

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 614259 § AGREED
and Vocational Nurse License Number 130806 §
issued to JUDY LYNN SMITH § ORDER

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepts the voluntary surrender of Registered Nurse License Number 614259 and Vocational Nurse License Number 130806, issued to JUDY LYNN SMITH, 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. Respondent's license to practice vocational 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 Certificate in Vocational Nursing from Vernon Regional Junior College, Wichita Falls, Texas, on August 31, 1990. Respondent was licensed to practice vocational nursing in the State of Texas on November 28, 1990. Respondent received an Associate Degree in Nursing from Excelsior College, Albany, New York, on February 1, 1995. Respondent was licensed to practice professional nursing in the State of Texas on February 27, 1995.
4. Respondent's nursing employment history includes:

12/90 - 06/99	Charge Nurse	URHCS (8 th Street Campus) Wichita Falls, TX
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Respondent's nursing employment history (continued):

02/97 - 08/03	RN/DON	Homecare Homehealth Services Wichita Falls, TX
10/02 - 10/07	Charge Nurse	Texas Specialty Hospital Wichita Falls, TX
12/07	Registered Nurse	Nightingale Nurses Boca Raton, TX
01/08 - Present	Unknown	

5. On or about July 23, 2010, Respondent was issued an Agreed Order by the Texas Board of Nursing, requiring Respondent to apply to, and be accepted into the Texas Peer Assistance Program for Nurses (TPAPN). A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated July 23, 2010, is attached and incorporated, by reference, as part of this Order.
6. On or about November 2, 2010, the Texas Board of Nursing notified Respondent of the following allegations:

On or about October 27, 2010, Respondent failed to comply with the Agreed Order issued to her on July 23, 2010, by the Texas Board of Nursing. Respondent's non-compliance is the result of her failure to comply with all requirements of TPAPN. Stipulation Number Three (3) of the Agreed Order, dated July 23, 2010, reads, in pertinent part:

(3) RESPONDENT SHALL comply with all requirements of the TPAPN contract during its term.
7. On December 13, 2010, 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 December 8, 2010, is attached and incorporated herein by reference as part of this Order.
8. 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.

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)(1)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(11)(B).
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 614259 and Vocational Nurse License Number 130806, heretofore issued to JUDY LYNN SMITH, to practice 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 nursing, use the title of Registered Nurse or Vocational Nurse or the abbreviation "RN" or "LVN" or wear any insignia identifying herself as a Registered Nurse or Vocational Nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a Registered Nurse or Vocational Nurse during the period in which the licenses are 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.

Effective this 28th day of December 2010.



TEXAS BOARD OF NURSING

By:

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