

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational §
Nurse License Number 87601 §
issued to OPAL FLORENCE CALEB §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 87601, issued to OPAL FLORENCE CALEB, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent's license to practice vocational nursing in the State of Texas is currently in inactive status.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from Hill Junior College, Cleburne, Texas, on August 26, 1980. Respondent was licensed to practice vocational nursing in the State of Texas on December 2, 1980.
4. Respondent's complete nursing employment history is unknown.
5. On or about January 29, 2013, Respondent received a Stipulation, Settlement and Order from the Oklahoma Board of Nursing wherein Respondent's license to practice practical nursing in the State of Oklahoma was accepted for Voluntary Surrender due to allegations of inappropriate sexual relationships with patients. A copy of the Stipulation, Settlement and Order issued by the Oklahoma Board of Nursing, dated January 29, 2013, is attached and incorporated by reference as part of this Order.



William R. Plummer
Executive Director of the Board

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.

6. On March 13, 2013, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated March 11, 2013, is attached and incorporated herein by reference as part of this Order.

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 cause pursuant to Section 301.452(b)(8), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 87601, heretofore issued to OPAL FLORENCE CALEB, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 87601, heretofore issued to OPAL FLORENCE CALEB, to practice nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing.


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

1. RESPONDENT SHALL NOT practice vocational nursing, use the title of 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.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
3. 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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Effective this 13th day of March, 2013.

TEXAS BOARD OF NURSING

By: 

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

March 11, 2013

Attn: James Smelser

Per our phone conversation, I am writing to inform you that I do not plan to live in the state of Texas again or work as an LVN in that state, therefore, I am voluntarily surrendering my LVN license.

Sincerely,

Opal Florence Caleb

Opal Florence Caleb

THE ABOVE DOCUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 11TH DAY OF MARCH 2013 BY OPAL FLORENCE CALEB

Shela Childs

SHELA CHILDS, NOTARY
MY COMMISSION EXPIRES 7/23/2014



COMM. # 02012386

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF OPAL FLORENCE BELL CALEB, L.P.N.
LICENSE NO. L0029265

STIPULATION, SETTLEMENT AND ORDER

This matter comes on before the Informal Disposition Panel ("Panel") of the Oklahoma Board of Nursing ("Board") on the 15th day of January, 2013, in the Conference Room of the Board Office, 2901 North Classen Boulevard, Suite 105, Oklahoma City, Oklahoma.

Jan Sinclair, R.N., a Nurse Investigator with the Board, appears in person, and Opal Florence Bell Caleb, L.P.N., (hereinafter, "Respondent") appears neither in person nor by counsel before the Panel on this date. Respondent and the Nurse Investigator participated in an investigative conference on December 4, 2012, and subsequently consented to this Stipulation, Settlement and Order ("Order").

STIPULATION

Respondent and the Panel hereby stipulate and agree to the following joint stipulation and proposed Order of the Board incorporating this stipulation and agreement in the above-styled matter.

1. Respondent is licensed to practice licensed practical nursing in the State of Oklahoma and is the holder of License No. L0029265 issued by the Oklahoma Board of Nursing.
2. From on or about July, 2012, through on or about September, 2012, Respondent, while employed with Sulphur Veterans Center in Sulphur, Oklahoma, and working the 3 p.m. to 11 p.m. shift as staff nurse, had an inappropriate sexual relationship with Resident J.P. and Resident J.M. Respondent was subsequently terminated from the facility.

3. Respondent has voluntarily surrendered the license to practice nursing in the State of Oklahoma held by the Respondent.

4. No formal complaint has been filed as of the date of this stipulation charging Respondent with a violation of the Oklahoma Nursing Practice Act. Respondent understands that Respondent has a right to require that a formal complaint be filed and the right to a formal hearing before the Board at which time Respondent could confront the witnesses against Respondent, cross-examine those witnesses, and present evidence in Respondent's own behalf. Respondent understands that by signing and agreeing to this stipulation Respondent is waiving those rights.

5. This stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of this stipulation. Furthermore, should this joint stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

6. Respondent fully understands and agrees that this joint stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board against Respondent for acts or omissions not specifically made a part of this stipulation.

7. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this joint stipulation of facts, conclusions of law and imposition of discipline, and the Final Order of the Board incorporating said stipulation.

8. It is expressly understood that this stipulation is subject to approval of the Board and has no force and effect until approved and Ordered by the Board.

9. This Stipulation, Settlement, and Order does constitute formal disciplinary action.

STIPULATED DISPOSITION AND ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that the voluntary surrender of Respondent's license should be accepted, upon the following terms and conditions.

1. Respondent has voluntarily surrendered any license to practice nursing in the State of Oklahoma for Respondent's lifetime.

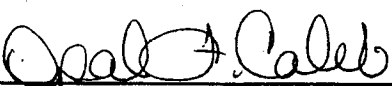
IT IS FURTHER ORDERED that the license to practice licensed practical nursing held by Respondent is hereby **severely reprimanded**.

IT IS FURTHER ORDERED that in the event the Certified Mail delivery of Respondent's Order is unsuccessful a process server will be hired to obtain service of the Order. If it is thus necessary to serve the Respondent by a process server, the Respondent shall reimburse the Board for the actual cost of the process server. The Respondent shall pay to the Board the actual cost of the process service. The process service fee shall be paid only by certified check, money order or cash to the Board.



IT IS FURTHER ORDERED that the parties agree that both (all) parties have participated in the drafting of this Order and that no presumption or construction against any party as the drafter of this Order, shall apply or be applied in the event of a claim of ambiguity of the document or a provision thereof.

IT IS FURTHER ORDERED that this Order shall not be effective until the fully executed Order is received in the Board office.

IT IS FURTHER ORDERED that this Order constitutes disciplinary action by the Board and may be used in any subsequent hearings by the Board. In the event other misconduct is reported to the Board, this Order may be used as evidence against Respondent to establish a pattern of behavior and for the purpose of proving additional acts of misconduct.


Respondent

Approved and ordered this 29th day of January, 2013.

 OKLAHOMA BOARD OF NURSING

President

JS:sr