



5. Respondent's professional nursing employment history includes:

03/2000 - 03/2004	RN	United Regional Health Care System Wichita Falls, Texas
03/2004 - 06/2005	RN	HealthSouth Wichita Falls, Texas
06/2007 - 06/2009	RN	Falls Home Health Wichita Falls, Texas
11/2009 - Present	RN	Kell West Regional Hospital Wichita Falls, Texas

6. On or about October 12, 2011, while employed with Kell West Regional Hospital, Wichita Falls, Texas, Respondent was arrested by the Burkburnett Police Department, Burkburnett, Texas, for DRIVING WHILE INTOXICATED 3RD OR MORE, a Class A misdemeanor offense.

On or about August 28, 2012, Respondent entered a plea of guilty and was convicted of DRIVING WHILE INTOXICATED, a Class B misdemeanor offense committed on October 12, 2011, in the Wichita County Court at Law 1, Wichita Falls, Texas, under Cause No. 10-8535-57748-E. As a result of the conviction, Respondent was sentenced to confinement in the Wichita County Jail for a period of four (4) days (with two (2) days credit on the jail sentence imposed), and ordered to pay a fine.

7. On or about September 13, 2012, Respondent submitted a renewal application to the Texas Board of Nursing in which you provided false, deceptive, and/or misleading information, in that you answered "no" 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 have 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 October 12, 2011, she was arrested by the Burkburnett Police Department, Burkburnett, Texas, for DRIVING WHILE INTOXICATED 3RD OR MORE, a Class A misdemeanor offense.

Respondent failed to disclose that on or about August 28, 2012, she entered a plea of guilty and was convicted of DRIVING WHILE INTOXICATED, a Class B misdemeanor offense committed on October 12, 2011, in the Wichita County Court at Law 1, Wichita Falls, Texas, under Cause No. 10-8535-57748-E.

8. In response to Finding of Fact Number Six (6), Respondent states that she has taken steps to address her addiction to alcohol, such as attending AA meetings, she attended an alcohol awareness program, and that she voluntarily put herself into a rehab program for 28 days to deal with alcoholism. In response to Finding of Fact Number Seven (7), Respondent states she knows what she did what wrong and apologizes for her mistake.
9. The Respondent's conduct as described in the preceding Finding(s) of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
10. 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.
11. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder.
12. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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 §217.12(6)(H),(6)(I)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 589947, and Vocational Nurse License Number 132644, heretofore issued to CAROLYN ANN SIMS, up to, and including, revocation of Respondent's license(s) to practice nursing in the State of Texas.

5. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL comply with the following conditions for such a time as is required for RESPONDENT to successfully complete the Texas Peer Assistance Program for Nurses (TPAPN):

(1) RESPONDENT SHALL, within forty-five (45) days following the date of entry of this final Order, apply to TPAPN and SHALL, within ninety (90) days following the date of entry of this final Order, sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00) payable to TPAPN.

(2) Upon acceptance into the TPAPN, RESPONDENT SHALL waive confidentiality and provide a copy of the executed TPAPN participation agreement to the Texas Board of Nursing.

(3) RESPONDENT SHALL comply with all requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current.

(4) RESPONDENT SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.

(5) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty (\$250) dollars. 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 and ORDERED, RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, Section §§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 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 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, SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in 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.

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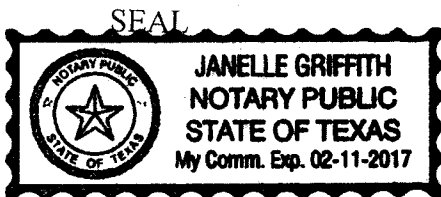
RESPONDENT'S CERTIFICATION

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 violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, and Conditions One (1) through Four (4) of this Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, 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 22 day of July, 2013

Carolyn Ann Sims  
CAROLYN ANN SIMS, RESPONDENT

Sworn to and subscribed before me this 22 day of July, 2013



Janelle Griffith  
Notary Public in and for the State of Texas

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby accept and enter the Agreed Order that was signed on the 22nd day July, 2013, by CAROLYN ANN SIMS, Registered Nurse License Number 589947, and Vocational Nurse License Number 132644, and said Order is final.

Entered and effective this 31st day of July, 2013.



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