

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 172899
ISSUED TO
KELLY RENEA GOODWIN

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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 P. Roman
Executive Director of the Board

ORDER OF THE BOARD

TO: Kelly Renea Goodwin
107 Marengo
Cleburne, TX 76033

During open meeting held in Austin, Texas, on Tuesday, 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 172899, previously issued to KELLY RENEA GOODWIN, 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 January 26, 2011.

CERTIFICATE OF SERVICE

I hereby certify that on the 1st 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):

Kelly Renea Goodwin
107 Marengo
Cleburne, TX 76033



BY:

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

In the Matter of Permanent License § BEFORE THE TEXAS
Number 172899, Issued to §
KELLY RENEA GOODWIN, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, KELLY RENEA GOODWIN, is a Vocational Nurse holding license number 172899, which is in current status at the time of this pleading.

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

CHARGE I.

On or about May 22, 2007, Respondent entered a plea of Guilty and was subsequently Convicted of ISSUANCE OF A BAD CHECK (a Class B Misdemeanor offense committed on August 23, 2005), filed in the County Court of Young County, Graham, Texas, under Cause No. 32715. As a result of the conviction, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

CHARGE II.

On or about September 10, 2007, Respondent submitted a Board of Nurse Examiners - Texas Online Renewal Document for Licensed Vocational Nurses, in which she provided false, deceptive, and/or misleading information in that she answered "No" to the question:

Have you ever been convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, or received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests whether or not on appeal (excluding minor Class C traffic violations)? This includes expunged offenses and deferred adjudications with or without a finding of guilt. Please note that DUIs, DWIs, and PIs must be reported and are not considered minor traffic violations. One time minor in possession [MIP] or minor in consumption [MIC] does not need to be disclosed; therefore, you may answer "No". If you have two or more MIPs or MICs, you must answer "Yes." You may answer "No" if you have previously disclosed a criminal matter otherwise responsive to this question in a renewal and/or licensure form.

On or about May 22, 2007, Respondent entered a plea of Guilty and was subsequently Convicted of ISSUANCE OF A BAD CHECK (a Class B Misdemeanor offense committed on August 23, 2005), filed in the County Court of Young County, Graham, Texas, under Cause No. 32715. As a result of the conviction, Respondent was ordered to pay a fine and court costs.

Respondent's conduct was deceiving and may have affected the Board's decision to license her.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(H)&(I).

CHARGE III.

On or about September 15, 2008, Respondent was arrested by the Olney Police Department, Olney, Texas, for DELIVERY OF MARIJUANA < = 5 LBS > 1/4 OZ and ABANDONING/ENDANGERING CHILD CRIMINAL NEGLIGENCE (State Jail Felony offenses).

On or about March 31, 2010, Respondent entered a plea of Guilty and was subsequently Convicted of POSSESSION OF MARIJUANA < = 4 OZ > 20 OZ (a Class A Misdemeanor offense committed on September 15, 2008), filed in the County Court of Young County, Graham, Texas, under Cause No. 34461. As a result of the conviction, Respondent was sentenced to confinement in the Young County Jail for a period of two hundred twenty (220) days, with credit given for time served.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3) &(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

CHARGE IV.

On or about September 21, 2009, Respondent submitted a Texas Board of Nursing - Online Renewal Document for Licensed Vocational Nurses to the Texas Board of Nursing, in which she provided false, deceptive, and/or misleading information in that she answered "No" to the question:

Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

- A.) been convicted of a misdemeanor?
- C.) pled nolo contendere, no contest, or guilty?
- H.) been arrested or have any pending criminal charges?
- I.) been cited or charged with any violation of the law?

On or about September 15, 2008, Respondent was arrested by the Olney Police Department, Olney, Texas, for DELIVERY OF MARIJUANA <=5 LBS>1/4 OZ and ABANDONING/ENDANGERING CHILD CRIMINAL NEGLIGENCE (State Jail Felony offenses).

On or about March 31, 2010, Respondent entered a plea of Guilty and was subsequently Convicted of POSSESSION OF MARIJUANA <= 4 OZ > 20 OZ (a Class A Misdemeanor offense committed on September 15, 2008), filed in the County Court of Young County, Graham, Texas, under Cause No. 34461. As a result of the conviction, Respondent was sentenced to confinement in the Young County Jail for a period of two hundred twenty (220) days, with credit given for time served.

Respondent's conduct was deceiving and may have affected the Board's decision to license her.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(H)&(I).

CHARGE V.

On or about February 19, 2009, Respondent entered a plea of Guilty to THEFT (a Class B Misdemeanor offense committed on July 24, 2008), filed in the 259th District Judicial Court of Shackelford County, Texas, under Cause No. 2008M087. As a result, Respondent was placed on deferred adjudication. Additionally, Respondent was ordered to pay a fine, court costs, and restitution.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3) &(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

CHARGE VI.

On September 25, 2009, and October 8, 2009, while employed as a Licensed Vocational Nurse with Heritage Trails Nursing and Rehab, Cleburne, Texas, Respondent misappropriated Hydrocodone from the facility and patients thereof. Respondent's conduct defrauded the facility and the patients thereof of the cost of the medications.

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

CHARGE VII.

On or about November 30, 2009, Respondent entered a plea of Guilty and was subsequently Convicted of two (2) counts of OBTAIN A CONTROLLED SUBSTANCE BY FRAUD (3rd Degree Felony offenses committed on September 25, 2009, and October 8, 2009, respectively), filed in the 413th Judicial District Court of Johnson County, Cleburne, Texas, under Cause No. F44046. As a result of the conviction, Respondent was sentenced to confinement in the Institutional Division of The Texas Department of Criminal Justice; however, Respondent's sentence was suspended, and she was placed on Community Supervision for a period of five (5) years. Additionally, Respondent was sentenced to confinement in the Johnson County Jail for a period of one hundred twenty (120) days and was compelled to attend, participate, and complete the HOPE Substance Abuse Treatment Program. Furthermore, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

CHARGE VIII.

On or about November 30, 2009, Respondent entered a plea of Guilty and was subsequently Convicted of POSSESSION OF A CONTROLLED SUBSTANCE PENALTY GROUP 3 < 28G (a Class A Misdemeanor offense committed on October 8, 2009), filed in the County Court at Law No. 1 of Johnson County, Cleburne, Texas, under Cause No. M200901958. As a result of the conviction, Respondent was sentenced to confinement in the Johnson County Jail for a period of forty-eight (48) days, with credit given for time already served.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3) &(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

CHARGE IX.

On or about November 30, 2009, Respondent entered a plea of Guilty and was subsequently Convicted of FALSE DRUG TEST (a Class A Misdemeanor offense committed on October 14, 2009), filed in the County Court at Law No. 1 of Johnson County, Cleburne, Texas, under Cause No. M200901959. As a result of the conviction, Respondent was sentenced to confinement in the Johnson County Jail for a period of forty-eight (48) days, with credit given for time already served.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3) &(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

CHARGE X.

On or about November 30, 2009, Respondent entered a plea of Guilty and was subsequently Convicted of POSSESSION OF MARIJUANA < 2 OZ (a Class B Misdemeanor offense committed on October 14, 2009), filed in the County Court at Law No. 1 of Johnson County, Cleburne, Texas, under Cause No. M200901960. As a result of the conviction, Respondent was sentenced to confinement in the Johnson County Jail for a period of forty-eight (48) days, with credit given for time already served.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

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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 Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1,200.00).

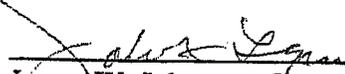
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

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 Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying and Falsification, and for Fraud, Theft & Deception, 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.

Filed this 26 day of January, 2011.

TEXAS BOARD OF NURSING


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