

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 70812 §
issued to CAROLYN JOANN PRUITT § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CAROLYN JOANN PRUITT, Vocational Nurse License Number 70812, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4528(c)sec. 10(a)(9), TEX. REV. CIV. STAT. ANN., and Section 302.402(a)(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on June 4, 2008, 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 Hendrick Memorial Hospital School of Vocational Nursing, Abilene, Texas, on August 25, 1976.. Respondent was licensed to practice vocational nursing in the State of Texas on November 19, 1976.
5. Respondent's vocational nursing employment history is unknown.
6. On or about August 7, 2007, a computerized criminal history was run which disclosed the

following offenses:

- A. On or about October 27, 1994, Respondent entered a plea of No Contest and was convicted of RECKLESS CONDUCT (a Class B misdemeanor offense committed on July 23, 1994), in the County Court at Law #2 of Taylor County, Texas, Cause No. 13899. As a result of the conviction, Respondent was sentenced to confinement in the Taylor County Jail for a period of three (3) day. Additionally, Respondent was ordered to pay a fine and court costs.
 - B. On or about February 2, 1998, Respondent entered a plea of No Contest and was convicted of HARASSMENT (a Class A misdemeanor offense committed on June 25, 1996), in the County Court at Law No. 2 of Taylor County, Texas, Cause No. 17709. As a result of the conviction, Respondent was sentenced to seventy-five (75) days confinement in the Taylor County Detention Center; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of three hundred sixty-five (364) days. Additionally, Respondent was ordered to pay a fine and court costs. Respondent was discharged from probation on February 4, 1999.
 - C. On or about February 9, 2001, Respondent entered a plea of Guilty and was convicted of HARASSMENT (a Class B misdemeanor offense committed on December 21, 1999), in the County Court at Law No. 2 of Taylor County, Texas, under Cause No. 25692. As a result of the conviction, Respondent was sentenced to confinement in the Taylor County Jail for a period of ninety (90) days; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of twenty-four (24) months. Additionally, Respondent was ordered to pay a fine and court costs.
 - D. On or about October 21, 2002, Respondent entered a plea of No Contest and was convicted of HARASSMENT (a Class B misdemeanor offense committed on October 23, 1999), in the County Court at Law of Taylor County, Texas, under Cause No. 29939. As a result of the conviction, Respondent was sentenced to confinement in the Taylor County Detention Center 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 eighteen (18) months. Additionally, Respondent was ordered to pay a fine and court costs. Respondent was discharged from probation on April 21, 2004.
7. On or about May 21, 2008, Respondent submitted a written statement related to Finding of Fact number Six (6), in which she stated "I went through a bad divorce. Then my ex-husband and his girlfriend caused problems by breaking into my house several times and using my phone to call jobs and their home to make look like I did it. I caught my ex-husband in his workshop after we were separated, using a phone that was in the rafters of his

shop, which also had a recorder that was taping my phone calls. He would drive by my work to make sure I was there before breaking in. Police told me to put up no trespassing signs, as they couldn't do anything unless they caught him in the act. This did no good. My daughter came down every time the case was scheduled for court, but it kept getting postponed. I finally pled no contest to keep my daughter from having to come back from Houston."

8. Charges were filed on April 11, 2008.
9. Charges were mailed to Respondent on April 15, 2008.

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 4528(c), sec. 10(a)(9), TEX. REV. CIV. STAT. ANN., and of Section 302.402(a)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(29)(A).
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 70812, heretofore issued to CAROLYN JOANN PRUITT, 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 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 CAROLYN JOANN PRUITT to the office of the Texas Board of Nursing 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.bon.state.tx.us/about/stipscourses.html>.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of TWO HUNDRED FIFTY 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 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, 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

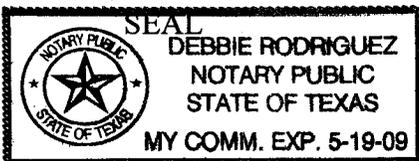
I understand that I have the right to legal counsel prior to signing this Agreed Order.

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 18th day of NOV, 2008.

Carolyn Joann Pruitt
CAROLYN JOANN PRUITT, Respondent

Sworn to and subscribed before me this 18th day of November, 2008.



Debbie Rodriguez

Notary Public in and for the State of Texas

This has to do with a Bad divorce
It has no bearing on my being a nurse
I worked 11 yrs for Abilene State School, 7 yrs
with a patient in home care, 5 yrs at Abilene
Convalescent Center plus private duty for Caplin
Sitting Sewie. I am a good nurse
just a sorry ex-husband & his girlfriend whom he still
lives with and never married

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 18th day of November, 2008, by CAROLYN JOANN PRUITT, Vocational Nurse License Number 70812, and said Order is final.



Effective this 24th day of November, 2008.


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