

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse § AGREED  
License Number 186477 §  
issued to KIMBERLY ANN KING § ORDER



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

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 186477, issued to KIMBERLY ANN KING, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the 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 Tyler Junior College, Tyler, Texas, on August 9, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on October 31, 2002.
5. Respondent's nursing employment history is unknown

6. On or about July 26, 2005, Respondent submitted a License Renewal Form (Delinquent over 90 Days) Licensed Vocational Nurse to the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you ever been convicted, adjudicated guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests (excluding minor traffic violations) since your last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUIs, DWIs, and PI's 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".)"

Respondent failed to disclose on or about February 23, 2004, Respondent entered a plea of Guilty and was convicted of THEFT >=\$20 <\$500 BY CHECK (a Class B Misdemeanor offense committed on March 22, 2003, reduced to a lesser Class C Misdemeanor), in the County Court at Law No. 2 of Smith County, Texas, under Cause Number 002-85076-03. As a result of the conviction, Respondent was ordered to pay a fine and court costs.

7. On or about April 24, 2009, Respondent submitted a License Renewal Form Licensed Vocational Nurse to the Texas Board of Nursing in which she answered "Yes" 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?
- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
- D. received deferred adjudication?
- E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgement/punishment/action?"

Respondent disclosed that on or about January 16, 2007, Respondent was arrested and subsequently charged in the United States District Court, Eastern District, Tyler, Texas, under Cause Number 6:07CR08 with COUNT 1- CONSPIRACY TO COMMIT THEFT AND RECEIPT OF STOLEN US MAIL, COUNTS 2 THROUGH 5-POSSESSION OF

STOLEN MAIL, and COUNT 6- USE OF UNAUTHORIZED ACCESS DEVICES ( federal felony offenses). On or about October 23, 2007, Respondent entered a plea of Guilty and was convicted of COUNT 1-CONSPIRACY TO COMMIT THEFT AND RECEIPT OF STOLEN U.S. MAIL and COUNT 6- USE OF UNAUTHORIZED ACCESS, in the United States District Court for the Eastern District of Texas, Tyler Division, under Cause Number 6:07CR08. As a result of the conviction, Respondent was sentenced to confinement in the United States Bureau of Prisons for a period of three (3) months and seventeen (17) days (with one hundred and nine (109) days credit for time served). The sentence for Counts 1 & 6 were to be served concurrently. Once released from Prison, Respondent was placed on probation for a period of three (3) years. On or about October 23, 2007, COUNTS 2 through 5 were dismissed on the motion of the United States District Court.

8. In response to Findings of Facts Numbers Six (6) and Seven (7), Respondent states: She had previously been addicted to methamphetamine which facilitated her in committing these crimes. Since the charges have been disposed of, she has maintained a clean and healthy lifestyle. She is in compliance with drug aftercare and has been drug free for over 3 years.
9. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.
10. 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.
11. 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 violations of Section 301.452(b)(2),(3)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(I)&(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 186477, heretofore issued to KIMBERLY ANN KING, 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 186477, heretofore issued to KIMBERLY ANN KING, 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.

### 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 9<sup>th</sup> day of February, 2011.

Kimberly Ann King  
KIMBERLY ANN KING, Respondent

Sworn to and subscribed before me this 9<sup>th</sup> day of February, 2011.



Iran Chavez  
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 186477, previously issued to KIMBERLY ANN KING.



Effective this 15th day of February, 2011.

A handwritten signature in cursive script, reading 'Katherine A. Thomas'.

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