



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.  
*Patricia P. Roman*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of Vocational Nurse § AGREED  
License Number 158604 §  
issued to KERRY LEE AHHAITTY § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Bo accepted the voluntary surrender of Vocational Nurse License Number 158604, issued to KERRY LEE AHHAITTY, 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 in delinquent status.
- 4. Respondent received a Certificate in Vocational Nursing from Grayson County College, Denison, Texas, on August 16, 1996. Respondent was licensed to practice vocational nursing in the State of Texas in September 9, 1996.
- 5. Respondent's vocational nursing employment history includes:

1996 - 1997	LVN Nurse	Heritage Country Manor Sherman, TX
-------------	-----------	---------------------------------------

1997 - 1998	LVN Nurse	Pavillion McKinney, TX
1998 - 1998	LVN Nurse	Hilltop Haven Gunter, TX
1999 - 06/00	Unknown	
07/00 - 04/04	LVN Nurse	Celina Health Care Celina, TX
05/04 - 07/06	LVN Nurse	Texoma Health Care Sherman, TX
08/06 - 10/08	LVN Nurse	Angels of Care Howe, TX
11/08 - Present	Unknown	

6. On or about April 3, 2009, Respondent entered a plea of guilty and was convicted of CRIMINAL MISCHIEF  $\geq$ \$50 < \$500 (a Class B misdemeanor offense committed on July 14, 2007), entered in the County Court at Law No. 1 of Grayson County, Sherman, Texas, under Cause No. 200711416. As a result of the conviction, Respondent was sentenced to confinement for a period of one hundred eighty (180) days; however, the imposition of the sentence of confinement was suspended and she was placed on probation for a period of one (1) year. Additionally, she was ordered to pay court costs. On June 18, 2009, Respondent violated the terms of her probation by failing to abstain from alcohol and was arrested for DRIVING WHILE INTOXICATED, and on June 27, 2009, Respondent was arrested for THEFT OF PROPERTY. On October 2, 2009, Respondent's probation was revoked and she was sentenced to confinement in the Grayson County Jail for a period of one hundred eighty (180) days, with credit for time served.
  
7. On or about April 3, 2009, Respondent entered a plea of guilty and was convicted of PURCHASE FURNISH ALCOHOL TO A MINOR (a Class A misdemeanor offense committed on September 15, 2007) entered in the County Court at Law No. 1 of Grayson County, Sherman, Texas, under Cause No. 200711434. As a result of the conviction, Respondent was sentenced to confinement for a period of three hundred sixty-five (365) days; however, the imposition of the sentence of confinement was suspended and she was placed on probation for a period of one (1) year. Additionally, she was ordered to pay court costs. On June 18, 2009, Respondent violated the terms of her probation by failing to abstain from alcohol and was arrested for DRIVING WHILE INTOXICATED, and on June 27, 2009, Respondent was arrested for THEFT OF PROPERTY. On October 2, 2009, Respondent's probation was revoked and she was sentenced to confinement in the Grayson County Jail for a period of one hundred eighty (180) days, with credit for time served.

8. On or about April 3, 2009, Respondent entered a plea of guilty to POSSESSION OF A CONTROLLED SUBSTANCE PG 1 < 1G METHAMPHETAMINE (a State Jail felony offense committed on December 20, 2008), entered in the 15th District Court of Grayson County, Sherman, Texas, under Cause No. 58219. As a result of the guilty plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and she was placed on community supervision for a period of five (5) years. Respondent was ordered to pay Restitution, along with a fine and court costs. On June 18, 2009, Respondent violated the terms of her probation by failing to abstain from alcohol and was arrested for DRIVING WHILE INTOXICATED, and on June 27, 2009, Respondent was arrested for THEFT OF PROPERTY. On October 2, 2009, Respondent's probation was revoked and she was sentenced to confinement in a State Jail Facility for a period of eighteen (18) months, with credit for time served.
9. On or about April 3, 2009, Respondent entered a plea of guilty to PROHIBITED WEAPONS (a 3rd Degree felony offense committed on December 20, 2008), entered in the 15th District Court of Grayson County, Sherman, Texas, under Cause No. 58220. As a result of the guilty plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and she was placed on community supervision for a period of five (5) years. Additionally, she was ordered to pay court costs. On June 18, 2009, Respondent violated the terms of her probation by failing to abstain from alcohol and was arrested for DRIVING WHILE INTOXICATED, and on June 27, 2009, Respondent was arrested for THEFT OF PROPERTY. On October 2, 2009, Respondent's community supervision was revoked and she was sentenced to confinement in a Texas Department of Criminal Justice Facility for a period of seven (7) years, with credit for time served.
10. On or about October 2, 2009, Respondent entered a plea of guilty and was convicted of DRIVING WHILE INTOXICATED (a Class B misdemeanor offense committed on June 18, 2009), entered in the County Court at Law No. 1 of Grayson County, Sherman, Texas, under Cause No. 20091841. As a result of the conviction, Respondent was sentenced to confinement in the Grayson County Jail for a period of one hundred eighty (180) days, with credit for time served. Additionally, she was ordered to pay court costs.
11. On or about October 2, 2009, Respondent entered a plea of guilty and was convicted of THEFT PROP > = \$50 < \$500 (a Class B misdemeanor offense committed on June 27, 2009), entered in the County Court at Law No. 1 of Grayson County, Sherman, Texas, under Cause No. 20091854. As a result of the conviction, Respondent was sentenced to confinement in the Grayson County Jail for a period of one hundred eighty (180) days, with credit for time served. Additionally, she was ordered to pay court costs.
12. On or about October 2, 2009, Respondent entered a plea of guilty and was convicted of POSSESSION OF A CONTROLLED SUBSTANCE PG 1 > = 4G < 200G (a 2nd Degree felony offense committed on August 25, 2009), entered in the 15th District Court of Grayson County, Sherman, Texas, under Cause No. 58875. As a result of the conviction, Respondent was sentenced to confinement in a Texas Department of Criminal Justice facility for a period

of seven (7) years, with credit for thirty-eight (38) days served. Respondent was ordered to pay Restitution in the amount of one hundred forty dollars (\$140). Additionally, she was ordered to pay court costs.

13. In response Findings of Fact Numbers Six (6) to Twelve (12), Respondent accepts responsibility for her actions and acknowledges she made some bad choices during a difficult period in her life.
14. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
15. 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.
16. 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 violation of Section 301.452(b)(3),(4)&(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 Nurse License Number 158604, heretofore issued to KERRY LEE AHHAITTY, including revocation of Respondent's license 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 158604, heretofore issued to KERRY LEE AHHAITTY, 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.

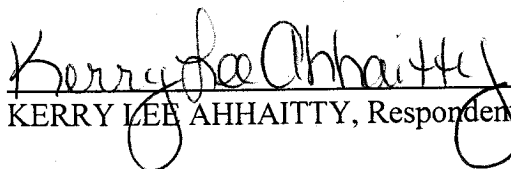
BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

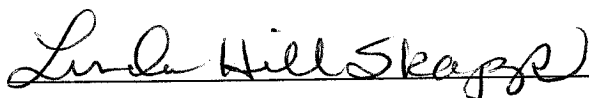
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 10 day of November, 2010.

  
KERRY LEE AHHAITTY, Respondent

Sworn to and subscribed before me this 10 day of November, 2010.

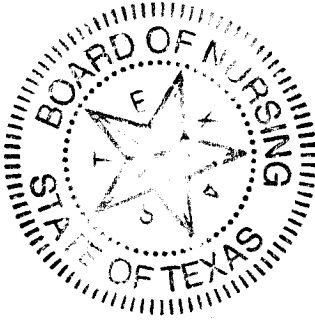
SEAL



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 158604, previously issued to KERRY LEE AHHAITY.



Effective this 23rd day of November, 2010.

A handwritten signature in cursive script, appearing to read 'Katherine A. Thomas'.

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