BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	
License Number 582656	§	REINSTATEMENT
issued to KARY DENISE GUTIERREZ	§	AGREED 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 came to be considered by the Texas Board of Nursing, hereinafter ref the Board, the Petition for Reinstatement of Registered Nurse License Number 582656, held l DENISE GUTIERREZ, hereinafter referred to as Petitioner.

An informal conference was held on November 16, 2010, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Bonnie Cone, MSN, RN, Nurse Consultant, Executive Director's Designee; Nikki Hopkins, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; and Diane E. Burell, Investigator.

FINDINGS OF FACT

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

2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.

3. Petitioner received an Associate Degree in Nursing from Angelo State University, San Angelo, Texas, on May 1, 1992. Petitioner was originally licensed to practice professional nursing in the State of Texas on August 31, 1992.

4. Petitioner's professional nursing employment history includes:

1992 - 1/93	Unknown	
2/93 - 9/95	Staff Nurse	Christus Spohn Shoreline Corpus Christi, Texas
10/95 - 2/97	Not employed in nursing	
3/97 - 12/98	Staff Nurse	Charter Hospital Corpus Christi, Texas
12/98 - 12/99	Staff Nurse	Christus Spohn South Corpus Christi, Texas
1/00 - 6/03	Not employed in nursing	
7/03 - 10/05	Staff Nurse	Christus Spohn South Corpus Christi, Texas
11/05 - 2/06	Unknown	
3/06 - 8/07	Staff Nurse	Bay Area Medical Center Corpus Christi, Texas
9/07 - present	Not employed in nursing	

5. On March 2, 1998, Petitioner was issued the sanction of a Fine by the Board of Nurse Examiners for the State of Texas. A copy of the March 2, 1998, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

6. On March 25, 2008, the Board accepted the voluntary surrender of Petitioner's license to practice professional nursing in the State of Texas. A copy of the March 25, 2008, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as a part of this Order.

7. On or about June 2, 2010, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.

8. Petitioner presented the following in support of her petition:

8.1. Letter of support, dated May 14, 2009, from Melodee C. Whitt, Corpus Christi, Texas, states that she is a recovering addict and has fourteen (14) years clean and is a member of Narcotics Anonymous. Ms. Whitt has been sponsoring Petitioner since about June 2007. She has eagerly shared her life with Ms. Whitt. Petitioner has shown a willingness to charge her life by continuously working the 12 steps of NA with Ms. Whitt. Petitioner has grown into a responsible and productive part of society. Petitioner has great empathy for people suffering from the disease of addiction and has a special knack for helping newcomers find a new way of life.

8.2. Letter of support, dated May 20, 2010, from Renee Callaway, LCDC, Corpus Christi, Texas, states she met Petitioner in Narcotics Anonymous and has known her for four (4) years. She attends 12-step meetings regularly and has always been active in service work for the Coastal Bend Area of Narcotics Anonymous. Petitioner has sponsored and continues to sponsor other women in recovery. She is an inspiration for women in recovery due to her living her life with spiritual principles. Petitioner completed her Counselor Intern Practicum under Ms. Callaway's supervision in 2008 at Charlie's Place Casa de Familia. She has an excellent understanding of the disease of addiction and recovery. She was very empathetic to client needs and set good boundaries as well. Over the years, Petitioner has become a member of Ms. Callaway's family. Petitioner will be an asset to the nursing field due to her recovery from addiction, education and love of helping others.

8.3. Letter of support, dated May 8, 2010, from Stephanie Rogers, states she has known Petitioner for four (4) years and has been sponsored by her for two (2) years. They work the steps on a regular basis. Petitioner lives her life in recovery and is an inspiring example of the gifts recovery offers. She is a huge part of her family life and recovery. Petitioner works and lives the twelve steps and attends meetings on a regular basis. She is active with service work and works with several others as well.

8.4. Fifteen (15) random drug screens collected from August 19, 2009, through November 11, 2010.

8.5. Documentation of support group attendance dating from August 3, 2009, through May 22, 2010.

8.6. Verification of successful completion of twenty (20) Type I Continuing Education Contact Hours.

9. Petitioner gives August 18, 2007, as her date of sobriety.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. 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.

3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of KARY DENISE GUTIERREZ, Registered Nurse License Number 582656, to practice nursing in the state of Texas, be and the same is hereby GRANTED, AND SUBJECT TO THE FOLLOWING STIPULATIONS SO LONG AS THE PETITIONER complies 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 the stipulations contained in this Order:

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

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is encumbered by this Order, Petitioner 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 Petitioner wishes to work.

(1) PETITIONER SHALL pay all re-registration fees and be issued a license to practice nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to KARY DENISE GUTIERREZ, shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL pay a monitoring fee in the amount of five hundred ($500.00) dollars. PETITIONER SHALL pay this fine within forty-five (45) days of relicensure. 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.

(3) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER 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. PETITIONER 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 PETITIONER'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, SHOULD PETITIONER CHOOSE TO WORK AS A NURSE IN TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATION PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATION PERIOD:

(4) PETITIONER SHALL notify all future employers in nursing of this Order of the Board and the stipulations on PETITIONER'S license. PETITIONER 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.

(5) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the PETITIONER by the Board, to the Board's office within five (5) days of employment as a nurse.

(6) For the first year of employment as a Nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as PETITIONER and immediately available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). The PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) For the remainder of the stipulation period, PETITIONER SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, 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 PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) PETITIONER SHALL NOT practice as a nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which PETITIONER is regularly assigned for one (1) year of employment as a nurse.

(9) PETITIONER SHALL NOT practice as a nurse in any critical care area for one (1) year of employment as a nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(10) PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a nurse.

(11) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the PETITIONER. 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 three (3) years of employment as a nurse.

(12) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and PETITIONER SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(13) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the PETITIONER'S place of employment at any time during the stipulation period and require PETITIONER to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription or failure to report for a drug screen, which may be considered the same as a positive result, will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of PETITIONER's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

(14) PETITIONER SHALL attend at least two (2) support group meetings each week, one of which must be for substance abuse and provided by Alcoholics Anonymous, Narcotics Anonymous, or another comparable recovery program that has been pre-approved by the Board. PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least: the date of each meeting; the name of each group attended; and the signature and printed name of the chairperson of each group attended by PETITIONER. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) month period. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from PETITIONER's license to practice professional nursing in the State of Texas and PETITIONER shall be eligible for nurse licensure compact privileges, if any.

PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. 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 agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license to practice professional nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 14 day of December, 2010.

Kary Denise Gutierrez

KARY DENISE GUTIERREZ, Petitioner

Sworn to and subscribed before me this 14 day of DEC, 2010.

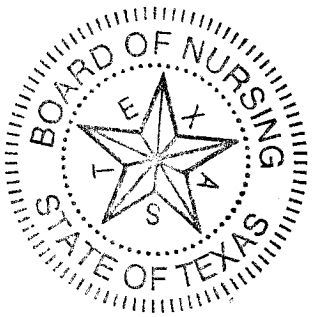
SEAL

LAZARO LUJAN, III
MY COMMISSION EXPIRES
March 22, 2014

Lazaro Lujan III

Notary Public in and for the State of _____

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 14th day of December, 2010, by KARY DENISE GUTIERREZ, Registered Nurse License Number 595600, and said Order is final.



Effective this 27th day of January, 2011.

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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§
License Number 582656	§
issued to KARY DENISE GUTIERREZ	§

ORDER OF THE BOARD

On this day, the Texas Board of Nursing for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 582656, issued to KARY DENISE GUTIERREZ, 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 conference, notice and hearing.

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

FINDINGS OF FACT

1. Respondent is currently licensed to practice professional nursing in the State of Texas.

2. Respondent waived representation by counsel, informal conference, notice and hearing.

3. Respondent received an Associate Degree in Nursing from Angelo State University, San Angelo, Texas, on May 1, 1992. Respondent was licensed to practice professional nursing in the State of Texas on August 31, 1992.

4. Respondent's professional nursing employment history includes:

September 1992 - January 1993	Unknown
February 1993 - September 1995	Staff RN Christus Spohn Shoreline Corpus Christi, Texas

Respondent's professional nursing employment history continued:

October 1995 - February 1997	Not employed in nursing
March 1997 - December 1998	Staff RN Charter Hospital Corpus Christi, Texas
December 1998 - December 1999	Staff RN Christus Spohn South Corpus Christi, Texas
January 2000 - June 2003	Not employed in nursing
July 2003 - October 2005	Staff RN Christus Spohn South Corpus Christi, Texas
November 2005 - February 2006	Unknown
March 2006 - August 2007	Staff RN Bay Area Medical Center Corpus Christi, Texas
September 2007 - Present	Unknown

5. On March 2, 1998, Respondent was issued the sanction of a FINE by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated March 2, 1998, is attached and incorporated, by reference, as part of this Order.

6. In letters dated July 24, 2007, September 4, 2007, and March 3, 2008, Respondent was notified by the Board of the following alleged violations of the Nursing Practice Act of the State of Texas:

   On or about September 5, 2005, while employed with Christus Spohn South, Corpus Christi, Texas, Respondent may have lacked fitness to practice professional nursing in that she was observed exhibiting impaired behavior including, but not limited to, slurred speech.

   On or about October 10, 2005, while employed with Christus Spohn South, Corpus Christi, Texas, Respondent misappropriated Demerol belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation, in that Demerol was found on her person, and she admitted to such misappropriation for her personal use.

On or about October 10, 2005, while employed with Christus Spohn South, Corpus Christi, Texas, Respondent engaged in the intemperate use of Demerol in that she admitted to such intemperate use.

On or about May 1, 2007, while employed with Bay Area Medical Center, Corpus Christi, Texas, Respondent engaged in the intemperate use of Morphine in that she submitted a specimen for a drug screen which resulted positive for Morphine.

On or about August 9, 2007, while employed with Bay Area Medical Center, Corpus Christi, Texas, Respondent attempted to pass a falsified and unauthorized written prescription for Demerol and/or Lortab for a patient to the hospital pharmacy.

On or about August 9, 2007, while employed with Bay Area Medical Center, Corpus Christi, Texas, Respondent falsified a patient's Medication Administration Record (MAR) in that she documented the administration of Demerol and/or Lortab to the patient but did not actually administer the medication(s).

On or about August 9, 2007, while employed with Bay Area Medical Center, Corpus Christi, Texas, Respondent removed Demerol and/or Lortab from the facility's medication dispensing system for patients in excess frequency or dosage, or without valid physician's orders, but failed to follow facility policy and procedure in place for proper wastage of the unused portions of the narcotics.

On or about August 9, 2007, while employed with Bay Area Medical Center, Corpus Christi, Texas, Respondent misappropriated Demerol and/or Lortab belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation.

On or about August 9, 2007, while employed with Bay Area Medical Center, Corpus Christi, Texas, Respondent engaged in the intemperate use of Demerol and/or Lortab.

7. On March 19, 2008, Respondent submitted a notarized statement to the Board voluntarily surrendering the right to practice professional nursing in Texas and subsequently returned License Number 582656. A copy of the notarized statement is attached and incorporated, by reference, as part of this Order.

8. 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.

9. 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)(9), (10) & (12) Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(E), (5), (6)(A)(G)(H), (8), (10)(A)(B)(C)(D)(E) & (11)(B).

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

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

6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC§§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 582656, heretofore issued to KARY DENISE GUTIERREZ, to practice professional nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title of "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered 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 multistate licensure privilege, if any, to practice professional nursing in compact states.

Effective this _25th____ day of March, 2008.

TEXAS BOARD OF NURSING

By: _____

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

BEFORE THE BOARD OF NURSE EXAMINERS FOR THE STATE OF TEXAS

In the Matter of Permanent	§	
Certificate Number 582656	§	**AGREED ORDER**
Issued to: KARY DENISE GUTIERREZ	§	

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of KARY DENISE GUTIERREZ, Permanent Certificate Number 582656, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4518, Section 7 and Article 4525(b)(1), TEX. REV. CIV. STAT. ANN., as amended and 22 Texas Administrative Code, §217.15.

Respondent waived representation by counsel, informal conference, notice, hearing and agreed to the entry of this Order offered by Katherine A. Thomas, MN, RN, Executive Director, on behalf of 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 conference, notice and hearing, and consented to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in Texas.

4. Respondent failed to make full and timely compliance with the Board's requirements for continuing education for the period ending August 1997.

CONCLUSIONS OF LAW

1. Pursuant to Article 4525, TEX. REV. CIV. STAT. ANN., as amended, the Board has jurisdiction over this matter.

2. Notice was served in accordance with law.

3. Evidence received was sufficient to prove violation of Article 4518, Section 7 and 4525(b)(1) TEX. REV. CIV. STAT. ANN., and 22 Texas Administrative Code §217.15(b).

4. Respondent's failure to comply with Continuing Education requirements is sufficient cause pursuant to Article 4525(b) TEX. REV. CIV. STAT. ANN. to take disciplinary action against license number 582656, heretofore issued to KARY DENISE GUTIERREZ.

AGREED SANCTIONS

IT IS THEREFORE AGREED, that RESPONDENT SHALL receive the sanction of a fine in the amount of One Hundred Dollars ($100), and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas, Annotated, as amended, Article 4513 et seq., the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 Texas Administrative Code, §211.01 et seq., and this Order.

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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 violation alleged herein. By my signature on this Order, I agree to the Findings of Fact and Conclusions of Law and consent to the issuance of the Agreed Order, the Agreed Sanctions, and any condition stated in this Order to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final and effective when entered by the Executive Director and that a copy will be mailed to me.

Signed this 17 day of February, 1998.

Kary Denise Gutierrez

KARY DENISE GUTIERREZ, Respondent

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas ratifies and acknowledges satisfaction of the requirements of the Agreed Order that was signed on the 17th day of February, 1998, by KARY DENISE GUTIERREZ, Permanent Certificate Number 582656, and said Order is final.

Signed this 2nd day of March, 1998.

Katherine A. Thomas

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

March 17, 2008

To: Texas State Board of Nurse Examiners

Attn: Paul Longoria, Investigator, Enforcement Division

Re: Kary Gutierrez (License # 582656)

I am writing in order to voluntarily surrender my nursing license to The State Board of Nurse Examiners. I am currently not practicing nursing and have made a decision to change career paths as well as my life. I am a recovering addict have been clean and sober since August 18,2007. I understand that my addiction has affected every area of my life, including my nursing career. However, I do not want to close the door to nursing permanently. I am a good nurse and I truly love the profession, but my recovery must come first and this has led me to this decision. My hope is that one day I can be reinstated as a professional nurse and can provide care to other addicts seeking recovery. I am currently enrolled in college with an emphasis on addiction and recovery. Thank you for your time and consideration. Enclosed is my wallet sized nursing license.

Sincerely,

Kary Gutierrez

State of Texas
County of Nueces
This instrument was acknowledged before me on
March 19, 2008 By
Kary Gutierrez

NOTARY PUBLIC

VERONICA VELA
Notary Public
STATE OF TEXAS
My Comm. Exp. 03-20-2010