

State of Texas on December 7, 1989.

5. Respondent's vocational nursing employment history is unknown.
6. On or about September 15, 1998, Respondent was issued the sanction of Fine and Remedial Education by the Texas Board of Nursing. A copy of the Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

On or about September 14, 1999, Respondent was issued the sanction of Suspension by the Texas Board of Nursing. A copy of the Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
7. On or about January 2, 2008, Respondent submitted a renewal application to the Texas Board of Nursing in which she answered "Yes" 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?
 - G. been granted pre-trial diversion?
 - H. been arrested or any pending criminal charges?
 - I. been cited or charged with any violation of the law?
 - J. been subject of a court-martial; Article 15 violation; or received any form of military judgement/punishment/action?"
8. On or about October 8, 1991, Respondent entered a plea of Guilty and was convicted of THEFT BY CHECK, (a Class C misdemeanor offense committed on February 20, 1991), in the County Court of Jackson County, Texas, under Cause No. 14,181. As a result of the conviction, Respondent was ordered to pay restitution in the amount of \$19, a fine and court costs.
9. On or about September 16, 1994, Respondent entered a plea of Guilty and was convicted of THEFT BY CHECK, (a Class B misdemeanor offense committed on July 4, 1992), in the County Court of Jackson County, Texas, under Cause No. 14603. As a result of the conviction, Respondent was sentenced to confinement in the Jackson County Jail for a period of one (1) year; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of two (2) years. Additionally, Respondent was ordered to pay restitution in the amount of eight hundred thirteen dollars and forty cents (\$813.40), a fine and court costs.

On December 5, 1994, an Order Amending Terms of Community Supervision was entered in the County Court of Jackson County, Texas, under Cause No. 14603. The Order increased the amount of restitution owed by Respondent to eight hundred twenty-three dollars and forty cents (\$823.40).

On September 16, 1996, an Order Extending Probation Term was entered in the County Court of Jackson County, Texas, under Cause No. 14603. The Order extended Respondent's probation for a period of one (1) year, with an ending date of September 16, 1997.

On November 4, 1996, State's Petition for Revocation of Probated Sentence was entered in the County Court of Jackson County, Texas, under Cause No. 14603, based on Findings by the District Attorney of Jackson County, Texas, that Respondent had violated the terms and conditions of the probation that she had previously been granted on September 16, 1994.

On December 18, 1996, an Order Revoking Misdemeanor Probation was entered in the County Court of Jackson County, Texas, under Cause No. 14603, based on the Court's Findings that Respondent had violated the terms and conditions of the probation she had previously been granted on September 16, 1994. Specifically, in pertinent part: On or about September 14, 1996 and September 16, 1996, CAROL SODIA failed to abstain from the use of alcoholic beverages; on or about September 19, 1996, CAROL SODIA intentionally and knowingly possessed with intent to deliver a controlled substance, to-wit: Cocaine in an amount by aggregate weight of less than 1 gram; and on or about September 19, 1996, CAROL SODIA tested positive for Cocaine and therefore, failed to abstain from the use of drugs. As a result, Respondent's probation was REVOKED, and Respondent was sentenced to confinement in the Jackson County Jail for a period of six (6) months to begin December 30, 1996.

10. On or about November 13, 1998, Respondent entered a plea of Guilty and was convicted of THEFT BY CHECK, (a Class A misdemeanor offense committed on June 3, 1998), in the County Court of Jackson County, Texas, under Cause No. 17254. As a result of the conviction, Respondent was sentenced to confinement in the Jackson County Jail for a period of one (1) year; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of two (2) years. Additionally, Respondent was ordered to pay restitution in the amount of seven hundred ninety six dollars and forty-nine cents (\$796.49), a fine and court costs.
11. On or about June 24, 1999, Respondent entered a plea of Guilty and was convicted of POSSESSION OF MARIJUANA (a Class B misdemeanor offense committed on May 6, 1999), in the County Court of Jackson County, Texas, under Cause No. 17523. As a result of the conviction, Respondent was sentenced to confinement in the Jackson County Jail for a period of one (1) year; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of one (1) year. Additionally, Respondent was ordered to pay a fine and court costs.

12. On or about January 21, 2000, Respondent entered a plea of Guilty and was convicted of THEFT BY CHECK (a Class B misdemeanor offense committed on May 29, 1999), in the County Court of Jackson County, Texas, under Cause No. 17,691. As a result of the conviction, Respondent was sentenced to confinement in the Jackson County Jail for a period of one hundred eighty (180) days; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of one (1) year. Additionally, Respondent was ordered to pay restitution in the amount of seventy three dollars and eighty-six cents (\$73.86), a fine and court costs.
13. On or about October 19, 2007, Respondent entered a plea of Guilty and was convicted of POSSESSION OF MARIJUANA (a Class B misdemeanor offense committed on July 27, 2007), in the County Court of Jackson County, Texas, under Cause No. 21613. As a result of the conviction, Respondent was sentenced to confinement in the Jackson County Jail for a period of one hundred eighty (180) days; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of two (2) years. Additionally, Respondent was ordered to pay a fine and court costs.
14. Charges were filed on July 30, 2008.
15. Charges were mailed to Respondent on July 31, 2008.
16. First Amended Charges were filed on May 20, 2009.
17. First Amended Charges were mailed to Respondent on May 20, 2009.

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 Article 4528c, sec. 10(a)(3)&(9), TEX. REV. CIV. STAT. ANN., (effective 9/1/85), Article 4528c, sec. 10(a)(3)&(9), TEX. REV. CIV. STAT. ANN., (effective 9/1/93), Article 4528c, sec. 10(a)(3)&(9), TEX. REV. CIV. STAT. ANN., (effective 9/1/97), Section 302.402(a)(3)(B)&(10), Texas Occupations Code (effective 9/1/99), and Section 301.452(b)(10), Texas Occupations Code (effective 9/1/07) and 22 TEX. ADMIN. CODE §231.81(3) (effective 1/1/85), 22 TEX. ADMIN. CODE §239.11(28) (effective 9/1/93), 22 TEX. ADMIN. CODE §239.11(29)(A)(ii)(effective 3/1/98), 22 TEX. ADMIN. CODE §239.11(29)(A)(iv)(effective 3/1/99), 22 TEX. ADMIN. CODE §239.11(29)(A)(ii)(effective 9/1/99), and 22 TEX. ADMIN. CODE §217.12(13)(effective 6/1/07).

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 126170, heretofore issued to CAROL LYNN SODIA, 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 Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a REPRIMAND WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *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 nursing in compact states.

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 Texas Board of Nursing 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 CAROL LYNN SODIA, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(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) 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 Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; 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.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION

PERIOD:

(3) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations conditions on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(4) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(5) RESPONDENT SHALL be supervised by a Registered Nurse or a Licensed Vocational Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-

employed or contract for services. Multiple employers are prohibited.

(6) **RESPONDENT SHALL CAUSE** each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to **RESPONDENT's** capability to practice nursing. These reports shall be completed by the Registered Nurse or Licensed Vocational Nurse who supervises the **RESPONDENT**. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

(7) **RESPONDENT SHALL** abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, **RESPONDENT SHALL CAUSE** the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(8) **RESPONDENT SHALL** submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period,

random screens shall be performed at least once per month. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis is the sole method accepted by the Board.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT's place of employment at any time during the stipulation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

(15) RESPONDENT SHALL CAUSE her probation officer to submit written reports on forms provided to the Respondent by the Board. The reports shall indicate the RESPONDENT's compliance with the court ordered probation. The reports shall be furnished each and every three (3) month period until RESPONDENT is released from probation.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

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CONTINUED ON NEXT PAGE.

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 is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and 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 28th day of May, 2009.

Carol Lynn Sodja

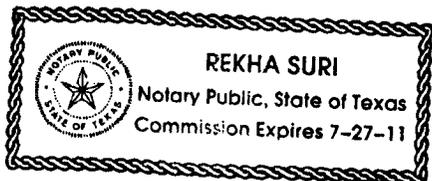
CAROL LYNN SODIA, Respondent

Sworn to and subscribed before me this 28th day of May, 2009.

SEAL

[Signature]

Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 28th day of May, 2009, by CAROL LYNN SODIA, Vocational Nurse License Number 126170, and said Order is final.

Effective this 23rd day of July, 2009.



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

BOARD OF VOCATIONAL NURSE EXAMINERS	*	STATE OF TEXAS
	*	
VS.	*	
	*	
CAROL LYNN TURNER.	*	COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of vocational nurse license number 126170 held by CAROL LYNN TURNER, hereinafter called Respondent.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Respondent of its intent to take disciplinary action with respect to said license held by Respondent, as a result of a complaint and subsequent investigation. Said investigation produced evidence indicating that Respondent has engaged in unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public, in violation of Article 4528c, Section 10 (a) (9), Revised Civil Statutes of Texas, in the following manner:

- a. Respondent is a vocational nurse, licensed by the State of Texas, and holds license number 126170.
- b. On or about February 1998, the Board of Vocational Nurse Examiners conducted a random continuing education audit regarding Respondent's licensure. Said audit revealed that Respondent had failed to complete twenty (20) contact hours of continuing education between January 1, 1996 and December 31, 1997, as required by the Board of Vocational Nurse Examiners (Board) Rules and Regulations.

c. Furthermore, on or about December 30, 1997, Respondent submitted her license renewal form to the Board office. On said form Respondent falsely answered "yes" to the question "Have you acquired twenty (20) contact hours of continuing education in the renewal period just completed?".

d. Board Rule 237.14 states that twenty (20) contact hours of continuing education within the two (2) years immediately preceding renewal of licensure are required.

By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the matters previously set out in this Order with respect to the above mentioned investigation. By Respondent's signature on this Order, Respondent acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

By their notarized signature on this Order, Respondent does hereby waive the right to a formal Complaint, Notice of Hearing and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED that CAROL LYNN TURNER shall pay an administrative fine in the amount of \$250.00, in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners, within thirty (30) days of the date of the Board's endorsement of this Order. Said fee shall be sent to the Board office, addressed to the "Board Accountant".

Respondent shall successfully complete the required twenty (20) contact hours of Mandatory Continuing Education (C.E.) as defined in Board Rule 237.14 and submit documentation of successful completion of the C.E. requirements to the Board office within thirty (30) days of the endorsement of this Order.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.

Dated this the 22 day of June, 19 98.

Carol L Turner
Signature of Respondent

403 N Carver St
Current Address

Edna TX 77957
City, State and Zip

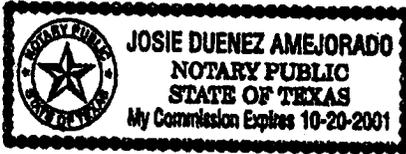
512 782-6545
Area Code and Telephone Number

The State of Texas
County of Jackson

Before me, the undersigned authority, on this day personally appeared CAROL LYNN TURNER, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

JUN 26 1998

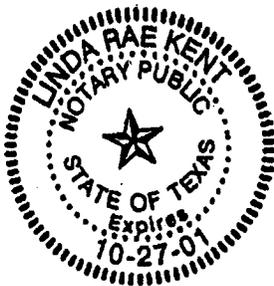
SWORN TO AND SUBSCRIBED before me on this the 23rd day of June, 1998.



Josie Duenez Amejorado
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 10-20-2001

Marjorie A. Bronk, RN
Marjorie A. Bronk, RN
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 8th day of July, 1998.



Linda Rae Kent
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

AGREED BOARD ORDER
RE: CAROL LYNN TURNER, LVN #126170
PAGE 5

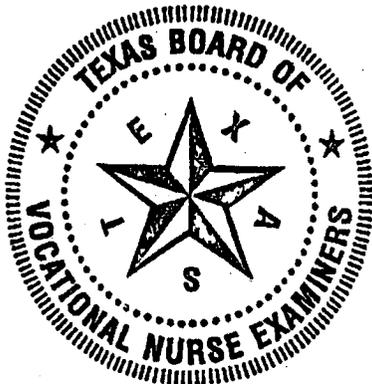
ENDORSEMENT OF THE BOARD
To The Agreed Board Order
in the matter of Vocational Nurse
License No. 126170
Issued to Carol Lynn Turner

At its regularly called session, on the 15th day of September 1998, came on to be considered the indicated Agreed Board Order pertaining to Carol Lynn Turner. The Board having reviewed the contents of said Order, the Order should be, and is hereby, endorsed as an Order of the Board and made an official act of the Board of Vocational Nurse Examiners for the State of Texas.

Said Order is rendered on this the 15th day of September 1998.

Ginger Brenner
Melody Hartum
Betty Sims
Joyette Bowers
Robert Bump
Chirisa Ginn
Laura Hawley
Carla McCrean

Cathy Pascott
Vergie
Lillian



BOARD ORDER

RE: CAROL LYNN TURNER, LVN #126170

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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of September, 1998,
a true and correct copy of the foregoing Order was served by placement in the
U.S. Mail, first class, and addressed to the following person(s):

CAROL LYNN TURNER
403 NORTH CARVER ST.
EDNA, TX 77957



Marjorie A. Bronk, RN
Executive Director
Agent for the Board of Vocational Nurse Examiners

DOCKET NO. 511-99-1163

IN THE MATTER OF PERMANENT	§	BEFORE THE BOARD OF
LICENSE NUMBER 126170	§	VOCATIONAL NURSE EXAMINERS
ISSUED TO	§	IN AND FOR
CAROL LYNN TURNER	§	THE STATE OF TEXAS

ORDER OF THE BOARD

TO: CAROL LYNN TURNER
 403 NORTH CARVER ST
 EDNA, TX 77957

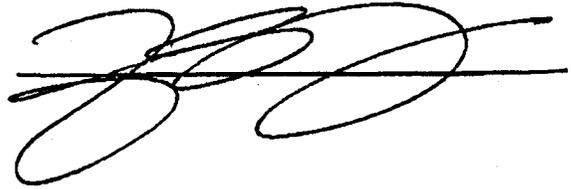
During open meeting at Austin, Texas, the Board of Vocational Nurse Examiners finds that after proper and timely notice was given, the above-styled case was heard by an Administrative Law Judge who made and filed a proposal for decision containing the Administrative Law Judge's findings of fact and conclusions of law. The proposal for decision was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein.

The Board of Vocational Nurse Examiners, after review and due consideration of the proposal for decision, and exceptions and replies filed, if any, adopts the findings of fact and conclusions of law of the Administrative Law Judge as if fully set out and separately stated herein. All proposed findings of fact and conclusions of law not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that License Number 126170 heretofore issued to CAROL LYNN TURNER to practice vocational nursing in the State of Texas be, and the same is hereby, suspended until she pays the \$250.00 administrative fine assessed by an Agreed Board Order.

Passed and approved at the regular meeting of the Board of Vocational Nurse Examiners in
and for the State of Texas at Austin, Texas, on the 14th day of September, 1999.

Betty E. Sims



Carla McCrear

Denise Harvey

Lillian Bascom

Angie Brunner

Vangie Perez

Kathleen Powers

Janette L. Bowers

Melody Hart

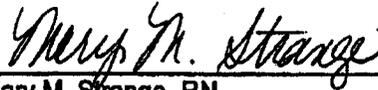
Cathy Pruitt

BOARD ORDER
RE: CAROL LYNN TURNER, LVN #126170
PAGE: 3

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of September, 1999, a true and correct copy of the foregoing Order was served by placement in the U.S. Mail, first class, and addressed to the following person(s):

CAROL LYNN TURNER
403 NORTH CARVER ST
EDNA, TX 77957



Mary M. Strange, RN
Executive Director
Agent for the Board of Vocational Nurse Examiners

DOCKET NO. 511-99-1163

**BOARD OF VOCATIONAL
NURSE EXAMINERS**

VS.

**CAROL LYNN TURNER
LVN #126170**

§
§
§
§
§
§
§

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

The staff of the Board of Vocational Nurse Examiners (Staff) brought this case against Carol Lynn Turner (Respondent), alleging that she failed to comply with an Agreed Board Order by not submitting an administrative fine within thirty days of the date of the Board's endorsement of the Order. Respondent failed to appear at the hearing, either in person or through counsel. Staff recommended that Respondent's license be suspended until she pays the administrative fine of \$250, and this proposal agrees with the recommendation.

I. PROCEDURAL HISTORY

There are no contested issues of notice of jurisdiction in this proceeding. The hearing convened on July 13, 1999, and concluded the same day. Assistant Attorney General Kay Johnsonius represented Staff. Because the hearing proceeded on a default basis and Staff's factual allegations are deemed admitted as true, those allegations have been incorporated into the findings of fact without further discussion.

II. FINDINGS OF FACT

1. Carol Lynn Turner (Respondent) holds License Number 126170 issued to her by the Board of Vocational Nurse Examiners (the Board).
2. On June 11, 1999, the staff of the Board (Staff) sent a letter alleging Respondent failed to comply with an Agreed Board Order. A copy of the letter was sent to Respondent by certified mail, return receipt requested, and by regular mail at her address set out in the Board's investigative file. Respondent received the letter as shown by the signed return receipt.
3. On June 17, 1999, Staff issued Respondent a notice of hearing together with a sworn complaint, advising her of a hearing to be held on July 13, 1999. The notice was sent by certified mail, return receipt requested, and by regular mail to Respondent at her most recent address set out in the Board's investigative file. Respondent received the notice and complaint as shown by the signed return receipt.
4. The hearing in this case was held on July 13, 1999. Staff appeared through its counsel and participated in the hearing. Respondent did not appear, either in person or by authorized representative.

5. On September 15, 1998, the Board endorsed an Agreed Board Order in which Respondent was assessed an administrative fine in the amount of \$250.
6. Respondent was required to submit the administrative fine within thirty days of the date of the Board's endorsement of the Order.
7. Respondent failed to submit the administrative fine on or before the due date of October 15, 1998.
8. At hearing, Staff moved for a default judgment.

III. CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to TEX. REV. CIV. STAT. ANN. art. 4528c § 10 (Vernon 1976 & Supp. 1999).
2. The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this proceeding, including the authority to issue a proposal for decision containing findings of fact and conclusions of law, pursuant to TEX. GOV'T CODE ANN. ch. 2003 (Vernon 1999).
3. Proper and timely notice of the hearing was effected on Respondent pursuant to TEX. GOV'T CODE ANN. ch. 2001 (Vernon 1999), 1 TEX. ADMIN. CODE § 155.55(d) (1999), and 22 TEX. ADMIN. CODE § 239.23 (1999).
4. Respondent has violated the Vocational Nurse Act or rule, regulation or order issued under the Act, contrary to Article 4528c § 10(a) (1) (Vernon 1976 & Supp. 1999).
5. Based on Finding of Fact Nos. 5 - 7 and Conclusions of Law No. 4, the Board would be justified in suspending Respondent's license until she pays the \$250 administrative fine. TEX. REV. CIV. STAT. ANN. art. 4528c §§ 10(a) (1) and 10E (Vernon 1976 & Supp. 1999) and 22 TEX. ADMIN. CODE § 239.19 (1999).

SIGNED this 10th day of August 1999.



SARAH G. RAMOS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

G:\511\99-1163\51191163.PFD

BOARD OF VOCATIONAL NURSE
EXAMINERS

STATE OF TEXAS

VS.

CAROL LYNN TURNER

COUNTY OF TRAVIS

COMPLAINT

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Carolyn Hudson, who after being by me duly sworn, did depose and say:

As an Investigator for the Board of Vocational Nurse Examiners, I, Carolyn Hudson, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against CAROL LYNN TURNER, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 126170, hereinafter called Respondent.

I.

- a. On September 15, 1998, the Board of Vocational Nurse Examiners endorsed an Agreed Board Order in which Respondent's license to practice Vocational Nursing in Texas was assessed an Administrative Fine, in the amount of two hundred and fifty dollars (\$250.00).
- b. Said Order stipulated, in part, that Respondent submit the Administrative Fine within thirty (30) days of the date of the Board's endorsement of the Order.
- c. Respondent has failed to submit the Administrative Fine on or before the due date of October 15, 1998.
- d. By said conduct, Respondent has violated the terms of her Agreed Board Order.

II.

Respondent has violated the Vocational Nurse Act or rule, regulation or order issued under the Act, contrary to Article 4528c, Section 10 (a) (1), Revised Civil Statutes of Texas.

COMPLAINT
 RE: CAROL LYNN TURNER, LVN #126170
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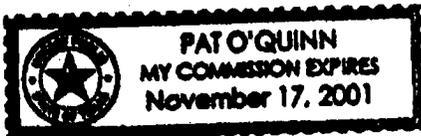
III.

The foregoing acts constitute grounds for the Board of Vocational Nurse Examiners to take disciplinary action as provided under Article 4528c, Revised Civil Statutes of Texas, 1951, as amended. Pursuant to Article 4528c, Section 10(a)(1) and Section 10E(a) V.T.C.S (the Vocational Nurse Act), relief such as revocation, suspension, suspension with probation, reprimand, warning, denial of licensure and/or imposition of administrative penalties (fines), may be recommended by the Board. Pursuant to Board Rule 239.19 the Board may assess penalties (fines), in the minimum amount of two hundred fifty dollars (\$250.00), not to exceed two thousand dollars (\$2,000.00).

WHEREFORE, PREMISES CONSIDERED, I, Carolyn Hudson, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against CAROL LYNN TURNER, LVN # 126170, in accordance with the provisions of the laws of the State of Texas.

Carolyn Hudson
 AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME by the said Carolyn Hudson, on this the 17th day of June 1999.



Pat O'Quinn
 NOTARY PUBLIC IN AND FOR
 THE STATE OF TEXAS

Filed with the Board of Vocational Nurse Examiners on the 17th day of June 1999.

Mary M. Strange
 Mary M. Strange, RN
 Executive Director
 Board of Vocational Nurse Examiners