

Respondent's vocational nursing employment history continued:

December 2004	Unknown	
January 2005 - November 2005	LVN	UTMB/TDCJ New Boston, Texas
December 2005	Unknown	
January 2006 - May 2006	LVN	Sunny Acres DeKalb, Texas
June 2006 - September 2006	Unknown	
October 2006 - August 2007	LVN	Reunion Plaza Texarkana, Texas
September 2007 - January 2008	Unknown	
February 2008 - February 2009	Not employed in Nursing	
October 2009 - March 2010	LVN	PSA Healthcare Bellaire, Texas
April 2010 - Present	Unknown	

6. From on or about November 8, 2008 to the present, Respondent lacked fitness to practice vocational nursing in that she submitted a License Renewal Form to the office of the Board and disclosed that she received a dual diagnosis of Alcohol and Benzodiazepine Dependence and Bipolar Disorder NOS, while in the United States Army and began participation in the Army Substance Abuse Program, Brooke Army Medical Center, Fort Sam Houston, Texas. Respondent was discharged from the program after relapsing on Alcohol in November 2008. Respondent's condition could affect her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could affect her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing patients in potential danger.
7. Regarding the conduct outlined in Finding of Fact Number Six (6), Respondent states that she is "speechless" and "revolted" by the allegations. She is "an honest and compassionate person that would never deceive, defraud, or injure anyone, patient or public." She currently works in home health pediatrics. She adds, "I do admit to an occurrence of behavior that could be considered as irresponsible upon doctors informing me that I would not live another ten years due to a heart condition. I was in shock and denial." She further states the charge

is "unwarranted" because she was not working as a nurse at the time; "therefore, "unsafe practice" could not have happened." She adds that she admitted to the diagnosis of Bipolar Disorder NOS and alcohol/benzodiazepine dependency when submitting her license renewal and has never violated the professional boundaries of the nurse/patient relationship. The Respondent is willing to submit references, an employment history and drug tests, but does not believe TPAPN is necessary. She states she completed rehabilitation and has a sobriety date of March 12, 2010.

8. Formal Charges were filed on February 9, 2010.
9. Formal Charges were mailed to Respondent on February 9, 2010.
10. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
11. 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.
12. 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)(10)&(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Vocational License Number 193328, heretofore issued to DAWN MARIE CAPPs, including revocation of Respondent's license 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 193328, heretofore issued to DAWN MARIE CAPPS, 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 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.

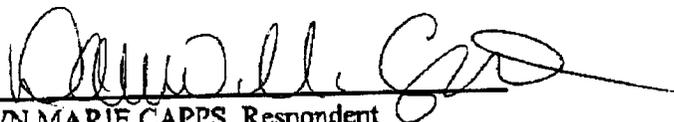
BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

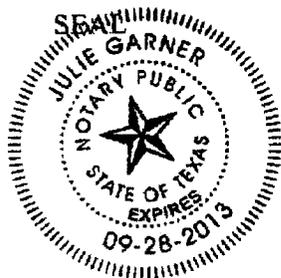
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 27 day of October, 2010.



DAWN MARIE CAPPS, Respondent

Sworn to and subscribed before me this 27 day of October, 2010.





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 193328, previously issued to DAWN MARIE CAPPS.



Effective this 29th day of October, 2010.


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