BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 139304	§	
issued to KATHRYN ANN DODD	§	ORDER

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

On this day, the Texas Board of Nursing, hereinafter referred to as the Bo accepted the voluntary surrender of Vocational Nurse License Number 139304, issued to KATHRYN ANN DODD, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).

2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

3. Respondent holds a license to practice vocational nursing in the State of Texas, which is currently in delinquent status.

4. Respondent received a Certificate in Vocational Nursing from San Jacinto College South, Houston, Texas, on August 26, 1992. Respondent was licensed to practice vocational nursing in the State of Texas in December 6, 1992.

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

6. On or about March 12, 2009, Respondent submitted a License Renewal Form to the Texas Board of Nursing in which she answered "Yes" to the question: "Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

A. been convicted of a misdemeanor?
B. been convicted of a felony?
C. pled nolo contendere, no contest, or guilty?
D. received deferred adjudication?
E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
F. been sentenced to serve jail or prison time? court-ordered confinement?
G. been granted pre-trial diversion?
H. been arrested or have any pending criminal charges?
I. been cited or charged with any violation of the law?
J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

A. Respondent disclosed that on or about March 26, 2008, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (a Class B misdemeanor offense committed on November 3, 2007), in the County Criminal Court At Law No. 4, Harris County, Texas, under Cause No. 1489549. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of one hundred eighty (180) days; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of two (2) years.

B. Respondent disclosed that on or about November 3, 2007, Respondent was arrested by the Pasadena Police Department, Pasadena, Texas, for POSSESSION CONTROLLED SUBSTANCE (a Class A misdemeanor offense). Respondent was subsequently charged under Cause No. 1489550 for POSSESSION CONTROLLED SUBSTANCE. On or about March 26, 2008, Cause No. 1489550 was dismissed in the County Criminal Court At Law No. 4, Harris County, Texas, for the reason: "The Defendant was convicted in another case." 1489549 & 1498285.

C. Respondent disclosed that on or about March 26, 2008, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (a Class B misdemeanor offense committed on December 20, 2007), in the County Criminal Court At Law No. 4, Harris County, Texas, under Cause No. 1498285. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of one hundred eighty (180) days; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of two (2) years.

7. In response to Findings of Fact Number Six (6), Respondent states: In October 2006, she voluntarily went into rehabilitation for a problem she had with Hydrocodone which she had developed during the course of her chemotherapy in 2005 for Hepatitis C. She completed the program successfully and continued her outpatient rehabilitation by attending NA meetings religiously. She relapsed approximately nine months later on alcohol. She was under the influence when she got pulled over by the police. She states she was found to have had drugs in her possession, however, the charge was dropped because they were prescribed by a physician. The name of the drug in question was Clonazepam.

   She immediately returned to NA/AA meetings. Unfortunately, she relapsed again approximately one month later. Again she was pulled over for drinking and driving. She attended both NA/AA groups 5-6 times weekly.

8. On or about October 25, 2010, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED-3RD OFFENDER (a 3rd Degree felony offense committed on July 23, 2009), in the 351st District Court, Harris County, Texas, under Case No. 1225505. As a result of the conviction, Respondent was sentenced to confinement in the Institutional Division, Texas Department of Criminal Justice for a period of ten (10) years; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of five (5) years. Additionally, Respondent was ordered to pay court costs.

9. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.

10. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.

11. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

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 Section 301.452(b)(3)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(13).

4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Vocational License Number 139304, heretofore issued to KATHRYN ANN DODD, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.

7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational License Number 139304, heretofore issued to KATHRYN ANN DODD, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.

3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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.

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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 3rd day of June, 2011.

Kathryn Ann Dodd

KATHRYN ANN DODD, Respondent

Sworn to and subscribed before me this 3RD day of JUNE, 2011.

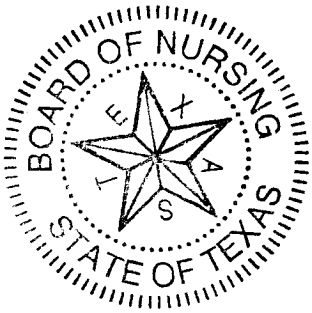
SEAL

GRACE WHITE
NOTARY PUBLIC
STATE OF TEXAS
My Comm. Exp. 05-31-13

Grace White

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 accept the voluntary surrender of Vocational Nurse License Number 139304, previously issued to KATHRYN ANN DODD.



Effective this 3rd day of June, 2011.

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