

6. On or about December 2, 2003, Respondent's license to practice vocational nursing in the State of Texas was Suspended by the Texas Board of Vocational Nurse Examiners until such time as Respondent enrolled in or audited and successfully completed two (2) nursing program course(s) that encompassed CPR for Healthcare Providers and Nursing Assessment, and submitted proof of successful course completion to the Board office. The Order was issued based on the Finding that:

While employed in said facility, on or about October 27, 2001, Respondent failed to provide artificial respirations while performing CPR for Resident L.S. Furthermore, Respondent stopped CPR on said Resident in spite of a full code status designation. Subsequently, said Resident was pronounced dead at the facility.

7. On or about January 8, 2005, Respondent was arrested by the Limestone County Sheriff's Office, Groesbeck, Texas, for DRIVING WHILE INTOXICATED W/ CHILD UNDER 15 YOA (a State Jail Felony offense).

On or about July 11, 2005, Respondent entered a plea of Guilty to ENDANGERING A CHILD (a State Jail Felony offense committed on January 8, 2005), in the 77th Judicial District Court of Limestone County, Texas, under Cause No. 10635-A. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on Community Supervision for a period of four (4) years.

8. In Response to Finding of Fact Number Seven (7), Respondent states she "was arrested January 9, 2005, for drinking and driving with a minor child in the car. I did not know about the new law that went into effect in October 2005. I registered 1.2 on the breathalyzer. The fog was extremely thick and I could barely see the lines in the road. If I had known that the fog was rolling in that night, I would not have been out at all."
9. Charges were filed on June 29, 2007.
10. Charges were mailed to Respondent on July 10, 2007.
11. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice vocational nursing in the State of Texas.
12. 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.
13. 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)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(13).
4. The evidence received is sufficient cause pursuant to Section 301.453(d), Texas Occupations Code, to take disciplinary action against Vocational License Number 103478, heretofore issued to JUDY KAY HOWARD, including revocation of Respondent's license to practice vocational 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 103478, heretofore issued to JUDY KAY HOWARD, to practice vocational nursing in the State of Texas, is accepted by the Board of Nurse Examiners.

In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-sized license, heretofore issued to JUDY KAY HOWARD, to the office of the Board of Nurse Examiners.
2. 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.

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 vocational 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 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 04 day of September 20 2007

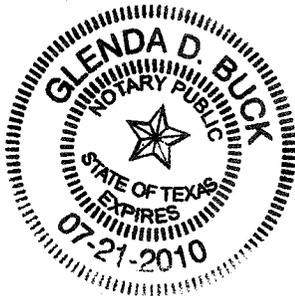
Judy K. Howard
JUDY KAY HOWARD, Respondent

Sworn to and subscribed before me this 4 day of September, 20 07.

SEAL

Glenda D. Buck

Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of Vocational Nurse License Number 103478, previously issued to JUDY KAY HOWARD.

Effective this 27th day of September, 2007.



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