rest exclusively in the discretion of the Board.

26. Applicant shall comply with all provisions of the Nurse Practice Act, all rules and regulations of the Board and obey all other state and federal laws while the terms of this Order are in effect.

27. Both parties acknowledge that the terms of this Order were mutually negotiated and determined.

28. Both parties acknowledge that they understand the legal consequences of this Order, both parties enter into this Order voluntarily, and both parties agree that no term or condition of this Order is unconscionable.

29. All costs and expenses incurred by Applicant to comply with this Order shall be the sole responsibility of Applicant, and shall not in any way be the obligation of the Board.

30. This Order shall become an order of the Board when approved by the Board and signed by an authorized Board representative.

31. In the event this Order is not signed by an authorized Board representative, it shall be void and Applicant shall not be bound by any provisions hereof or admissions herein.

32. Upon signature by an authorized Board representative, this Order and all of its terms shall have the same force and effect as an order entered after a formal hearing pursuant to section 12-38-118, C.R.S., except that it may not be appealed. This Order and all of its terms also constitute an order of the Board for purposes of section 12-38-117(1)(g), C.R.S., and any violation of this Order may constitute grounds for further disciplinary sanctions.

33. This Order shall be admissible as evidence at any future hearing before the Board.

34. During the pendency of any action arising out of this Order, the obligations of the parties shall be deemed to be in full force and effect and shall not be tolled.

35. Upon becoming effective, this Order shall become a permanent part of the record and shall be open to public inspection and publicized pursuant to the Board's standard policies and procedures. Additionally, this Order shall be reported to the National Council of State Boards of Nursing, the Healthcare Integrity and Protection Data Bank and as otherwise required by state or federal law.

APPLICANT

Karen Lee Hutson

Karen Lee Hutson

STATE BOARD OF NURSING

Mark Merrill

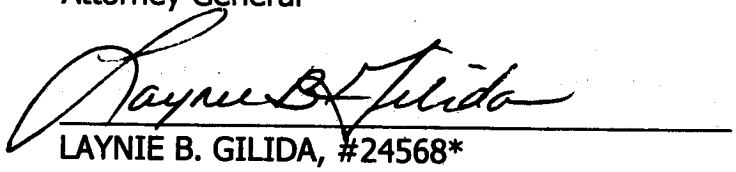
MARK MERRILL
Program Director
State Board of Nursing
1560 Broadway, Suite 1370
Denver, Colorado 80202

Effective Date: This 8th day

of June, 200_.

APPROVED AS TO FORM

JOHN W. SUTHERS
Attorney General



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