

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 138027
ISSUED TO
HAROLD JOHN CARPENTER

§
§
§
§
§
§
§
§

BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE 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.
Patricia R. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Harold John Carpenter
414 NW 72nd St.
Lawton, OK 73505

During open meeting held in Austin, Texas, on May 10, 2011, the 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 of the Texas Board of Nursing 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 to practice vocational 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 Eligibility and Disciplinary 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 Certificate Number 138027, previously issued to HAROLD JOHN CARPENTER, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

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

Entered this 10th day of May, 2011.

TEXAS BOARD OF NURSING



BY:

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed .

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of May, 2011, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Harold John Carpenter
414 NW 72nd St.
Lawton, OK 73505

BY:



KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License
Number 138027, Issued to
HAROLD JOHN CARPENTER, Respondent

§ BEFORE THE TEXAS
§
§ BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, HAROLD JOHN CARPENTER, is a Vocational Nurse holding license number 138027, which is in Delinquent status at the time of this pleading.

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

CHARGE I.

On or about August 25, 1994, Respondent entered a plea of Guilty and was subsequently convicted of RAPE (a 2nd Degree felony offense committed on April 23, 1994), in the Fifth Judicial District Court In and For Comanche County, Lawton, Oklahoma, under Cause No. CRF-94-140. As a result of the conviction, Respondent was sentenced to confinement in a State Jail facility for a period of five (5) years. Additionally, he was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ART. 4528c, sec. 10(3)&(9)(eff. 09/01/1993), and is a violation of 22 TEX. ADMIN. CODE §239.11(28)(C)&(I)(eff. 09/01/1993).

CHARGE II.

On or about July 26, 1995, Respondent's license to practice practical nursing in the State of Oklahoma was TEMPORARILY SUSPENDED by the Oklahoma Board of Nursing, Oklahoma City, Oklahoma. A copy of the Order Temporarily Suspending License Pending Hearing, dated July 26, 1995, issued by the Oklahoma Board of Nursing, Oklahoma City, Oklahoma, is attached and incorporated by reference as part of this hearing.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ART. 4528c, sec. 10(7)(eff. 09/01/1993).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

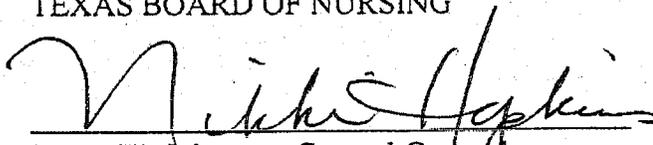
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Sexual Misconduct, which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders 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 Temporarily Suspending License Pending Hearing, dated July 26, 1995, issued by the Oklahoma Board of Nursing, Oklahoma City, Oklahoma.

Filed this 10th day of February, 2011.

TEXAS BOARD OF NURSING



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

Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

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

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

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

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Order Temporarily Suspending License Pending Hearing, dated July 26, 1995, issued by the Oklahoma Board of Nursing, Oklahoma City, Oklahoma.

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF HAROLD JOHN CARPENTER, L.P.N.
LICENSE NO. L0028779

COMPLAINT

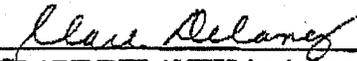
The Complaint of Clare Delaney, M.S., R.N., Deputy Executive Director,
Oklahoma Board of Nursing, respectfully shows:

1. Respondent is Harold John Carpenter, L.P.N.
2. Respondent is licensed to practice licensed practical nursing in the State of Oklahoma and is the holder of License No. L0028779 issued by the Oklahoma Board of Nursing.
3. Respondent has filed his application to renew his license.
4. Respondent is guilty of a felony and unprofessional conduct as that term is defined in the Rules and Regulations promulgated by this Board, specifically, §§ 485:10-11-1(b)(6)(H), in violation of the provisions of the Oklahoma Nursing Practice Act, 59 O.S. §§ 567.1 et seq., specifically, § 567.8 A. (2) and (7), in the following particulars, to wit:

- (a) On the 25th day of August, 1994, in the District Court of Comanche County, Oklahoma, Case No. CRF-94-140, Respondent pled guilty to the crime of Second Degree Rape, and was sentenced to 5 years in prison, as more fully set forth in the Information and the Court's Judgment and Sentence on Plea of Guilty With Counsel, a copy of which is attached hereto as Exhibit "A".

WHEREFORE, Complainant prays the Board take such action as may be just and proper with regard to the license to practice licensed practical nursing held by Harold John Carpenter, L.P.N., and the application to renew license.

DATED this 16th day of June, 1995.



CLARE DELANEY, M.S., R.N.

STATE OF OKLAHOMA)
) §§
COUNTY OF OKLAHOMA)

Clare Delaney, M.S., R.N., Deputy Executive Director, Oklahoma Board of Nursing, is the Complainant in the above matter before the Oklahoma Board of Nursing; that she has read the foregoing Complaint and knows the contents thereof, and the facts set forth therein are true to the best of her information and belief.

Clare Delaney
CLARE DELANEY, M.S., R.N.

SUBSCRIBED AND SWORN to before me this 10th day of June, 1995.

Carl Watts
NOTARY PUBLIC

My Commission Expires:
8-28-95
(SEAL)

5 DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT IN AND FOR COMANCHE COUNTY, OKLAHOMA

THE STATE OF OKLAHOMA,)
Plaintiff,)
vs.)
HAROLD JOHN CARPENTER,)
Defendant.)

COMPLAINT
and
INFORMATION

CRF-94-140

RECEIVED
MAY 23 1995

STATE OF OKLAHOMA,)
COUNTY OF COMANCHE,)ss:

I, Robert Schulte, District Attorney - District 5 of the County of Comanche and State of Oklahoma, duly authorized and empowered by law to inform of offenses committed and triable within said County and State, in the name and by the authority of the State of Oklahoma, come now here and give the Court to understand and be informed that at and within said County and State, on or about the 23rd day of April, 1994, HAROLD JOHN CARPENTER then and there being, did then and there, willfully, unlawfully, wrongfully, and feloniously commit the crime of: SECOND DEGREE RAPE in the manner and form as follows, to-wit: That the said HAROLD JOHN CARPENTER did unlawfully, wilfully and feloniously rape, ravish, carnally know and have sexual intercourse with one Mary McDavid, being then and there under the age of 16 years, and said defendant is not married to Mary McDavid.

21-1114
(1 - 15 years)

contrary to the form of the statute in such case made and provided and against the peace and dignity of the State.

ROBERT SCHULTE
District Attorney

By: William C. Riley
Assistant District Attorney
William C. Riley

STATE OF OKLAHOMA)
COMANCHE COUNTY) ss:

_____, of lawful age, being duly sworn on his oath deposes and says: That he has read the foregoing Complaint and Information and knows the contents thereof; that the same is true in substance and in fact.

Melissa Roth

SUBSCRIBED AND SWORN to before me this 2nd day of May, 1994

MELISSA ROTH
Court Clerk

By: Melissa Roth
Deputy

DEFENDANT IN CUSTODY
HAROLD JOHN CARPENTER, WM 6/15/64 114-38-4918



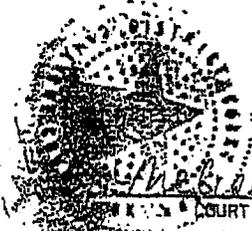
EXHIBIT "A"

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant be remanded to the custody of the Sheriff of said County, and that he transport the said defendant, HAROLD JOHN CARPENTER to the Lexington Assessment Reception Center, at Lexington, Oklahoma, and deliver said defendant to the Warden or keeper of State Penitentiary, and that said Warden or Keeper of said State Penitentiary detain and imprison HAROLD JOHN CARPENTER, in accordance with this order, Judgment, Sentence and Decree; and that the Clerk of this Court immediately certify under seal of said Court and deliver to said Sheriff three copies of this Judgment, Sentence and Decree, one of which shall accompany the body of the said defendant, said copy to warrant and authority for detention and imprisonment of the said HAROLD JOHN CARPENTER as hereinbefore provided, the other of which he shall return to the Clerk of this Court with his return thereon showing how he executed same.

Defendant was advised that to appeal from this Judgment and Sentence he must, within ten (10) days, file a written application to withdraw the plea of Guilty. If that application, after hearing, is denied a Petition for Writ of Certiorari must be filed in the court of Criminal Appeals within ninety (90) days from this date. Notice of such filing must be given within five (5) days thereafter by serving a copy of the petition for Writ of Certiorari on the prosecuting attorney, who prosecuted petitioner, and on the Attorney-General.

0011100-101000

Allen McCall
JUDGE OF THE DISTRICT COURT


Melissa Roth
DISTRICT COURT CLERK

Approved as to form:
Michael J. Corrales
Michael J. Corrales OBA 17619
Attorney for the Defendant

William C. Riley
William C. Riley
Assistant District Attorney

WCR/elh
address: PO Box 3065
Lawton, OK
13502

I, MELISSA ROTH, District Court Clerk in and for Comanche County, Oklahoma, hereby certify that the foregoing is a true, correct and complete copy of the instrument herewith set out as appears of record in the Court Clerk's office of Comanche County, Oklahoma, this 22 day of May 1988
MELISSA ROTH, District Court Clerk
Melissa Roth Deputy

IN THE DISTRICT COURT OF COMANCHE COUNTY, STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,)
 Plaintiff,)
 vs.) CRF-94-140
 HAROLD JOHN CARPENTER,)
 DOB: 06-15-64)
 SSN: 114-30-4918)
 Defendant.)

009/011

ATTACHMENT A

The Defendant, HAROLD JOHN CARPENTER, is ordered by the attached Judgment and Sentence to repay the Court Fund of Comanche County the following dollar amounts representing fines, cost and assessments resulting from his/her conviction. Monies collected shall be applied to the balance due in the order of priority listed on this Attachment. All fines, costs and assessments are due and owing from the date of Sentencing and must be paid in full by release from incarceration or the Defendant must reappear in this Court for further proceedings. Costs, such as appellate proceedings and transportation costs, may continue to accrue after judgment and sentence. Additional costs may be certified by the Court Clerk as they accrue.

Schedule of Reimbursement

| | |
|--|--------------------|
| 1. Court Costs | \$ 100.00 |
| 2. Fines | \$ 1,000.00 |
| 3. Attorney Fees | \$ |
| 4. CLEET | \$ 4.00 |
| 5. OSBI Lab Fees | \$ 150.00 |
| 6. County Sheriff | \$ 60.00 |
| 7. Victim's Compensation | \$ 45.00 |
| 8. Restitution | \$ |
| 9. Drug Abuse Education and Treatment Fund | \$ |
| 10. Court Reporter Fees | \$ 20.00 |
| 11. AFIS | \$ 3.00 |
| 12. Indigent Defense Fund | \$ |
| 13. Jury Costs | \$ |
| 14. Indigent Defense System | \$ 300.00 |
| 15. Mental Health Assessment Fee | \$ |
| TOTAL | \$ 1,702.00 |

Allen McCall
 Judge Of The District Court

I certify that the foregoing figures are true and accurate to the best of my knowledge.

McLissa Roth
 Clerk/Deputy

Date: 9-1-94

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF HAROLD JOHN CARPENTER, L.P.N.
LICENSE NO. L0028779

ORDER TEMPORARILY SUSPENDING LICENSE PENDING HEARING

This matter comes on for hearing before the Oklahoma Board of Nursing on the 26th day of July, 1995, at the University of Oklahoma College of Nursing, 1100 North Stonewall, Oklahoma City, Oklahoma, all members of the Board being present throughout the hearing.

The Board is represented by Michael A. Rubenstein, attorney at law, and Respondent appears neither in person nor by counsel.

FINDINGS

After hearing all the evidence presented and upon due consideration thereof, the Board finds:

1. Notice of this hearing has been served on Respondent as required by law.
2. Respondent is licensed to practice licensed practical nursing in the State of Oklahoma and is the holder of License No. L0028779 issued by the Oklahoma Board of Nursing.
3. On the 6th day of June, 1995, a Complaint was filed by Clare Delaney, M.S., R.N., Deputy Executive Director, Oklahoma Board of Nursing, alleging facts which constitute a violation of the Oklahoma Nursing Practice Act.
4. By reason of the seriousness of the allegations made in the Complaint, and Respondent's failure to appear, the Board finds that an emergency exists and the public health, safety and welfare imperatively require taking emergency action summarily to suspend the license to practice licensed practical nursing held by Harold John Carpenter, L.P.N., being License No. L0028779, pending a hearing on the Complaint and a determination of whether or not his license should be revoked or suspended.

CONCLUSION

The Board concludes that Respondent's license to practice licensed practical nursing should be summarily suspended as provided in the Order below, pursuant to 75 O.S. §314(c).

ORDER

NOW, THEREFORE, IT IS ORDERED by the Board that the license to practice licensed practical nursing of Harold John Carpenter, L.P.N., being License No. L0028779, be, and the same is, summarily suspended pending a hearing on the Complaint filed herein by Clare Delaney, M.S., R.N., Deputy Executive Director, Oklahoma Board of Nursing.

IT IS FURTHER ORDERED that pending such hearing or further Order of this Board, the Respondent is hereby enjoined from practicing or holding himself out as licensed to practice licensed practical nursing in the State of Oklahoma.

OKLAHOMA BOARD OF NURSING

By: Cindy M. Legend
President