

BEFORE 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. Thomas
Executive Director of the Board

In the Matter of Registered Nurse §
License Number 519281 §
issued to DALE ANTHONY KAUP §

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 519281, issued to DALE ANTHONY KAUP, 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's license to practice professional nursing in the State of Texas is currently in delinquent status.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Bachelors Degree in Nursing from MT Marty College, Sioux, Falls, South Dakota on May 19, 1984. Respondent was licensed to practice professional nursing in the State of Texas on September 28, 1984.
4. Respondent's nursing employment history is unknown.

5. On or about August 2, 2005, while holding a license as a Registered Nurse in the State of Texas, Respondent was found guilty of Child Enticement Via Computer, (a Felony III offense committed on October 5, 2004), in the District Court of Lancaster County, Nebraska, Cause No. CR04-822 and was sentenced to a period of two (2) to four (4) years in the Nebraska Department of Corrections with costs and required to register as a Sex Offender for a period of twenty five (25) years.
6. Formal Charges were filed on March 14, 2011. A copy of the Formal Charges is attached and incorporated by reference as part of this Order.
7. Formal Charges were mailed to Respondent on March 15, 2011.
8. On April 5, 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 1, 2011, is attached and incorporated herein by reference as part of this Order.

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). Moreover, the above offense mandates revocation of Respondent's license to practice nursing in accordance with Ch 53.021(b) of the Texas Occupations Code.
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.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 519281, heretofore issued to DALE ANTHONY KAUP, 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 himself 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: five (5) years have elapsed from the termination date of his sentence, pardon or parole.
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 12th day of April, 2011.



TEXAS BOARD OF NURSING

By:


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

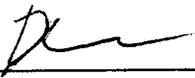
Dale Anthony Kaup
5100 Emerald Drive #21
Lincoln, Nebraska 68516
Texas RN License #519281

Voluntary Surrender Statement

February 11, 2011

Dear Texas Board of Nursing:

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

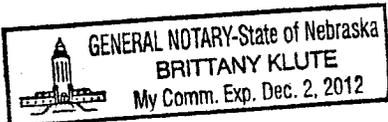
Signature 
Date 04/01/2011
Texas Nursing License Number/s 519281

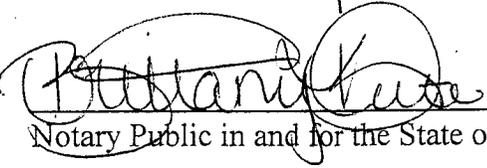
The State of ~~Texas~~ Nebraska

Before me, the undersigned authority, on this date personally appeared Dale Anthony Kaup who, being duly sworn by me, stated that he executed the above for the purpose therein contained and that he understood same.

Sworn to before me the 1 day of April, 2011.

SEAL




Notary Public in and for the State of Nebraska