

IN THE MATTER OF
PERMANENT VOCATIONAL NURSE
LICENSE NUMBER 193310
ISSUED TO
LORI LYNN SPINKS

§
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§
§
§
§

BEFORE THE TEXAS
BOARD OF NURSING
ELIGIBILITY AND
DISCIPLINARY COMMITTEE



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.
Patricia R. Plummer
Executive Director of the Board

ORDER OF THE BOARD

TO: LORI LYNN SPINKS
615 SE AVENUE I
IDABEL, OK 74745

During open meeting held in Austin, Texas, on Tuesday, August 6, 2013, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by

reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that and Permanent Vocational Nurse License Number 193310, previously issued to LORI LYNN SPINKS, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

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

Entered this 6th day of August, 2013.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed May 10, 2013.

Re: Permanent Vocational Nurse License Number 193310
Issued to LORI LYNN SPINKS
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of August, 2013, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

LORI LYNN SPINKS
615 SE AVENUE I
IDABEL, OK 74745

Via USPS First Class Mail

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD



Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.texas.gov

Katherine A. Thomas, MN, RN, FAAN
Executive Director

May 10, 2013

Certified Mail No. 91 7199 9991 7031 6467 2280
Return Receipt Requested

LORI LYNN SPINKS
502 SE AVENUE E
IDABEL, OKLAHOMA 74745

Dear LORI LYNN SPINKS:

Enclosed are Formal Charges which have been filed against you because your pending alleged violation(s) of Section 301.452(b) of the Nursing Practice Act, Texas Occupations Code, have not been resolved. Within three weeks from the date of this letter, you must file a written answer to each charge admitting or denying each allegation. If you intend to deny only part of an allegation, you must specify so much of it as is true and deny only the remainder. Your answer shall also include any other matter, whether of law or fact, upon which you intend to rely for your defense. Send your written answer to the attention of Tamika Rose, Investigator, at the above address. You may obtain legal counsel at your own expense.

FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY LEGAL REPRESENTATIVE, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF WILL BE GRANTED BY DEFAULT.

If a written answer to the Formal Charges is not received within three weeks from the date of this letter, this matter will proceed on a default basis and it will be staff's recommendation that a default order be entered revoking your license(s) and/or nurse licensure compact privilege(s) to practice nursing in the State of Texas.

The result of any disciplinary action, including any default order or formal disposition (Board Order), is public information. Dispositions, including default orders and formal dispositions, will appear in the Board's quarterly newsletter and will be reported to the National Council of State Boards of

Members of the Board

Kristin Benton, MSN, RN
Austin, President

Deborah Bell, CLU, ChFC Abitibi	Patricia Clapp, BA Dallas	Tamara Cowen, MSN, RN Hartlingen	Sheri Crosby, JD, SPHR Dallas	Martino Davis, BSN, RN, MPA Sugar Land	Richard Gibbs, LVN Mesquite
Kathy Leader-Horn, LVN Granbury	Mary M. LeBeck, MSN, RN Weatherford	Josefina Luján, PhD, RN El Paso	Beverley Jean Nutall, LVN San Antonio	Kathleen Shipp, MSN, RN, FNP San Antonio	

LORI LYNN SPINKS

May 10, 2013

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Nursing, Inc., the Healthcare Integrity and Protection Data Bank (HIPDB), and the National Practitioner Data Bank (NPDB).

Should you desire to discuss this matter, contact Tamika Rose, Investigator, at (512) 305-6812.

Sincerely,



Katherine A. Thomas, MN, RN, FAAN
Executive Director

KAT/230

Enclosure: Formal Charges

DA-2012.06.19

In the Matter of ,	§	BEFORE THE TEXAS
Permanent Vocational Nurse	§	
License Number 193310	§	
Issued to LORI LYNN SPINKS,	§	
a/k/a LORI L. KENNEDY	§	
Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, LORI LYNN SPINKS, a/k/a LORI L. KENNEDY, is a Vocational Nurse holding License Number 193310, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about August 30, 2005, Respondent submitted a Texas Online Renewal Document Registered Nurse to the Board of Nurse Examiners for the State Texas in which she provided false, deceptive, and/or misleading information, in that he/she answered "No" to the question:

"Have you been convicted, adjudicated 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) since the last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUI's, DWI's, PT'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".)"

Respondent failed to disclose that on or about April 15, 2004, Respondent pled Guilty to and was convicted of ISSUANCE OF BAD CHECK, a Class C misdemeanor offense, in the County Court at Law of Lamar County, Texas, under Cause No. 45109. As a result of the conviction, Respondent was ordered to pay a fine.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(I).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules,

22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

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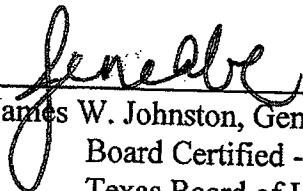
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Lying and Falsification, for Fraud, Theft and Deception, which can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Oklahoma Board Order dated September 27, 2011.

Filed this 10th day of May, 2013.

TEXAS BOARD OF NURSING


James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

John R. Griffith, Assistant General Counsel
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6811
F: (512) 305-8101 or (512)305-7401

Attachments: Oklahoma Board Order dated September 27, 2011.

D/2012.06.19

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF LORI LYNN KENNEDY JOHNSON, l.p.n.
LICENSE NO. L0044196 (LAPSED)

STIPULATION, SETTLEMENT AND ORDER

This matter comes on before the Informal Disposition Panel ("Panel") of the Oklahoma Board of Nursing ("Board") on the 12th day of September, 2011, 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 Lori Lynn Kennedy Johnson, l.p.n., (hereinafter, "Respondent") appears in person without counsel before the Panel on this date. Respondent and the Nurse Investigator participated in an investigative conference on August 29, 2011, 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's license to practice licensed practical nursing in the State of Oklahoma, being License No. L0044196 lapsed on the 1st day of September, 2005.
2. On or about December 13, 2002, misdemeanor charges were filed in the County of McCurtain, City-Town of Idabel, Case No. CM-02-923, charging Respondent with Domestic Assault and Battery. On January 14, 2003, in Order Deferring Imposition of Judgment & Sentence, Respondent entered a plea of guilty and received a one (1) year deferred sentence, ordered

to obtain domestic violence counseling, fees, fines, and court costs. The Complaint-Information, Affidavit of Probable Cause to Make Warrantless Custodial Arrest, Order Deferring Imposition of Judgment & Sentence, and Terms and Conditions of Deferred Imposition of Judgment & Sentence— Exhibit “A” are attached as Exhibit “A” and made a part hereof.

3. On or about February 12, 2003, Information: Theft by Check, was filed in County Court Lamar County, Texas, Case No. R03-188. On April 15, 2003, Respondent entered a plea of guilty and received a fine and restitution. The Information, Complaint, Affidavit for Warrant of Arrest and Detention, Plea of Guilty and Waiver, and Judgment are attached as Exhibit “B” and made a part hereof.

4. Respondent admits to falsifying her renewal submitted to the Oklahoma Board of Nursing on August 21, 2003, by not reporting the charges and sentencing.

5. On August 1, 2011, a completed Application for Reinstatement or Return to Active Status of License (“Application”) for licensed practical nursing was submitted to the Oklahoma Board of Nursing. The “Application” is attached as Exhibit “C” and made a part hereof.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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 Application for Reinstatement or Return to Active Status of License to practice licensed practical nursing filed herein by Respondent is hereby granted, but that Respondent is disciplined as follows:

1. Respondent shall, within **ninety (90) days** from the receipt of this Order, successfully complete a course on **Nursing Jurisprudence**. Respondent shall obtain Board approval

of the course prior to enrollment. Home study courses, Internet and video programs will not be approved. In order for the course to be approved, the target audience must include licensed nurses. It must be a minimum of four (4) contact hours in length. The course must include an examination of the scope of nursing practice from the Oklahoma Nursing Practice Act and Rules of the Board, other laws, policies, and accreditation guidelines that govern the practice of nursing, the role of delegation and supervision, and an exploration of the ethical basis of nursing practice. Courses focusing on malpractice issues will not be accepted. The course description must indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Respondent shall cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.

2. Respondent shall, within **ninety (90) days** from receipt of this Order, successfully complete a course on **Critical Thinking, to include moral reasoning**. Respondent shall obtain Board approval of the course prior to enrollment. Courses that exclusively include home study courses, video programs, and Internet courses will not be approved. The target audience must include licensed nurses. The course must be a minimum of eight (8) contact hours in length. The course description must indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. The course must address how nurses use critical thinking skills to make patient care decisions based on the nursing process. Respondent shall cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.

3. Within **sixty (60) days** from receipt of this Order, Respondent shall pay an **administrative penalty** to the Oklahoma Board of Nursing in the amount of **\$1,000.00**. The administrative penalty shall be paid only by certified check, money order or cash.

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 the Respondent is served by a process server the Respondent agrees to 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 **within sixty (60) days of service of the process served Order**. The process service fee shall be paid only by certified check, money order or cash to the Board.

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


IT IS FURTHER ORDERED that any failure to comply with submission of the administrative penalty, reimbursement of cost of process service, or written documentation by the due date, including but not limited to proof of successful completion of educational courses, will result in a three (3) month suspension of license. At the completion of the three month suspension, any application for reinstatement may be submitted for processing by Board Staff for approval in accordance to the agency approval process or for referral to the Board. An Administrative penalty of \$500 for each violation of Respondent's Board Order shall be paid by certified check, money order, or cash prior to reinstatement pursuant to statute, 59 O.S. §567.8.J.1. and 2, and §485:10-11-2(d) of the Rules promulgated by 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.

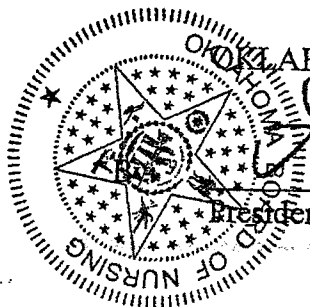
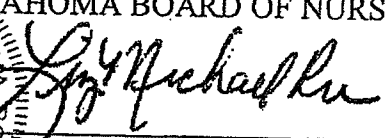
IT IS FURTHER ORDERED that this Order and reinstatement shall not be effective until the fully executed Order is received in the Board office.

IT IS FURTHER ORDERED that upon successful completion of all of the terms and conditions of this Order, no further Order of the Board shall be deemed necessary.

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 27th day of September, 2011.

 OKLAHOMA BOARD OF NURSING

President

JS:sr