

BOARD OF VOCATIONAL  
NURSE EXAMINERS

VS.

HERBERT HERSHEL LOVE

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§

STATE OF TEXAS

COUNTY OF TRAVIS

**AGREED BOARD ORDER**

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of HERBERT HERSHEL LOVE, an Applicant for Licensure by, >examination >endorsement 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 a misdemeanor that relates to the practice of vocational nursing and/or involves moral turpitude, in violation of the Texas Occupations Code, Chapter 302, Section 302.402 (a) (3) (B), in the following manner:

I.

a. On or about May 8, 2003, 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 the question asking: "Have you ever been convicted of a misdemeanor other than a minor traffic violation?"

b. On or about February 12, 1999, Respondent was convicted of the Misdemeanor Offense of: Driving While Intoxicated in the County Court at Law of Taylor County, Texas, under Cause number 22891. As a result of said conviction, Respondent was sentenced to Five day confinement and a \$400 fine.

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c. On or about April 25, 2001, Respondent was convicted of the Misdemeanor Offense of: Driving While Intoxicated – 2<sup>nd</sup> Offense in the County Court at Law of Runnels County, Texas, under Cause Number 21,197. As a result of said conviction, Respondent was sentenced to one (1) year probation, Alcoholics Anonymous Meetings once a week, and six (6) month license suspension.

d. Applicant has been convicted of crimes, which the Board considers to be directly related to the duties and responsibilities of a Licensed Vocational Nurse. Said convictions is inconsistent with the basic duties and responsibilities inherent in the occupation of vocational nursing in that said occupation requires knowledge and familiarity of drugs, and compliance with drug laws.

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 Applicant's signature on this Order, Applicant acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

By their notarized signature on this Order, Applicant does hereby waive the right to a formal Complaint, Notice of Hearing, and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, 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**

**NOW THEREFORE, IT IS ORDERED**, subject to ratification by the Board of Vocational Nurse Examiners that HERBERT HERSHEL LOVE is hereby allowed to take the

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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, with said suspension stayed and placed on probation for a period of six (6) months.

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

1. That if Applicant's place of employment, name, address or telephone number changes, Applicant 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.
2. That Applicant shall comply with Federal, State, and local laws, and all the provisions of the Texas Occupations Code and Rules and Regulations of the Board.
3. That by copy of this Board Order Applicant shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.
4. That applicant shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a quarterly basis, throughout the term of probation. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.
5. That any period(s) of nursing unemployment must be documented in writing by Applicant and submitted to the Board office, as provided in Stipulation No. four.
6. That Applicant shall attend a Chemical Dependency Support Group, (A.A./N.A.), and shall be responsible for causing his/her program sponsor to submit satisfactory reports directly to the Board office on a quarterly basis, throughout the term of probation. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.
7. That Applicant shall and hereby agrees to abstain from the consumption of Alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and or use of unprescribed controlled substances. Any controlled or legend medication must be prescribed by a physician knowledgeable about the disease of addiction, as well as Applicant's history, and it is incumbent upon Applicant to ensure such physician knowledge. If prescribed medication, APPLICANT SHALL CAUSE the attending physician to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the Board office by the prescribing physician, within ten (10) days of the date of the prescription.

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8. That Applicant pay a Probation Monitoring fee in the amount of thirty (\$30.00) dollars in the form of a cashier's check order, payable to the Board of Vocational Nurse Examiners. Said fee shall be paid quarterly, due on the 15th of each quarter, commencing the quarter following the date of the Board's ratification of the Order, and continuing thereafter until the successful completion of Applicant's probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners", 333 Guadalupe, Suite 3-400, Austin, TX 78701. Failure by Applicant to make any quarterly payment on time shall constitute a violation of Probation.

9. That Applicant shall pay a license re-issue fee in the amount of twenty (\$20.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said re-issue license will be marked "**PROBATION**". Said fee shall be made not later than thirty (30) days following the date of the commencement of probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners", 333 Guadalupe, Suite 3-400, Austin, TX 78701. Failure by Applicant to return said license or pay said fee shall constitute a violation of probation.

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

Dated this the 14 day of October, 2003.

Herbert H. Love  
Signature of Applicant

3007 PR 320  
Current Address

Abilene, Texas 79601  
City, State and Zip

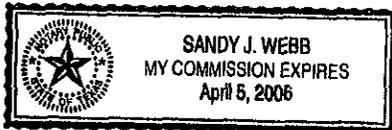
325 1677.4980  
Area Code and Telephone Number

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The State of Texas  
County of Taylor

Before me, the undersigned authority, on this day personally appeared HERBERT HERSHEL LOVE, 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.

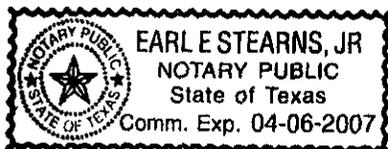
SWORN TO AND SUBSCRIBED before me on this the 16<sup>th</sup> day of October, 2003.



Sandy J. Webb  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

Terrie L. Hairston  
Terrie L. Hairston, R.N., C.H.E.,  
Agent for the Board of  
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 2<sup>nd</sup> day of DECEMBER, 2003.

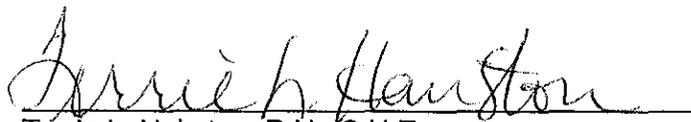


[Signature]  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

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**WHEREFORE, PREMISES CONSIDERED,** the Board of Vocational Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Board Order, notarized on the 16<sup>th</sup> day of October 2003 by HERBERT HERSHEL LOVE, Applicant and that Said Order is Final.

**Effective this 2<sup>nd</sup> day of December, 2003.**

A handwritten signature in cursive script, reading "Terrie L. Hairston", written over a horizontal line.

Terrie L. Hairston, R.N., C.H.E.,  
Executive Director  
On Behalf of Said Board

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 5<sup>th</sup> day of December, 2003, a true and correct copy of the foregoing **BOARD ORDER** was served by placement in the U.S. Mail first class mail, and addressed to the following person(s):

HERBERT HERSHEL LOVE  
3007 PR #320  
ABILENE, TEXAS 79601

  
Terrie L. Hairston, R.N., C.H.E.,  
Executive Director  
Agent for the Board of Vocational Nurse Examiners