BEFORE THE TEXAS BOARD OF NURSING
****

In the Matter of Registered Nurse	§	AGREED
License Number 622589	§	
issued to DEBRA LEA SPRABERRY	§	ORDER

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

On this day, the Texas Board of Nursing, hereinafter referred to as the Bo accepted the voluntary surrender of Registered Nurse License Number 622589, issued to DEBRA LEA SPRABERRY, 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.

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 professional nursing in the State of Texas.

4. Respondent received an Associate Degree in Nursing from Abilene Intercollegiate, Abilene, Texas, on May 1, 1995. Respondent was licensed to practice professional nursing in the State of Texas on September 28, 1995.

5. Respondent's professional nursing employment history is unknown.

6. On or about May 25, 1995, Respondent entered a plea of "Guilty" and was convicted of DRIVING WHILE INTOXICATED 1st (a Class B misdemeanor offense committed on December 23, 1994), in the 259th District Court, Jones County, Texas, under Cause No. 18826A. As a result of the conviction, Respondent was placed on probation for a period of two (2) years and ordered to pay a fine.

7. In response to Finding of Fact Number Six (6), Respondent states that she previously reported this offense to the Board.

8. On or about April 1, 2003, Respondent was arrested by the Abilene Police Department, Abilene, Texas, and charged with THEFT PROP >=$20<$500 BY CHECK (a Class B misdemeanor offense), under Cause No. 33397, which was subsequently waived. On or about February 18, 2004, Respondent entered a plea of "Guilty/Nolo Contendere" and was convicted of the lesser offense of ISSUANCE OF A BAD CHECK (a Class C misdemeanor offense committed on December 15, 2002), in the County Court at Law No. 2, Abilene, Texas, under Cause No. 2033397. As a result of the conviction, Respondent was ordered to pay a fine and court costs.

9. In response to Finding of Fact Number Eight (8), Respondent admits to the allegation.

10. On or about July 5, 2005, Respondent submitted a License Renewal Form for Registered Nurses 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 been convicted, adjudged 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 arrest (excluding minor traffic violations)? This includes expunged offenses and deferred adjudications with or without prejudice of guilt." Respondent failed to disclose that on or about May 25, 1995, she entered a plea of "Guilty" and was convicted of DRIVING WHILE INTOXICATED 1ST (a Class B misdemeanor offense committed on December 23, 1994), in the 259th District Court, Jones County, Texas, under Cause No. 18826A. Respondent also failed to disclose that on or about February 18, 2004, she entered a plea of "Guilty/Nolo Contendere" and was convicted of the offense of ISSUANCE OF A BAD CHECK (a Class C misdemeanor offense committed on December 15, 2002), in the County Court at Law No. 2, Abilene, Texas, under Cause No. 2033397.

11. In response to Finding of Fact Number Ten (10), Respondent states that she unintentionally failed to report the Issuance of a Bad Check offense.

12. On or about October 16, 2006, Respondent entered a plea of "Guilty" and was convicted of POSSESSION OF A CONTROLLED SUBSTANCE <1G (a State Jail Felony offense committed on December 31, 2005), in the 29th Judicial District Court, Palo Pinto County, Texas, under Cause No. 13190. As a result of the conviction, Respondent was sentenced to two (2) years in the State Jail Facility, however, the imposition of the sentence of confinement was suspended and Respondent was placed on probation for a period of four (4) years. Additionally, Respondent was ordered to pay a fine and court costs.

13. In response to Finding of Fact Number Twelve (12), Respondent states that she reported her arrest and conviction regarding her Possession of a Controlled Substance offense in February 2009 and February 2010 to the Board.

14. On or about May 23, 2007, Respondent entered a plea of "Guilty" and was convicted of DWLI (a Misdemeanor offense committed on January 25, 2007), in the Taylor County Court at Law No. 2, Taylor County, Texas, under Cause No. 43, 105. As a result of the conviction, Respondent was sentenced to three (3) days confinement in the Taylor County Jail, Taylor County, Texas, with credit for one (1) day served, and ordered to pay a fine and court costs.

15. In response to Finding of Fact Number Fourteen (14), Respondent admits to the allegation and states she unintentionally omitted reporting it to the Board.

16. Formal Charges were filed on April 6, 2010.

17. Formal Charges were mailed to Respondent on April 6, 2010.

18. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.

19. 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.

20. 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 Registered Nurse License Number 622589, heretofore issued to DEBRA LEA SPRABERRY, 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 Registered Nurse License Number 622589, heretofore issued to DEBRA LEA SPRABERRY, 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 professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying 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 nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

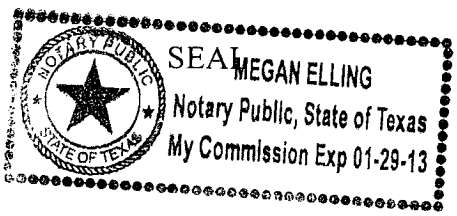
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 16th day of August, 2010.

Debra Lea Spraberry

DEBRA LEA SPRABERRY, Respondent

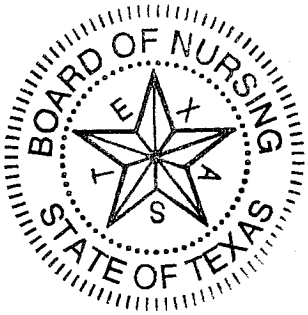
Sworn to and subscribed before me this 16th day of August, 2010.



Megan Elling

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 Registered Nurse License Number 622589, previously issued to DEBRA LEA SPRABERRY.



Effective this *19th* day of *August*, 20*10*.

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