

Respondent's vocational nursing employment history continued:

3/06-6/06	LVN	AMED Home Health Texas City, Texas
7/06-6/07	Unknown	
7/07-9/07	LVN	The Pointe Rehabilitation Webster, Texas
10/07-Present	Unknown	

5. On or about September 6, 2007, while employed with The Pointe Rehabilitation, Webster, Texas, Respondent lacked fitness to practice vocational nursing in that she exhibited impaired behavior while on duty including, but not limited to, acting irrational and suspicious. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
6. On or about September 6, 2007, while employed with The Pointe Rehabilitation, Webster, Texas, Respondent engaged in the intemperate use of Cannabinoid and Cocaine, in that she produced a specimen for drug screening which resulted positive for Cannabinoid and Cocaine. Possession of Cannabinoid and Cocaine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Cannabinoid and Cocaine by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
7. On or about January 22, 2008, Respondent plead "GUILTY" and was convicted of "POSSESSION OF A CONTROLLED SUBSTANCE PG 1 < 1G" (a State Jail Felony offense committed on January 14, 2008) in the 209th District Court, Harris County, Texas, Case Number 1149366. Respondent was sentenced to thirty (30) days confinement in County Jail and ordered to pay court costs.
8. On or about February 25, 2008, Respondent plead "GUILTY" for "POSSESSION OF A CONTROLLED SUBSTANCE PG 1 < 1G" (a State Jail Felony offense committed on February 21, 2008) in the 338th District Court, Harris County, Texas, Case Number 1154853. Respondent's adjudication of guilt was deferred and Respondent was placed on Community Supervision for three (3) years and ordered to pay a fine.

9. On or about March 25, 2008, Respondent submitted a Texas Online Renewal Document to the Texas Board of Nursing in which she provided false, deceptive, and /or misleading information in that she answered "No" to the following 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?..."

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10. On May 19, 2009, Respondent submitted a statement to the Board voluntarily surrendering the right to practice vocational nursing in Texas. A copy of the statement dated May 19, 2009 is attached and incorporated herein by reference as part of this Order.
11. 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.
12. 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.

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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 above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3),(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(5),(10)(A),(10)(D),(11)(B)&(13).
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 95213, heretofore issued to CAROLYN DARLENE HOIPT, 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 CAROLYN DARLENE HOIPT, to the office of the Board of Nurse Examiners.
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 registered 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.

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 20th day of May, 2009.



TEXAS BOARD OF NURSING

By:

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

May 15, 2009

Carolyn D. Haupt
2118 Flynn Dr.
Pasadena, Texas 77502
(713) 477-8284

Dear State of Texas
Board of Directors, Licensed
Vocational Nurses,

I Carolyn Darlene Haupt, voluntarily
surrender my vocational nurse
license, Number 095213. As per
the confidential conversation on
May 6, 2009, regarding papers that
need to be signed, and returned
with my license.

Currently I can not retrieve my
license and prepare specific
documents. I am under the
understanding, this handwritten
letter is sufficient. Upon my
release I will return said
documents to you.

unrecerated

I am participating in an inhouse
called New Choices for

substance abuse for 180 days. In
Harris County Jail as ordered by court
338, Cause number 1154853. As part
of my probation, that I agreed.

I will not petition for reinstatement
of my D.V.R. license until, one year
has elapsed from the date of this
order and you have obtained,
objective verifiable proof of twelve
consecutive months of sobriety.
Immediately preceding the petition.

Thanks for your support,
Carilyn Darlene Houps