



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. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse §  
License Number 201333 §  
issued to CANDICE MICHELLE (PIERCE) AIRHEART §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 201333, issued to CANDICE MICHELLE (PIERCE) AIRHEART, 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.

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

FINDINGS OF FACT

1. Respondent is currently licensed to practice vocational nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Certificate in Nursing from Central Texas College, Brady, Texas on August 19, 2005. Respondent was licensed to practice vocational nursing in the State of Texas on October 25, 2005.
4. Respondent's nursing employment history is unknown.

5. On or about June 26, 2007, Respondent submitted a Texas Online Renewal Document Licensed Vocational Nurse to the Board of Nurse Examiners for the State of Texas in which Respondent provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you ever been convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, or received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests whether or not on appeal . . .".

On or about November 23, 2005, Respondent was arrested by the McCulloch County Sheriff's Office, Brady, Texas and subsequently charged with Possession of a Controlled Substance, PG 1 >= 1G < 4G (a 3<sup>rd</sup> Degree felony offense). On or about May 8, 2006, Respondent entered a plea of guilty to Possession of a Controlled Substance, PG 1 >= 1G < 4G (a 3<sup>rd</sup> Degree felony offense committed on November 23, 2005), in the 198<sup>th</sup> District Court, Kerrville, Texas, under Cause No. 5101. As a result, the proceedings against Respondent was deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of three (3) years. Additionally, Respondent was ordered to pay a fine and court costs.

On or about February 19, 2009 Respondent received an Adjudication of Guilt, 198th Judicial District Court and sentenced to Five (5) years TDCJ and is presently incarcerated in the Texas Department of Criminal Justice, Halbert Unit, Burnet, Texas.

6. Formal Charges were filed on June 11, 2009. A copy of the Formal Charges is attached and incorporated by reference as part of this Order.
7. Formal Charges were mailed to Respondent on June 12, 2009.
8. On June 16, 2009, Respondent submitted a notarized statement to the Board voluntarily surrendering the right to practice vocational nursing in Texas. A copy of the June 16, 2009, statement is attached and incorporated, by reference, as part of this Order.
9. 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.
10. 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)(2),(3)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(H),(I)&(13). Moreover, the above offense mandates revocation of Respondent's license to practice nursing in accordance with Chapter 53.021(b) of the Texas Occupations Code.
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 Vocational Nurse License Number 201333, heretofore issued to CANDICE MICHELLE (PIERCE) AIRHEART, to practice vocational 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 immediately deliver the wallet-size license, heretofore issued to CANDICE MICHELLE (PIERCE) AIRHEART, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice vocational nursing, use the title of 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.
3. 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.
4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.


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IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice vocational nursing in compact states.

Effective this 17 day of June, 2009.

TEXAS BOARD OF NURSING

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

Candice Michelle (Pierce) Airheart  
1201 N. Elizabeth  
Brady, Texas 76825  
Texas LVN License #201333

Voluntary Surrender Statement

June 9, 2009

Dear Texas Board of Nursing:

I no longer desire to be licensed as a vocational nurse. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. I Candice Michelle (Pierce) Airheart waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature Candice Airheart Pierce

Date June 16 2009

Texas Nursing License Number 201333

The State of Texas

Before me, the undersigned authority, on this date personally appeared Candice Michelle (Pierce) Airheart who, being duly sworn by me, stated that she executed the above for the purpose therein contained and that she understood same.

Sworn to before me the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_

Under both Federal Law (28 U.S.C. 1746) and State Law (V.T.C.A. Civil Practice and Remedies Code, 132.2001-132.003), inmates incarcerated in Texas may use an unsworn declaration under penalty of perjury in place of a written declaration, verification, certification, oath, or affidavit sworn before a Notary Public.

I Cardice Pierce Airheart TDC#, 1553639 being presently incarcerated in the Ellen Halbert  
SAFPP Unit, in Burnet County, Texas, declare under penalty of perjury that the foregoing is true and correct.  
Executed on June 16, 2009. Cardice Pierce Airheart  
(Your Signature)

James S. Smelser,

June 16 2009

To whom it may concern:

I Candice Michelle Airheart (Pierce) #1553639, am currently incarcerated at Halbert Unit, im writing in regards to the letter I recieved by the BNE. I wanted to let your office know I recieved your letter and I have already responded by voluntarily Surrendered my Nursing license. If you need anything else signed please let me know.

Thank you,  
Candice Airheart Pierce  
Lic# 201333