IN THE MATTER OF PERMANENT VOCATIONAL NURSE LICENSE NUMBER 174006 ISSUED TO HOPE ANGELA MCSPADDEN	§ § § § § § §	BEFORE THE TEXAS BOARD OF NURSING ELIGIBILITY AND DISCIPLINARY COMMITTEE

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

ORDER OF THE BOARD

TO: HOPE ANGELA MCSPADDEN
14756 N. TRAM RD.
SPLENDORA, TX 77372

During open meeting held in Austin, Texas, on **September 9, 2014**, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by

reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Vocational Nurse License Number 174006, previously issued to HOPE ANGELA MCSPADDEN, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this **9th day of September, 2014**.

TEXAS BOARD OF NURSING

BY: Katherine A. Thomas

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed January 13, 2014.

Re: Permanent Vocational Nurse License Number 174006
Issued to HOPE ANGELA MCSPADDEN
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 11 day of Sept, 2014, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested
HOPE ANGELA MCSPADDEN
14756 N. TRAM RD.
SPLENDORA, TX 77372

BY: Katherine A. Thomas
KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of	§	**BEFORE THE TEXAS**
Permanent Vocational Nurse	§	
License Number 174006	§	
Issued to HOPE ANGELA MCSPADDEN,	§	**BOARD OF NURSING**
Respondent	§	

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, HOPE ANGELA MCSPADDEN, is a Vocational Nurse holding License Number 174006, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about October 22, 2010, Respondent failed to comply with the Agreed Order issued to her on July 22, 2010, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Four (4) of the Agreed Order which states, in pertinent part:

> (4) RESPONDENT SHALL pay a monetary fine in the amount of one thousand five hundred dollars ($1500.00) within ninety (90) days of entry of this Order....

A copy of the July 22, 2010, Agreed Order, Findings of Fact and Conclusions of Law, is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) &(10), Texas Occupation Code, and is a violation of 22 TEX. ADMIN. CODE §217.12 (11)(B).

CHARGE II.

On or about July 23, 2011, Respondent failed to comply with the Agreed Order issued to her on July 22, 2010, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number One (1) of the Agreed Order which states, in pertinent part:

> (1) RESPONDENT SHALL within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics....

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) &(10), Texas Occupation Code, and is a violation of 22 TEX. ADMIN. CODE §217.12 (11)(B).

CHARGE III.

On or about July 23, 2011, Respondent failed to comply with the Agreed Order issued to her on July 22, 2010, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Two (2) of the Agreed Order which states, in pertinent part:

> (2) RESPONDENT SHALL within one (1) year of entry of this Order, successfully complete a course in nursing documentation....

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) &(10), Texas Occupation Code, and is a violation of 22 TEX. ADMIN. CODE §217.12 (11)(B).

CHARGE IV.

On or about July 23, 2011, Respondent failed to comply with the Agreed Order issued to her on July 22, 2010, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Three (3) of the Agreed Order which states, in pertinent part:

> (3) RESPONDENT SHALL within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills"....

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) &(10), Texas Occupation Code, and is a violation of 22 TEX. ADMIN. CODE §217.12 (11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State

Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars ($1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated July 22, 2010.

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CONTINUED ON NEXT PAGE

Filed this 9th day of January, 2014.

TEXAS BOARD OF NURSING

R. Kyle Hensley

James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
Jena Abel, Assistant General Counsel
State Bar No. 24036103
Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924
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State Bar No. 24079751
Robert Kyle Hensley, Assistant General Counsel
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John Vanderford, Assistant General Counsel
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333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6811
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Attachments: Order of the Board dated July 22, 2010

D/2013.11.19

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Vocational Nurse	§	AGREED
License Number 174006	§	
issued to HOPE ANGELA MCSPADDEN (KENDRICK)	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of HOPE ANGELA MCSPADDEN (KENDRICK), Vocational Nurse License Number 174006, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10) & (13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on November 12, 2009, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on 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 vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from San Jacinto College North, Houston, Texas, on August 20, 1999. Respondent was licensed to practice vocational nursing in the State of Texas on October 20, 1999.

5. Respondent's complete vocational nursing employment history is unknown.

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Home Health Staff Nurse with Children's Home Care, Houston, Texas and had been in this position for an unknown period of time.

7. On or about May 19, 2007, while employed with Children's Home Care, Houston, Texas, Respondent left her nursing assignment without notifying her supervisor or assuring there was another qualified caregiver to care for her assigned patient. Respondent's conduct failed to promote a safe environment, which was likely to injure her assigned patient, who did not have the benefit of one-on-one licensed nursing care.

8. In response to Finding of Fact Number Seven (7), Respondent states that she went to the patient's home and was there about six (6) hours when she began to develop an allergic reaction to the six (6) dogs that were in the patient's home. Respondent reports that she starting itching on her arms and legs and developed whelps and shortly thereafter, her throat itched and she began to have difficulty swallowing. Respondent told another LVN who was caring for the other patient, that she would have to leave before her shift was over due to the allergic reaction she was experiencing. The other LVN encouraged her to go and stated they could watch the patients. Respondent asserts that she felt it was okay to leave her assigned patient in the care of the other LVN and the family because the patient didn't have a trach, was able to walk and talk and was a self feeder that had a g-tube. Respondent denies that she would ever leave her assigned patient unattended.

9. At the time of the incident in Finding of Fact Number Ten (10), Respondent was employed as a Home Health Staff Nurse with MedCare Pediatric Nursing, LP, Stafford, Texas and had been in this position for six (6) months.

10. On or about September 23, 2008 through February 27, 2009, while employed with MedCare Pediatric Nursing, LP, Stafford, Texas, and assigned Patient DR, Respondent falsely documented vital signs, assessments and nursing interventions in Patient DR's home health medical records, which she did not actually perform on thirty-five (35) occasions. Additionally, Respondent left her nursing assignment with Patient DR before her scheduled time, yet submitted timesheets to reflect she was there throughout her assigned shift, as follows:

DATE	TIME IN	TIME OUT	E-SIGN TIME (Time Caregiver signed her note)	ACTUAL TIME OUT (Time she closed her note)
9/23/08	1400	2200	2138	2135
10/17/08	1400	2200	2134	2133
11/05/08	1400	2200	2010	1942

11/06/08	1400	2200	2102	2102
11/07/08	1400	2200	2156	1947
11/11/08	1400	2200	2033	2002
11/13/08	1400	2200	2149	1959
11/14/08	1400	2200	2107	2105
11/18/08	1400	2200	2109	1914
11/19/08	1400	2200	2130	2127
11/21/08	1400	2200	1950	1949
11/24/08	1400	2200	2121	2119
11/25/08	1400	2200	2037	2035
12/01/08	1400	2200	2010	note documented 12/2/08
12/2/08	1400	2200	2059	2057
12/3/08	1400	2200	2120	2025
12/4/08	1400	2200	2102	2101
12/5/08	1400	2200	2009	2008
12/8/08	1400	2200	2149	2146
12/9/08	1400	2200	2056	2053
12/10/08	1400	2200	2114	note documented 12/11/08 (date)
12/12/08	1400	2200	2129	2109
12/15/08	1400	2200	2105	2103
12/16/08	1400	2200	2044	2041
12/18/08	1400	2200	2058	2056
12/19/08	1400	2200	2204	2201
01/07/09	1400	2200	2103	2107
01/08/09	1400	2200	2049	2251
01/09/09	1400	2200	2051	2327
01/13/09	1400	2200	2052	2044
01/14/09	1400	2200	2100	2050
01/20/09	1400	2200	2054	2022
01/21/09	1400	2200	2104 1	2101

02/09/09	1400	2200	02/10/0	2315
02/10/09	1400	2200	1933	1930
02/11/09	1400	2200	note documented 2/12/09 (date)	2031
02/12/09	1400	2200	2052	2048
02/17/09	1400	2200	note documented 02/18/09 (date)	note documented 02/18/09 (date)
02/18/09	1400	2200	2050	2046
02/20/09	1400	2200	2059	2003
02/23/09	1400	2200	2059	2056
02/24/09	1400	2200	2127	2124
02/25/09	1400	2200	2117	2003
02/26/09	1400	2200	Not signed	note documented 3/05/09 (date)
02/27/09	1400	2200	Not Signed	2314

Respondent's conduct was deceiving to subsequent caregivers who would rely on her documentation to base on going medical care and was deceiving and defrauded Medicare of funds for reimbursement of hours Respondent did not actually work.

11. In response to Finding of Fact Number Ten (10), Respondent states that at 9:00pm she put Patient DR to bed, took DR's vital signs and changed his diaper. At 9:30pm, Respondent would finish her documentation and at 10:00pm, the patient's mother would let her out and lock the door behind her. Respondent denies that she left the patient prior to the end of her shift. Respondent admits that she signed out early but states that is all she did that was wrong.

12. Charges were filed on August 11, 2009.

13. Charges were mailed to Respondent on August 11, 2009.

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) & (13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B) & (D) and 22 TEX. ADMIN. CODE §217.12(1)(A), (4), (6)(A) & (G) & (12).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 174006, heretofore issued to HOPE ANGELA MCSPADDEN (KENDRICK), including revocation of Respondent's license to practice vocational 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 WARNING WITH STIPULATIONS, 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 multistate licensure privilege, if any, to practice nursing in compact states.

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 multistate licensure privilege without the written permission of the Texas Board of Nursing 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 <u>not</u> 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, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: http://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary.*

(4) RESPONDENT SHALL pay a monetary fine in the amount of one thousand five hundred dollars ($1500.00). RESPONDENT SHALL pay this fine within ninety (90) 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, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE

EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) RESPONDENT SHALL be supervised by a Registered Nurse or a Licensed Vocational Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently

working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice nursing. These reports shall be completed by the Registered Nurse or Licensed Vocational Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure 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 is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 8th day of June, 2010.

Hope McSpadden

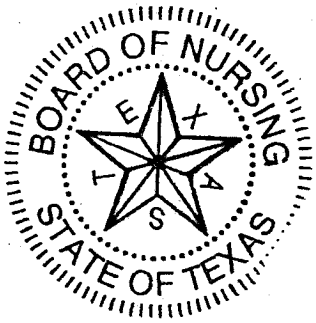
HOPE ANGELA MCSPADDEN (KENDRICK), Respondent

Sworn to and subscribed before me this 8 day of June, 2010.

SEAL P OLIVAREZ
Notary Public
STATE OF TEXAS
My Comm. Exp. Oct. 01, 2013

Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 22nd day of July, 2010, by HOPE ANGELA MCSPADDEN (KENDRICK), Vocational Nurse License Number 174006, and said Order is final.



Effective this 22nd day of July, 2010.

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