



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.  
*Katherine A. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of § AGREED  
Vocational Nurse License Number 175238 §  
issued to CARIN MARIE SPENCER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CARIN MARIE SPENCER, Vocational Nurse License Number 175238, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to TEX. REV. CIV. STAT. ANN 4528c, sec 10(a)(2)&(9)(effective 9/1/1997), Section 302.402(a)(2)&(10), Section 301.452(b)(2)&(10), and 301.453, Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on July 10, 2014, subject to ratification by the Board.

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(s).
2. Respondent waived representation by counsel, informal proceedings, 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 Vocational Nursing from Angelina College, Jasper, Texas, on July 24, 1999. Respondent was licensed to practice vocational nursing in the State of Texas on February 10, 2000.
5. Respondent's nursing employment history is unknown.

6. On or about December 6, 1999, Respondent was issued the sanction of PROBATION by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated December 6, 1999, is attached and incorporated, by reference, as part of this Order.
7. On or about March 17, 2009, Respondent was issued the sanction of REMEDIAL EDUCATION WITH FINE by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated March 17, 2009, is attached and incorporated, by reference, as part of this Order.
8. On or about July 22, 1999, Respondent submitted an Application for licensure by Examination License Vocational Nurse to the Board of Vocational Nurse Examiners for the State of Texas, in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Were you convicted of a felony?"

Respondent failed to disclose that on or about December 13, 1990, Respondent was arrested by the Gilroy Police Department, Gilroy, California, for COUNT 1 vc23153(A) W/3 PRS, COUNT 2 VC23152 (B)- VC23175 ADMITS 3 PRS., AND COUNT 3 VC14601.2 (A), a felony offense. On or about January 25, 1991, Respondent entered a plea of Nolo Contendere and was convicted of CT 2-VC23152(B) W/3PRS-, a felony offense and CT 3-VC14601.2(A), a misdemeanor offense committed on December 12, 1990, in the Superior Court of Santa Clara County, California, under Case No. F9047731. As a result of the conviction, Respondent was sentence to confinement in the Santa Clara County Jail for a period of twelve (12) months; however imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of five (5) years and ordered to pay a fine and court cost.

9. On or about February 22, 2001, Respondent submitted a License Renewal to the Board of Vocational Nurse Examiners for the State of Texas, in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Where you convicted of a misdemeanor other than a minor traffic violation since your last renewal?"

Respondent failed to disclose that on or about July 27, 2000, Respondent was entered a plea of Nolo Contendere and was convicted of DRIVING WHILE LICENSE SUSPENDED, a Class B misdemeanor offense committed on December 21, 1999, in the County Court at Law No. 3, Jefferson County, Texas, under Cause No. 216919. As a result of the conviction, Respondent was sentenced to confinement in the Jefferson County Jail for a period of thirty (30) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of one (1) year and ordered to pay a fine and court costs.

10. On or about October 10, 2004, Respondent submitted a Texas Online Renewal Document Licensed Vocational Nurse to the Board of Nurse Examiners for the State of Texas, in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrest (excluding minor traffic violations)? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUI's, DWI's, PI's must be reported and are not considered minor traffic violations. (One time minor in possession [MIP] or minor in consumption [MIC] do not need to be disclosed, therefore, you may answer "No". If you have two or more MIP's or MIC's, you must answer "Yes".)"

On or about March 9, 2002, Respondent was arrested by the Bellmead Police Department, Bellmead, Texas, for DRIVING WHILE LICENSE INVALID, a Class B misdemeanor offense. No records available. Prosecutor rejected the charge.

On or about October 21, 2002, Respondent was arrested by the Texas Highway Patrol, Region 6, District A, Waco, Texas, and subsequently charged under Cause No. M1486-02 for DRIVING WHILE LICENSE INVALID, a misdemeanor offense. On or about August 22, 2003, Cause No. M1486-02 was dismissed in the County Court at law Of Hill County, Texas for the reason: taken into consideration in Cause #1487-02 pursuant to P.C. 12.45

On or about August 20, 2003, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED 2<sup>ND</sup>, a Class A misdemeanor offense committed on October 21, 2002, in the County Court at Law, Hill County, Texas, under Cause No. M1487-02. As a result of the conviction, Respondent was sentenced to confinement in the Hill County Jail for a period of nine (9) months; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of eighteen (18) months and ordered to pay a fine and court costs.

On or about April 7, 2003, Respondent entered a plea of Guilty and was convicted of DWI ENHANCED, a Class B misdemeanor offense committed on September 18, 2001, in the County Court at Law No. 2, McLennan County, Texas, under Cause No. 020216CR2. As a result of the conviction Respondent was sentenced to confinement in the McLennan County Jail for a period of twelve (12) months; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of one (1) year and ordered to pay a fine and court costs.

11. On or about October 1, 2006, Respondent submitted a Texas Online Renewal Document Licensed Vocational Nurse to the Board of Nurse Examiners for the State of Texas, in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you ever been convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, or received a court order whether or not a sentence was imposed including any pending criminal charge or unresolved arrests whether or not on appeal (excluding minor Class C traffic violations)? This includes expunged offenses and deferred adjudications with or without a finding of guilty. Please note that DUI's, DWI's, PI's must be reported and are not considered minor traffic violations. One time minor in possession [MIP] or minor in consumption [MIC] does not need to be disclosed; therefore, you may answer "No." If you have two or more MIP's or MIC's, you must answer "Yes." You may answer "No" if you have previously disclosed a criminal matter otherwise responsive to this question in a renewal and/or licensure form.

Respondent failed to disclose that, on or about March 26, 2006, Respondent was arrested by the Hill County Sheriffs Office, Hillsboro, Texas, and subsequently charged under Cause No. 34515 for DRIVING WHILE INTOXICATED 3<sup>RD</sup> OR MORE, a 3<sup>rd</sup> Degree felony offense, and Cause No. M057006 DRIVING WHILE LICENSE INVALID, a Class B misdemeanor offense. The charges were pending at the time of renewal

12. On or about October 27, 2008, Respondent submitted an Online Renewal Document Licensed Vocational Nurse to the Texas Board of Nursing, in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the 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 judgment/punishment/action?"

Respondent failed to disclose that,

On or about May 11, 2007, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED 2<sup>ND</sup>, a Class A misdemeanor offense committed on March 26, 2006, in the 66<sup>th</sup> Judicial District Court of Hill County, Texas, under Cause No. 34515. As a result of the conviction, Respondent was sentenced to confinement in the Hill County Jail for a period of twelve (12) months; however, imposition of the sentence of confinement was suspended, and was placed on probation for a period of twenty (24) months.

On or about May 11, 2007, Respondent was entered a plea of Guilty to DWLI, a Class B misdemeanor offense, in the County Court at Law, Hill County, Texas, under Cause No. M057006. As a result of the plea, the proceedings against Respondent was deferred, and Respondent was placed on probation for a period of twelve (12) months and ordered to pay a fine and court costs.

13. In response to Findings of Fact Numbers Eight (8) through Twelve (12), Respondent states that she has been an alcoholic since she was sixteen years old. She didn't realize it as a problem because she was totally functional. She never went to work or a job intoxicated etc. When she first asked for permission to obtain her nurse license and investigation was done and it was issued with a probationary period. Her mind set was she can do what she want on her days off and since she can go all week without drinking she must not have a problem. In 2006, when she almost lost custody of her son and daughter she had a reality check. In 2007, she checked into a 30 day inpatient rehab center (Freeman Center, Waco, Texas) completed her program followed up with all the probation classes and has been right every since. She has not had a drink in seven years.
14. 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(s) of 22 TEX. ADMIN. CODE 22 TEX. ADMIN. CODE §239.11(8)&(29)(effective 9/1/1997) and §217.12(6)(I)&(13).
4. The evidence received is sufficient cause pursuant to TEX. REV. CIV. STAT. ANN 4528c, sec 10(a)(2)&(9)(effective 9/1/1997), Section 302.402(a)(2)&(10), and Section 301.452(b)(2)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 175238, heretofore issued to CARIN MARIE SPENCER, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of WARNING 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, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact 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, 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.texas.gov/compliance>.*

(2) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/compliance>.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of one thousand (\$1000.00) dollars. RESPONDENT SHALL pay this fine within ninety (90) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

**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 (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). 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(s). 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.

(5) 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.

(6) RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as 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.

(7) 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 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(s) of employment as a nurse.

(8) 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 a pain management**

**and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.**

(9) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. Random screens shall be performed at least once per month. All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board.

Specimens shall be screened for at least the following substances and their metabolites:

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 or refusal to submit to a drug or alcohol screen may subject the nurse to further disciplinary action, including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas. Further, failure to report for a drug screen, excessive dilute specimens,

or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

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

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

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 violation(s) 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

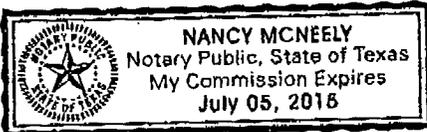
Signed this 15 day of October 2014

[Signature]  
CARIN MARIE SPENCER, RESPONDENT

Sworn to and subscribed before me this 15<sup>th</sup> day of October 2014

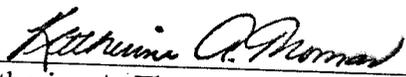
SEAL

[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 15th day of October, 2014, by CARIN MARIE SPENCER, Vocational Nurse License Number 175238, and said Order is final.

Effective this 9th day of December, 2014.

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

BOARD OF VOCATIONAL NURSE EXAMINERS \* STATE OF TEXAS  
 VS. \*  
 \*  
 \*  
 CARIN MARIE SPENCER \* COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of CARIN MARIE SPENCER, an Applicant for Licensure by examination hereinafter called Applicant.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Applicant of its intent to take disciplinary action with respect to said Application for Licensure, as a result of a subsequent investigation. Said investigation produced evidence indicating that Applicant has been convicted of a crime of the grade of a misdemeanor that involves moral turpitude, in violation of the Health Occupations Code, Chapter 302, Section 302.402 (a) (3) (B), in the following manner:

a. On or about July 27, 1999, Applicant submitted her Application for Licensure by Examination to the Board of Vocational Nurse Examiners for the State of Texas. On said Application, Applicant answered "yes" to the question(s) asking: "Have you ever been convicted of a misdemeanor other than a minor traffic violation?"

b. On or about October 6, 1998, Applicant was convicted of the Misdemeanor offense of DRIVING WHILE INTOXICATED in the County Court of Newton County, Texas, under cause Number 98-154. As a result of said conviction, Applicant was placed on probation for period of two (2) years.

c. Applicant has been convicted of a crime, which the Board considers to be directly related to the duties and responsibilities of a Licensed Vocational nurse. Said conviction is inconsistent with the basic duties and responsibilities inherent in the occupation of vocational nursing in that said occupation requires knowledge and familiarity of drugs, and compliance with drug laws.

NOV 01 1999