

6. On or about May 8, 1996, Respondent submitted a Temporary License/Endorsement Application for Licensed Professional Nurses, in which he provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you ever been convicted of a crime other than minor traffic violations?"

- A. On or about December 28, 1984, Respondent entered a plea of Nolo Contendere for DRIVING WHILE INTOXICATED, (a misdemeanor offense), in the Nashua District Court of the State of New Hampshire. As a result of the plea, Respondent was assessed a fine in the amount of four hundred (\$400.00) dollars and has her driver's license revoked for one hundred twenty (120) days.
- B. On or about April 4, 1985, Respondent entered a plea of Nolo Contendere for POSSESSION OF A CONTROLLED DRUG - MARIJUANA, (a misdemeanor offense committed on November 9, 1984), in the Nashua District Court of the State of New Hampshire. As a result of the plea, Respondent was assessed a fine in the amount of one hundred (\$100.00) dollars.

On or about April 4, 1985, the offense of POSSESSION OF A CONTROLLED DRUG - HALLUCINOGEN, (a misdemeanor offense committed on November 9, 1984), in the Nashua District Court of the State of New Hampshire, was nolle prosequi.

- C. On or about April 4, 1985, Respondent entered a plea of Nolo Contendere for POSSESSION OF DRUG PARAPHERNALIA, (a misdemeanor offense committed on November 9, 1984), in the Nashua District Court of the State of New Hampshire. As a result of the plea, Respondent was assessed a fine in the amount of one hundred (\$100.00) dollars.
7. In response to Finding of Fact Number Six(6), Respondent stated that at the time of this event he was an unruly, unproductive, immature, and irresponsible young man. He drank to excess and associated himself with layabouts and unsavory characters. On November 9, 1984, the Respondent's brother, who also lived in New Hampshire at that time, had asked him to go out for dinner and drinks with his then girlfriend and her sister as part of a double date. The sister and Respondent did not hit it off and he left the restaurant with the immediate intention to drop them off and go home. Respondent's brother and his date were in the back seat, while the sister sat in the front passenger seat. An argument arose over his prematurely ending the evening. At that time, Respondent was prone to a hot temper and drove through a red light during the exchange of words with the sister. A police vehicle pulled him over as a result. The officer made Respondent get out of the car to perform a field sobriety test. The sister had in her possession illegal drugs and paraphernalia, which she attempted to hide by placing them under the front seat of his vehicle. When the officer asked Respondent to search his car, he had no objection because he did not have anything

to hide. When the illegal materials were found and everyone denied ownership, Respondent was charged with possession as it was his vehicle. Respondent further states he was aware that she had the illegal items in her possession and he was driving erratically. Respondent further states that he did not knowingly falsify his initial application and that the results of his court records did not match his recollection of the outcome of the criminal charges in question. For the past twenty-five years it has truly been his belief that the charges were dropped and no conviction existed. Respondent again profusely apologizes for his ignorance and inaccurate response on his nursing application.

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 Article 4525(b)(2)&(9), Texas Revised Civil Statutes and 22 TEX. ADMIN. CODE §217.13(17).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 628639, heretofore issued to KELLY LOREN WEBER, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a REMEDIAL EDUCATION WITH A FINE, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

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.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.*

(2) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this

Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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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 when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

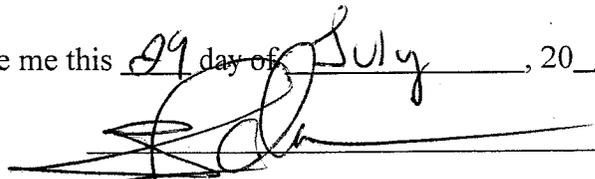
Signed this 29 day of July, 2010.



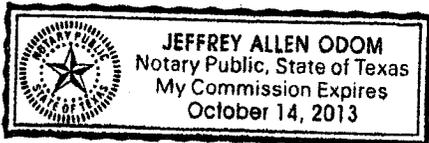
KELLY LOREN WEBER, Respondent

Sworn to and subscribed before me this 29 day of July, 2010.

SEAL



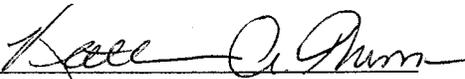
Notary Public in and for the State of TEXAS



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 29th day of July, 2010, by KELLY LOREN WEBER, Registered Nurse License Number 628639, and said Order is final.

Effective this 4th day of August, 2010.




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