BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
****

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.
Executive Director of the Board

In the Matter of Vocational Nurse	§	AGREED
License Number 173478	§	
issued to KENNETH EUGENE QUALLS	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter refe to as the Board, considered the matter of KENNETH EUGENE QUALLS, Vocational Nurse License Number 173478, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on April 6, 2007, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on 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 conference, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice vocational nursing in the State of Texas.

4. Respondent received a Certificate in Nursing from Frank Phillips College, Borger, Texas, on May 17, 1999. Respondent was licensed to practice vocational nursing in the State of Texas on September 28, 1999.

5. Respondent's vocational nursing employment history includes:

05/1999 - 02/2004	GVN/Staff Nurse/Surgical Technician Golden Plains Community Hospital Borger, Texas

Respondent's employment history continued:

02/2004 - 10/2005	Surgical Technician Wise Regional Health System Decatur, Texas
09/2005 - 04/2006	Surgical Technician Trophy Club Medical Center Decatur, Texas
04/2006 - 11/2006	Surgical Technician Baptist St. Anthony Medical System Amarillo, Texas
11/2006 - Present	Staff Nurse/Surgical Technician Golden Plains Community College Borger, Texas

6. On or about March 6, 2007, Respondent submitted a renewal application to the Board of Nurse Examiners for the State of Texas in which he answered "Yes" to the following question, "Have you ever been convicted, placed on community supervision whether or not adjudicated guilty...?" Respondent disclosed the following offenses:

   A. On or about November 20, 2004, Respondent was arrested for Unlawful Carrying a Weapon, a Class A Misdemeanor, by the Bridgeport Police Department. On or about June 8, 2005, Respondent was offered one (1) year probation through a Pre-Trial Diversion Agreement for the offense of Unlawful Carrying a Weapon, in the County Court at Law, Wise County, Texas, Cause #57767. On or about March 6, 2007, a Motion to Dismiss, Cause # 57767 was granted.

   B. On or about May 12, 2006, Respondent pled "Guilty" to Theft or Possession of Stolen Property by Check less than $20.00, a Class C Misdemeanor, in the County Court at Law, Wise County, Texas, Cause #59451. Respondent was sentenced to one (1) day deferred adjudication probation, and ordered to pay Restitution in the amount of seventy-six dollars and sixty-five cents ($76.65), assessed a fine in the amount of five hundred dollars ($500.00) and court costs in the amount of two hundred eighteen dollars ($218.00). On or about May 12, 2006, a Motion to Dismiss Cause # 59451, was granted in the County Court at Law, Wise County, Texas.

   C. On or about March 6, 2007, Respondent pled "Guilty" to Theft or Possession of Stolen Property by Check less than $20.00, a Class C Misdemeanor, in the County Court at Law, Wise County, Texas, Cause #60337. Respondent was sentenced to one (1) day deferred adjudication probation, and ordered to pay Restitution in the amount

of three hundred ninety-four dollars and eighteen cents ($394.18), assessed a fine in the amount of five hundred dollars ($500.00) and court costs in the amount of two hundred eighteen dollars ($218.00).

7. On or about December 29, 2004, Respondent submitted a renewal application to the Board of Nurse Examiners for the State of Texas in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the following question: "Have you been convicted, adjudged guilty by a court.....including any pending criminal charges...?" Respondent failed to disclose the previous pending charge listed in Finding of Fact number Six-A (6-A).

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(11)(B)&(13).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 173478, heretofore issued to KENNETH EUGENE QUALLS, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION WITH A FINE, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Vocational Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

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 the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to KENNETH EUGENE QUALLS to the office of the Board of Nurse Examiners within ten (10) days of the date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding Sexual Misconduct, Fraud, Theft and Deception, Nurses with Chemical Dependency, and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition

to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: http://www.bne.state.tx.us/about/stipscourses.html.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of Two Hundred Dollars ($250.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, 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 when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 6 day of JUNE, 2007.

Kenneth E Qualls

KENNETH EUGENE QUALLS, Respondent

Sworn to and subscribed before me this 6 day of June, 2007.

SEAL

JUANITA KATHRYN WHELCHEL
MY COMMISSION EXPIRES
MAY 11, 2010

Juanita Kathryn Whelchel

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 ratify and adopt the Agreed Order that was signed on the 6th day of June, 2007, by KENNETH EUGENE QUALLS, Vocational Nurse License Number 173478, and said Order is final.

Effective this 29th day of June, 2007.

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