

6. On or about July 7, 1999, Respondent submitted an Application for Licensure By Examination to the Board of Vocational Nurse Examiners in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you ever been convicted of a misdemeanor other than a minor traffic violation?"

Respondent failed to disclose that on or about June 20, 1995, Respondent entered a plea of Guilty and was convicted of THEFT - CLASS B (a Class B misdemeanor offense committed on September 24, 1992), in the County Court at Law No. 3 of Jefferson County, Texas, under Cause No. 167,812. As a result of the conviction, Respondent was sentenced to confinement in the Jefferson County Jail for a period of thirty (30) days.

Respondent also failed to disclose that on or about June 20, 1995, Respondent entered a plea of Guilty and was convicted of THEFT - CLASS B (a Class B misdemeanor offense committed on November 19, 1991), in the County Court at Law No. 3 of Jefferson County, Texas, under Cause No. 161,319. As a result of the conviction, Respondent was sentenced to confinement in the Jefferson County Jail for a period of thirty (30) days.

7. In response to Finding of Fact Number Six (6), Respondent states she untruthfully answered the question on her application for licensure and apologizes for the non-disclosure. She states she is ashamed for her conduct.

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 4528C, Sec. 10(a)(2)&(9), TEX. REV. CIV. STAT. ANN (effective September 1, 1997), and 22 TEX. ADMIN. CODE §239.11(8)&(29)(A) (effective November 1, 1996).
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 174413, heretofore issued to KIMBERLY GRAY CARTER, including revocation of Respondent's license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of 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 pay a monetary fine in the amount of two hundred and fifty dollars (\$250). 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.

(2) 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>.

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 nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 6 day of February, 2011

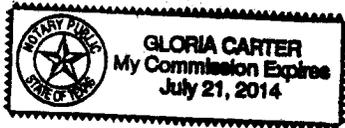
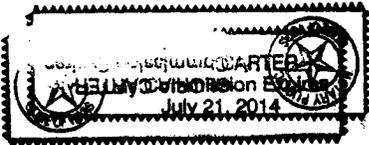
Kimberly Gray Carter
KIMBERLY GRAY CARTER, Respondent

Sworn to and subscribed before me this 6 day of February, 2011.

SEAL

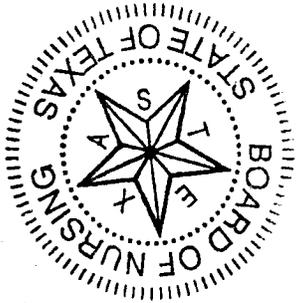
Gloria Carter

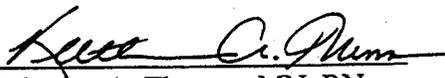
Notary Public in and for the State of Texas



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 6th day of February, 2011, by KIMBERLY GRAY CARTER, Vocational Nurse License Number 174413, and said Order is final.

Effective this 22nd day of February, 2011.




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