BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§
License Number 697860	§
issued to KELLY ANN POGUE	§

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

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 697860, issued to KELLY ANN POGUE, 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.

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

FINDINGS OF FACT

1. Respondent is currently licensed to practice professional nursing in the State of Texas.

2. Respondent waived representation by counsel, informal proceedings, notice and hearing.

3. Respondent received a Baccalaureate Degree in Nursing from Texas Woman's University, Denton, Texas, on May 9, 2003. Respondent was licensed to practice professional nursing in the State of Texas on July 8, 2003.

4. Respondent's professional nursing employment history includes:

07/2003 - 02/2010	RN	Methodist Health System Dallas Texas
03/10 - Present	Unknown	

5. On May 28, 2010 and October 1, 2010, the Board provided notice to Respondent for the following allegations:

   a. On or about February 24, 2010, while employed as a Registered Nurse with Methodist Health System, Dallas, Texas, Respondent lacked fitness to practice professional nursing, in that while on duty, she fell asleep during report, had difficulty comprehending information given to her during report, and exhibited behavior changes.

   b. On or about February 24, 2010, while employed as a Registered Nurse with Methodist Health System, Dallas, Texas, Respondent engaged in the intemperate use of Crystal Meth, in that she admitted to the use of "Ice" (Crystal Meth).

   c. On or about March 15, 2011, Respondent entered a plea of guilty to ENGAGING IN ORGANIZED CRIMINAL ACTIVITY (a Second Degree Felony offense committed September 16, 2010), in the 18th Judicial District Court of Johnson County, Texas, under Cause Number F45047. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on community supervision for a period of ten (10) years and ordered to serve one hundred-twenty (120) days in jail. Additionally, Respondent was ordered to pay a fine in the amount of one thousand, five hundred dollars ($1,500); along with court costs.

6. On April 26, 2011, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated April 18, 2011, is attached and incorporated herein by reference as part of this Order.

7. 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.

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.

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),(9),(10) &(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(A),(E),(4),(5), (10)(A),(D),(11)(B)and(13).

4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.

6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC§§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

THE BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 697860, heretofore issued to KELLY ANN POGUE, to practice professional nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

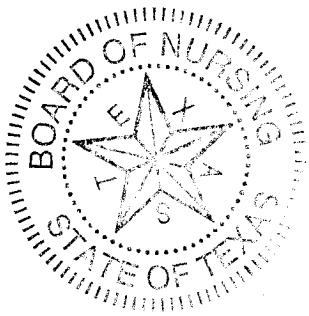
1. RESPONDENT SHALL NOT practice professional nursing, use the title of registered nurse or the abbreviation RN or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.

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 professional nursing in the State of Texas.

Effective this 27th day of April, 2011.



TEXAS BOARD OF NURSING

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

KELLY ANN POGUE
1006 Ovilla Road
Red Oak, Texas 75154
Texas Registered Nurse License #697860

Voluntary Surrender Statement

April 1, 2011

Dear Texas Board of Nursing:

I no longer desire to be licensed as a registered nurse. Accordingly, I voluntarily surrender my license/license: practice in Texas. I waive representation by counsel and consent to the entry of an Order which outli requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Ru and Regulations in effect at the time I submit any petition for reinstatement.

Because of moving and House/Apt being Broken into. I am not in possesion of the paper Licenses.

Signature Kelly A Pogue

Date 4.18.11

Texas Nursing License Number 697860

The State of Texas

Before me, the undersigned authority, on this date personally appeared KELLY ANN POGUE who, being duly sworn by me, stated that she executed the above for the purpose therein contained and that she understood same.

Sworn to before me the 18th day of APRIL, 2011.

SEAL

Anna Lisauckis
Notary Public in and for the State of Texas

ANNA LISAUCKIS
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP. 10/4/2014