



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. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 192852 §
issued to HERBERT HERSHEL LOVE § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Bo
accepted the voluntary surrender of Vocational Nurse License Number 192852, issued to HERBERT
HERSHEL LOVE, hereinafter referred to as Respondent. This action was taken in accordance with
Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice 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(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 Texas State Tech College, Sweetwater, Texas on August 15, 2003. Respondent was licensed to practice vocational nursing in the State of Texas in February 24, 2004.
5. Respondent's employment history is unknown.
6. On October 16, 2003, Respondent was issued an Agreed Order by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the October 16, 2003, Agreed Order, Findings of Fact and Conclusions of Law is attached and incorporated as part of this Order.

7. On or about September 3, 2010, Respondent was arrested by the Texas Highway Patrol Region 4 District B, Abilene, Texas, for DRIVING WHILE INTOXICATED 3RD OR MORE (a 3rd Degree felony offense). On or about February 23, 2011, Respondent plead guilty and was convicted of Felony DRIVING WHILE INTOXICATED (a third degree felony offense committed on September 3, 2010), in the 350th District Court, Taylor County, Cause No. 9760-D. As a result of the guilty plea, Respondent was placed on seven (7) years community supervision, sentenced to ten (10) days of confinement and ordered to pay a fine.
8. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license(s) to practice nursing in the State of Texas.
9. 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.
10. 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)(3) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(13).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 192852, heretofore issued to HERBERT HERSHEL LOVE, including revocation of Respondent's license(s) 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 301.453(d), 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 Vocational License Number 192852, heretofore issued to HERBERT HERSHEL LOVE, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. 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.
3. 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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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CONTINUED ON NEXT PAGE.

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 25 day of April, 2011.

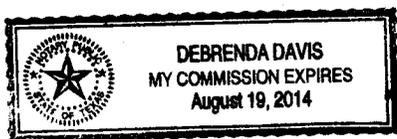
Herbert Hershel Love
HERBERT HERSHEL LOVE, Respondent

Sworn to and subscribed before me this 25 day of April, 2011.

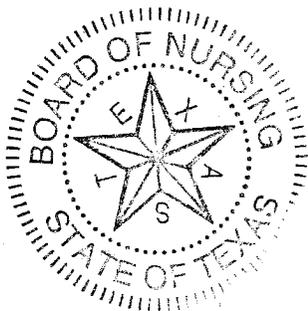
SEAL

Debrenda Davis

Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Vocational Nurse License Number 192852, previously issued to HERBERT HERSHEL LOVE.



Effective this 29th day of April, 2011.

A handwritten signature in cursive script, appearing to read 'Katherine A. Thomas', is written over a horizontal line.

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

BOARD OF VOCATIONAL
NURSE EXAMINERS

VS.

HERBERT HERSHEL LOVE

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STATE OF TEXAS

COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of HERBERT HERSHEL LOVE, an Applicant for Licensure by, >examination >endorsement hereinafter called Applicant.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Applicant of its intent to take disciplinary action with respect to said Application for Licensure, as a result of a subsequent investigation. Said investigation produced evidence indicating that Applicant has been convicted of a crime of the grade of a misdemeanor that relates to the practice of vocational nursing and/or involves moral turpitude, in violation of the Texas Occupations Code, Chapter 302, Section 302.402 (a) (3) (B), in the following manner:

I.

a. On or about May 8, 2003, Applicant submitted his Application for Licensure by Examination to the Board of Vocational Nurse Examiners for the State of Texas. On said Application, Applicant answered "yes" to the question asking: "Have you ever been convicted of a misdemeanor other than a minor traffic violation?"

b. On or about February 12, 1999, Respondent was convicted of the Misdemeanor Offense of: Driving While Intoxicated in the County Court at Law of Taylor County, Texas, under Cause number 22891. As a result of said conviction, Respondent was sentenced to Five day confinement and a \$400 fine.

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c. On or about April 25, 2001, Respondent was convicted of the Misdemeanor Offense of: Driving While Intoxicated – 2nd Offense in the County Court at Law of Runnels County, Texas, under Cause Number 21,197. As a result of said conviction, Respondent was sentenced to one (1) year probation, Alcoholics Anonymous Meetings once a week, and six (6) month license suspension.

d. Applicant has been convicted of crimes, which the Board considers to be directly related to the duties and responsibilities of a Licensed Vocational Nurse. Said convictions is inconsistent with the basic duties and responsibilities inherent in the occupation of vocational nursing in that said occupation requires knowledge and familiarity of drugs, and compliance with drug laws.

By Applicant's signature on this Order, Applicant neither admits nor denies the truth of the matters previously set out in this Order with respect to the above mentioned investigation. By Applicant's signature on this Order, Applicant acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

By their notarized signature on this Order, Applicant does hereby waive the right to a formal Complaint, Notice of Hearing, and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED, subject to ratification by the Board of Vocational Nurse Examiners that HERBERT HERSHEL LOVE is hereby allowed to take the

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examination for licensure, and upon obtaining a passing score, be issued a license to practice vocational nursing in the State of Texas. Said license shall be suspended, with said suspension stayed and placed on probation for a period of six (6) months.

The probation of said license is subject to the following stipulations, to wit:

1. That if Applicant's place of employment, name, address or telephone number changes, Applicant is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said Notification shall be in the form of a written letter or report.
2. That Applicant shall comply with Federal, State, and local laws, and all the provisions of the Texas Occupations Code and Rules and Regulations of the Board.
3. That by copy of this Board Order Applicant shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.
4. That applicant shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a quarterly basis, throughout the term of probation. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.
5. That any period(s) of nursing unemployment must be documented in writing by Applicant and submitted to the Board office, as provided in Stipulation No. four.
6. That Applicant shall attend a Chemical Dependency Support Group, (A.A./N.A.), and shall be responsible for causing his/her program sponsor to submit satisfactory reports directly to the Board office on a quarterly basis, throughout the term of probation. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.
7. That Applicant shall and hereby agrees to abstain from the consumption of Alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and or use of unprescribed controlled substances. Any controlled or legend medication must be prescribed by a physician knowledgeable about the disease of addiction, as well as Applicant's history, and it is incumbent upon Applicant to ensure such physician knowledge. If prescribed medication, APPLICANT SHALL CAUSE the attending physician to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the Board office by the prescribing physician, within ten (10) days of the date of the prescription.

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8. That Applicant pay a Probation Monitoring fee in the amount of thirty (\$30.00) dollars in the form of a cashier's check order, payable to the Board of Vocational Nurse Examiners. Said fee shall be paid quarterly, due on the 15th of each quarter, commencing the quarter following the date of the Board's ratification of the Order, and continuing thereafter until the successful completion of Applicant's probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners", 333 Guadalupe, Suite 3-400, Austin, TX 78701. Failure by Applicant to make any quarterly payment on time shall constitute a violation of Probation.

9. That Applicant shall pay a license re-issue fee in the amount of twenty (\$20.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said re-issue license will be marked "**PROBATION**". Said fee shall be made not later than thirty (30) days following the date of the commencement of probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners", 333 Guadalupe, Suite 3-400, Austin, TX 78701. Failure by Applicant to return said license or pay said fee shall constitute a violation of probation.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until ratified by a majority of the Board present and voting, at its next regularly called session.

Dated this the 16 day of October, 2003.

Herbert H. Love
Signature of Applicant

3007 PR 320
Current Address

Abilene, Texas 79601
City, State and Zip

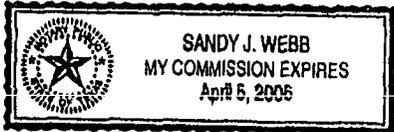
325 1677.4980
Area Code and Telephone Number

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The State of Texas
County of Taylor

Before me, the undersigned authority, on this day personally appeared HERBERT HERSHEL LOVE, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

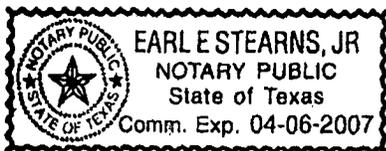
SWORN TO AND SUBSCRIBED before me on this the 16th day of October, 2003.



Sandy J. Webb
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Terrie L. Hairston
Terrie L. Hairston, R.N., C.H.E.,
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 2nd day of DECEMBER, 2003.

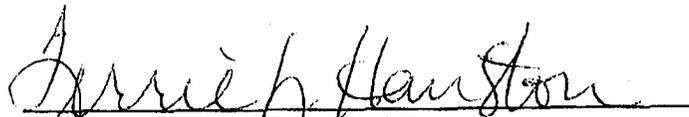


[Signature]
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

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WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Board Order, notarized on the 16th day of October 2003 by HERBERT HERSHEL LOVE, Applicant and that Said Order is Final.

Effective this 2nd day of December, 2003.

A handwritten signature in cursive script, reading "Terrie L. Hairston", written over a horizontal line.

Terrie L. Hairston, R.N., C.H.E.,
Executive Director
On Behalf of Said Board

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CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of December, 2003, a true and correct copy of the foregoing **BOARD ORDER** was served by placement in the U.S. Mail first class mail, and addressed to the following person(s):

HERBERT HERSHEL LOVE
3007 PR #320
ABILENE, TEXAS 79601

A handwritten signature in cursive script, appearing to read "Terrie L. Hairston", is written over a horizontal line.

Terrie L. Hairston, R.N., C.H.E.,
Executive Director
Agent for the Board of Vocational Nurse Examiners