



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 A. Plummer
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 670656 §
issued to KELLY M. SPICOLA § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 670656, issued to KELLY M. SPICOLA, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the 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.
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 professional nursing in the State of Texas, which is currently in delinquent status.
4. Respondent received an Associate Degree in Nursing from Lee College, Baytown, Texas, on May 1, 2000. Respondent was licensed to practice professional nursing in the State of Texas on July 18, 2000.
5. Respondent's professional nursing employment history includes:

2000 - 2003	Registered Nurse San Jacinto Methodist Hospital Baytown, Texas
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Respondent's professional nursing employment history (continued):

2003 - 2007	PRN San Jacinto Surgery Baytown, Texas
2004 - 2007	School Nurse Goose Creek School District Baytown, Texas
2007 - 2008	RN The Methodist Hospital Baytown, Texas

6. On or about October 11, 2008, Respondent was arrested by the Baytown Police Department, Baytown, Texas, for FRAUD-OBTAIN CONT SUBSTANCE-COMPLETED (a 3rd Degree felony offense).

On or about March 2, 2009, Respondent entered a plea of Guilty to OBTAIN DRUGS BY FRAUD-SCHEDULE III (a 3rd Degree felony offense committed on September 20, 2008), in the 174th District Court, Harris County, Texas, under Cause No. 1186762. As a result of the plea, the proceedings against Respondent were 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.

7. In response to Finding of Fact Number Six (6), Respondent states: A prescription was written for a controlled substance without the approval of the physician.
8. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.
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 violation 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 Registered Nurse License Number 670656, heretofore issued to KELLY M. SPICOLA, 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 Registered License Number 670656, heretofore issued to KELLY M. SPICOLA, 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 immediately deliver the wallet-sized license, heretofore issued to KELLY M. SPICOLA, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice professional nursing, use the title "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.
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 privilege, if any, to practice nursing in the State of Texas.

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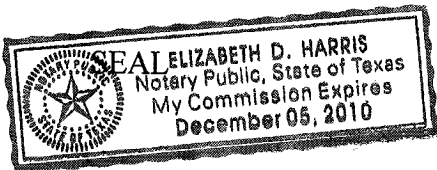
RESPONDENT'S CERTIFICATION

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, 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 15th day of May, 2009.

Kelly M. Spicola
KELLY M. SPICOLA, Respondent

Sworn to and subscribed before me this 15th day of May, 2009.




Elizabeth D. Harris
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 Registered Nurse License Number 670656, previously issued to KELLY M. SPICOLA.

Effective this 15th day of May, 2009.




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

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?..."

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.

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.

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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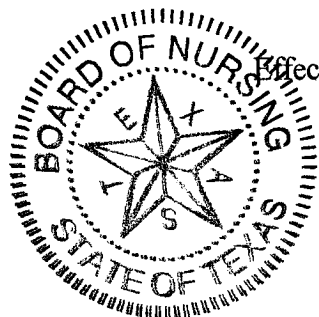
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ORDER

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 nurses
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.

incarcerated

I am participating in an inhouse
program 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 (12) consecutive months of sobriety. Immediately preceding the petition.

Thanks for your support,
Carilyn Darlene Houps