13074

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

DOCKET NO. 511-93-155

IN THE MATTER OF PERMANENT	§	BEFORE THE BOARD OF
LICENSE NUMBER 130741	§	VOCATIONAL NURSE EXAMINERS
ISSUED TO	§	IN AND FOR THE
STAN ROSSER CRAWFORD, LVN	§	STATE OF TEXAS

ORDER OF THE BOARD

TO: STAN ROSSER CRAWFORD
2902 South Harrison
Amarillo, Texas 79109

During open meeting at Austin, Texas, the Board of Vocational Nurse Examiners finds that after proper and timely notice was given, the above-styled case was heard by an Administrative Law Judge who made and filed a proposal for decision containing the Administrative Law Judge's findings of fact and conclusions of law. The proposal for decision was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein.

The Board of Vocational Nurse Examiners, after review and due consideration of the proposal for decision, and exceptions and replies filed, if any, adopts the findings of fact and conclusions of law of the Administrative Law Judge as if fully set out and separately stated herein. All proposed findings of fact and conclusions of law not specifically adopted herein are hereby denied.

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NOW, THEREFORE, IT IS ORDERED that License Number 130741 heretofore issued to STAN ROSSER CRAWFORD to practice vocational nursing in the State of Texas be, and the same is hereby, suspended, suspension stayed and placed on probation for a period of two years.

The probation of said license shall be subject to the following stipulations:

1. RESPONDENT shall cause his nursing employer(s) to submit satisfactory reports to the Board office on a quarterly basis for the term of probation.
2. Reports required by Stipulations Nos. 1 shall be submitted to the Board office on the following dates:

   September 22nd, 1993, 1994

   December 22nd, 1993, 1994

   March 22nd, 1994, 1995

   June 22nd, 1994, 1995
3. Any period(s) of unemployment must be documented in writing by RESPONDENT and submitted to the Board office on a quarterly basis, throughout the term of probation.
4. If RESPONDENT's place of employment, name, address, or telephone number changes, RESPONDENT is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said notification shall be in the form of a written letter or report.
5. RESPONDENT shall submit to random periodic blood alcohol and urine drug screens upon demand of the Board staff.

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Said screens shall be properly monitored with adherence to chain of custody procedure. The results of said screens shall be submitted to the Board office by the laboratory. The expense of said screens shall be borne by RESPONDENT.

6. RESPONDENT shall provide the Board a telephone number by which RESPONDENT may be contacted between the hours of 8:00 a.m. and 5:00 p.m. on weekdays. RESPONDENT must maintain with the Board, during the term of this probation, a current telephone number in order for the Board to request random blood alcohol and urine drug screens as provided in Stipulation No. 6.

7. RESPONDENT shall not be employed by a nurse registry or temporary nurse agency or as a private duty nurse during the term of this probation.

8. RESPONDENT shall work only under the direct supervision of a licensed medical professional during the term of this probation.

9. RESPONDENT shall not work in an autonomous nursing position during the term of this probation.

10. RESPONDENT shall conduct himself in conformity with this Order and shall conform to all laws of the State of Texas, the Vocational Nurse Act, and the Rules and Regulations of the Board of Vocational Nurse Examiners.

11. Failure to comply with these conditions of probation will result in further disciplinary action by the Board.

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Passed and approved at the regular meeting of the Board of Vocational Nurse Examiners in and for the State of Texas at Austin, Texas, on the 22nd day of June, 1993.

Entered this 22nd day of June, 1993.

Ruth Lefkay

Melba Lee Hasey, Lvn

Mae Spear

Carrie M. Davis

Charlotte J. Sifford, Lvn

Opal Robinson

Sandra U. Knight WD

Norma Jon Clark

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CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of June, 1993, a true and correct copy of the foregoing Order was served by placement in the U.S. Mail, first class, and addressed to the following person(s):

Stan Crawford
2902 S. Harrison
Amarillo, Tx. 79109

Marjorie A. Bronk, RN

Marjorie Bronk, R.N.
Executive Director
Agent for the Board of Vocational Nurse Examiners

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BOARD OF VOCATIONAL NURSE EXAMINERS	*	STATE OF TEXAS
	*	
VS.	*	
	*	
STAN ROSSER CRAWFORD	*	COUNTY OF TRAVIS

COMPLAINT

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Kathleen S. Davies, who after being by me duly sworn, did depose and say:

As an Investigator for the Board of Vocational Nurse Examiners, I, Kathleen S. Davies, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against STAN ROSSER CRAWFORD, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 130741, hereinafter called Respondent.

I.

a. On July 11, 1990, the Board of Vocational Nurse Examiners endorsed an Agreed Board Order in which Respondent's license to practice Vocational Nursing in Texas was suspended,. suspension stayed and placed on probation for a period of two (2) years.

b. Said Order stipulated, in part, that Respondent cause his nursing employer(s) to submit satisfactory reports to the Board Office on a quarterly basis throughout the term of probation.

c. Respondent's employer on or about October 13, 1992, submitted an unsatisfactory employer report to the Board Office.

d. By said conduct, Respondent has violated the terms of his Agreed Board Order.

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II.

II.

a. Respondent was employed as a Licensed Vocational Nurse at Northwest Texas Hospital in Amarillo, Texas from about January 20, 1991, through about October 5, 1992.

b. While so employed Respondent was required by his employer to submit to a drug screen on or about September 28, 1992. Said screen showed a positive reading for CANNABINOID. Subsequently, Respondent was terminated for Violation of Personnel Policy, a positive drug screen.

III.

Respondent has violated the Vocational Nurse Act or rule, regulation or order issued under the Act, contrary to Article 4528c, Section 10 (a) (1), Revised Civil Statutes of Texas.

IV.

Respondent has engaged in unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public, in violation of Article 4528c, Section 10 (a) (9), Revised Civil Statutes of Texas.

V.

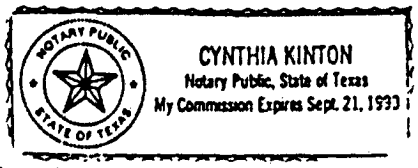
The foregoing acts constitute grounds for the Board of Vocational Nurse Examiners to take disciplinary action as provided under Article 4528c, Revised Civil Statutes of Texas, 1951, as amended.

WHEREFORE, PREMISES CONSIDERED, I, Kathleen S. Davies, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against STAN ROSSER CRAWFORD, LVN #130741, in accordance with the provisions of the laws of the State of Texas.

13076

Kathleen S. Davies
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME by the said Kathleen S. Davies, on this the 8th day of Janaury, 1993.



Cynthia Kinton
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Filed with the Board of Vocational Nurse Examiners on the 8th day of Janaury, 1993.

Marjorie A. Bronk, RN
Marjorie A. Bronk, R.N.
Executive Director
Board of Vocational Nurse Examiners

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BOARD OF

910

PS Form 3800, June 1985

Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	$
Postmark or Date	

STAN ROSSER CRAWFORD
2902 SOUTH HARRISON
AMARILLO, TEXAS 79109

P 478 052 263

RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

January 8, 1993

STAN ROSSER CRAWFORD
2902 SOUTH HARRISON
AMARILLO, TEXAS 79109

Certified Mail No. P 478 052 263

Dear Mr. Crawford:

Enclosed please find a sworn Complaint which has this day been filed against you alleging one or more statutory violations or grounds to take disciplinary action against you as a vocational nurse licensed under the Vocational Nurse Act, Tex. Rev. Civ. Stat. Ann., Art. 4528c.

Pursuant to the Board of Vocational Nurse Examiners Rules, you are hereby offered the opportunity to schedule a prehearing conference, to be conducted at the Board's office to discuss possible agreed resolution of this matter, in whole or in part. You may be represented by an attorney at the prehearing conference, or you may appear without an attorney. The dates of the prehearing conference are February 8,9,10, 1993. You must contact Patricia Cook, Supervising Investigator, at (512) 835-2071, no later than February 1, 1993, to schedule your prehearing conference.

Should you choose not to schedule an appearance at the prehearing conference, the enclosed Complaint will be presented to an Administrative Law Judge with the State Office of Administrative Hearings at a regularly scheduled public meeting, for which you will receive advance notification.

A copy of the Board's rules pertaining to prehearing conferences is enclosed. The proceedings relating to the prehearing conference are confidential and your statements made at the hearing will not be offered as evidence to support the allegations in the Complaint. However, if an Agreed Order is proposed as a result of the prehearing conference, it will become a public record if accepted and endorsed by the Board of Vocational Nurse Examiners.

Should you have questions regarding the prehearing conference procedure, please contact the Investigation Division.

Sincerely,

Marjorie A Bronk, RN

Marjorie A. Bronk, R.N.
Executive Director

MAB/db
Enclosure
cc: Regular Mail

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DOCKET NO. 511-93-155

IN THE MATTER OF	§	BEFORE THE
	§	
	§	STATE OFFICE OF
	§	
STAN ROSSER CRAWFORD, L.V.N.	§	ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

Prepared by Earl A. Corbitt, Administrative Law Judge, duly authorized to act herein on behalf of the Board of Vocational Nurse Examiners pursuant to TEX. REV. CIV. STAT. ANN. art. 6252-13f, §2(b).

STATEMENT OF THE CASE

The staff of the Board of Vocational Nurse Examiners (the Board), pursuant to TEX. REV. CIV. STAT. ANN. art. 4528c, §10, brought a disciplinary action against STAN ROSSER CRAWFORD (RESPONDENT). The Board alleged that RESPONDENT violated the terms of an Order issued by the Board and that RESPONDENT produced a drug screen which tested positive for Cannabinoid. The Board further alleged that such actions constitute grounds for disciplinary action against RESPONDENT's Vocational Nursing license pursuant to TEX. REV. CIV. STAT. ANN. art. 4528c, §10.

On April 19, 1993, a hearing concerning the allegations was held before Earl A. Corbitt, Administrative Law Judge, in the Texas Alcoholic Beverage Commission Building, 5805 Mesa Drive, Austin, Texas. The hearing was recessed to April 26, 1993, for the receipt of documentary evidence from the parties. The hearing was closed on April 26, 1993. The Board's staff was represented by Deborah Leach, Assistant Attorney General of Texas. STAN ROSSER CRAWFORD appeared and represented himself at the hearing.

JURISDICTION

The Board of Vocational Nurse Examiners has jurisdiction over this matter pursuant to TEX. REV. CIV. STAT. ANN. art. 4528c, §10. The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this proceeding, including the authority to issue a proposal for decision with proposed findings of fact and conclusions of law pursuant to TEX. REV. CIV. STAT. ANN. art. 6252-13f. Notice of the Board's intention to institute disciplinary action, dated November 3, 1992, was properly addressed and sent by certified mail, return receipt requested, to RESPONDENT, 2902 South Harrison, Amarillo, Texas 79109, his address of record at the time, pursuant to TEX. REV. CIV. STAT. ANN. art. 6252-13a, §18(c). RESPONDENT received and signed for the

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letter on November 9, 1992. On January 8, 1993, a copy of the complaint against RESPONDENT was mailed by certified mail, return receipt requested, to RESPONDENT, at the same address. The letter containing the complaint was returned by the Post Office to the Board marked "Unclaimed." Notice of the hearing, dated March 22, 1993, was properly addressed and sent by certified mail to STAN ROSSER CRAWFORD at the same address pursuant to TEX. REV. CIV. STAT. ANN. art. 6252-13a, §13. The notice letter was returned by the Post Office to the Board marked "Refused." On April 5, 1993, the Board received notice from RESPONDENT that he intended to attend the hearing.

PROPOSED DECISION

The Administrative Law Judge proposes that RESPONDENT be found to have violated the Vocational Nurse Act. The staff made no recommendation in this case. The Administrative Law Judge recommends that STAN ROSSER CRAWFORD's license be suspended for a two year period with required quarterly satisfactory employer reports and periodic random drug screens.

REASONS FOR PROPOSED DECISION

On July 11, 1990, the Board endorsed an Agreed Board Order in which RESPONDENT was allowed to write the examination for initial licensure and upon passing the examination, RESPONDENT's license to practice vocational nursing in the State of Texas was to be suspended, the suspension to be stayed and RESPONDENT to be placed on probation for a period of two years. The Order contained stipulations which required RESPONDENT to cause his nursing employer to submit satisfactory reports to the Board office on a quarterly basis. On June 5, 1990, RESPONDENT signed the Agreed Order and accepted its conditions and stipulations. The Board notified RESPONDENT by letter dated December 3, 1990, that he had passed the examination and the terms of the Agreed Order were effective until November 28, 1992.

RESPONDENT failed to submit the final satisfactory employer's report which was due November 28, 1992.

RESPONDENT was terminated by his employer, Northwest Texas Hospitals as a result of a drug screen provided by RESPONDENT. The drug screen tested positive for Cannabinoid. Northwest Texas Hospitals terminated RESPONDENT on October 7, 1992, and on that date notified the Board of RESPONDENT's termination and the reasons therefor.

At the time of the drug screen, which occurred on September 28, 1992, RESPONDENT had been off duty approximately eight hours. He was requested to return to the hospital for the drug screen as part of an on-going investigation. At hearing, RESPONDENT denied that he had used marijuana prior to the drug screen, but that he had

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been taking ibuprofen at the time. He submitted evidence that ibuprofen has been known to produce false positives for cannabinoid.

Evidence was received in the form of letters from Louise Anderson, R.N., B.S.N., and from Dalton D. Stewart, M.S.N., R.N. Each letter states that RESPONDENT, when confronted with the positive drug screen, admitted use of marijuana. Mr. Stewart, a Texas Peer Assistance Program for Nurses (TPAPN) advocate, stated that RESPONDENT never indicated that the positive drug screen could have been the result of other causative agents. RESPONDENT refused intervention by TPAPN.

There was no evidence that RESPONDENT was in an impaired state while practicing as a licensed vocational nurse. There was no evidence as to when RESPONDENT was next to report for duty.

The Board has authority to take disciplinary action against its licensees under TEX. REV. CIV. STAT. ANN. art. 4528c §10(a) which states, in part, "(a) The Board may ... may suspend or may revoke the license of any practitioner of vocational nursing for ... (1) violation of this Act or of any rule, regulation, or order issued under this Act ... [and] (9) unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public..."

The Administrative Law Judge does not recommend revocation of RESPONDENT's license because there was no evidence that RESPONDENT's use of marijuana during his off duty hours constituted unprofessional or dishonorable conduct as defined by the Board at 22 TAC §239.11. There was no evidence that RESPONDENT was practicing while impaired, nor that he violated state or federal laws relative to drugs.

RESPONDENT has violated the Agreed Board Order by failing to submit the final satisfactory employer's report. Clearly disciplinary action is warranted. However, under the facts presented by the case, it appears to the Administrative Law Judge that perhaps revocation would be too stringent.

The staff had no recommendation in this case.

PROPOSED FINDINGS OF FACT

1. STAN ROSSER CRAWFORD (RESPONDENT), a vocational nurse licensed by the State of Texas, holds license number 130741.

2. A sworn complaint against RESPONDENT was filed with the Board of Vocational Nurse Examiners for the State of Texas.

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3. Service of proper and timely notice of the hearing and of the complaint was effected upon RESPONDENT by certified mail sent to her record address.

4. RESPONDENT was present at the hearing.

5. RESPONDENT was not represented by counsel at the hearing.

6. On July 11, 1990, the Board endorsed an Agreed Board Order in which RESPONDENT was allowed to write the examination for licensure and upon passing the examination, RESPONDENT's license to practice vocational nursing in the State of Texas was to be suspended, the suspension to be stayed and RESPONDENT to be placed on probation for a period of two years.

7. The Order described in Finding of Fact No. 6 contained stipulations which required RESPONDENT to cause his nursing employer to submit satisfactory reports to the Board office on a quarterly basis. On June 5, 1990, RESPONDENT signed the Agreed Order and accepted its conditions and stipulations. The Board notified RESPONDENT by letter dated December 3, 1990, that he had passed the examination and the terms of the Agreed Order were effective until November 28, 1992.

8. RESPONDENT failed to submit the final satisfactory employer's report which was due November 28, 1992.

9. There was insufficient evidence to support a finding that RESPONDENT has engaged in unprofessional or dishonorable conduct.

PROPOSED CONCLUSIONS OF LAW

1. The Board of Vocational Nurse Examiners has jurisdiction over this matter pursuant to TEX. REV. CIV. STAT. ANN. arts. 4528c, §10 and 6252-13a.

2. A sworn complaint against RESPONDENT was filed with the Board of Vocational Nurse Examiners for the State of Texas in accordance with TEX. REV. CIV. STAT. ANN. art. 4528c, §10(d).

3. Service of proper and timely notice of the hearing and of the complaint was effected upon RESPONDENT pursuant to TEX. REV. CIV. STAT. ANN. art. 6252-13a and 22 TAC §239.23.

4. The Board has authority to take disciplinary action against its licensees under TEX. REV. CIV. STAT. ANN. art. 4528c §10(a) which states, in part, "(a) The Board

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may ... may suspend or may revoke the license of any practitioner of vocational nursing for ... (1) violation of this Act or of any rule, regulation, or order issued under this Act..."

5. Based upon Finding of Fact Nos. 6 - 8, RESPONDENT has violated the terms of an Order issued by the Board of Vocational Nurse Examiners which Order was issued under the authority of TEX. REV. CIV. STAT. ANN. art. 4528c.

6. RESPONDENT's actions described in Finding of Fact No. 8, constitute a violation of TEX. REV. CIV. STAT. ANN. art. 4528c, §10(a)(1) and warrant disciplinary action against his license pursuant to that statute.

Signed and entered this 10th day of May, 1993.

Earl A. Corbitt
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF
ADMINISTRATIVE HEARINGS

FW

BOARD OF VOCATIONAL NURSE EXAMINERS	*	STATE OF TEXAS
	*	
VS.	*	
	*	
STAN ROSSER CRAWFORD	*	COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of STAN ROSSER CRAWFORD, an Applicant for Licensure by Examination, hereinafter called Applicant.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Applicant of its intent to take disciplinary action with respect to said Application for Licensure as a result of a subsequent investigation. Said investigation produced evidence indicating that Applicant has been convicted of a crime of the grade of felony or a crime of a lesser grade which involves moral turpitude, in violation of Article 4528c, Section 10 (a) (3), Revised Civil Statutes of Texas, in the following manner:

a. On or about May 9, 1990, Applicant submitted his Application for Licensure by Examination to the Board of Vocational Nurse Examiners for the State of Texas. On said application, Applicant answered "yes" to question 30: "Have you been convicted of a felony or misdemeanor other than a minor traffic violation?".

b. On or about July 7, 1988, Applicant was convicted of the felony offense of Aggrevated Theft of Property of the value of $750.00 or more, but less than $20,000.00, in the 47th District Court of Randall County, Texas, under Cause No. 5372-A. As a result of said conviction, Applicant was sentenced to four (4) years confinement in the Texas Department of Corrections.

c. On or about July 11, 1988, Applicant was convicted of two (2) felony counts of Theft over $750.00 but less than $20,000.00, in the 320th District Court in and for Potter County, Texas, under Cause No. 26,799-D and 26,800-D. As a result of said convictions, Applicant was sentenced to four (4) years confinement in the Texas Department of Corrections.

JUN 7 1990

By Applicant's signature on this Order, Applicant neither admits nor denies the truth of the matters previously set out in this Order with respect to the above mentioned investigation.

By his notarized signature on this Order, Applicant does hereby waive the right to Notice of a Formal Hearing, and a Formal Hearing before the Board of Vocational Nurse Examiners, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

THEREFORE, PREMISES CONSIDERED, The Board of Vocational Nurse Examiners does hereby order that STAN ROSSER CRAWFORD be allowed to write the examination for licensure and upon obtaining a passing score be issued a license to practice vocational nursing in the State of Texas. Said license shall be suspended, suspension stayed and placed on probation for a period of two (2) years.

The probation of said license is subject to the following stipulations, to wit:

1. That Applicant shall cause his parole officer to submit satisfactory reports directly to the board office on a quarterly basis throughout the term of probation.

2. That upon discharge of court-ordered parole, Applicant shall cause his parole officer to submit a final satisfactory report to the Board office.

3. That Applicant shall cause his nursing employer(s) to submit satisfactory reports to the Board office on a quarterly basis throughout the term of probation.

4. That any period(s) of unemployment must be documented in writing by Applicant and submitted directly to the Board office on a quarterly basis throughout the term of probation.

Further, that if Applicant's place of employment, name, address or telephone number changes, Applicant is to notify the Board office immediately.

It is also ordered that STAN ROSSER CRAWFORD shall comply with all the provisions of Article 4528c, Revised Civil Statutes of Texas.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.

Dated this the 5th day of June, 1990.

Signature of Applicant

2902 S. Harrison
Current Address

Amarillo, Tx 79109
City, State and Zip

806 / 372-2949
Area Code and Telephone Number

The State of Texas
County of Potter

Before me, the undersigned authority, on this day personally appeared STAN ROSSER CRAWFORD who being duly sworn by me stated that he or she executed the above for the purpose, therein contained and that he or she understood same.

SWORN TO AND SUBSCRIBED before me this the 5th day of June, 1990.

SANDRA K. MARTIN
Notary Public, State of Texas
My Commission Expires 10-19-91

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 10-19-91

JUN 7 1990

Marjorie A. Bronk, R.N.
Marjorie A. Bronk, R.N.
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 7th day of June, 1990.

Linda Rae Kent
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
Linda Rae Kent
My Commission Expires 10-24-93

ENDORSEMENT OF THE BOARD
To The Agreed Board Order
in the matter of EXAM APPLICANT
STAN CRAWFORD

At its regularly called session, 11th day of July, 1990, came on to be considered the indicated Agreed Board Order pertaining to STAN CRAWFORD. The Board having reviewed the contents of said Order, the Order should be, and is hereby, endorsed as an Order of the Board and made an official act of the Board of Vocational Nurse Examiners for the State of Texas.

Said Order is rendered this the 11th day of July, 1990.

Sharon L. Johnson
Sandra U. Knight WN
Annie Mae Parker LVN
Virginia M. Bauman

Norma Jean Clark Lr
Adelia D. Miller, R.N.
Wayne L. Ogden

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of July, 1990, a true and correct copy of the foregoing Order was served by placement in the U.S. Mail, first class, and addressed to the following person(s):

Stan Crawford
2902 S. Harrison
Amarillo, Texas 79109

Marjorie A. Bronk, R.N.
Executive Director
Agent for the Board of Vocational Nurse Examiners