



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 148716 §
issued to KIMBERLY DIANE DABNEY, a/k/a, §
KIMBERLY D. DABNEY § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of KIMBERLY DIANE DABNEY, a/k/a, KIMBERLY D. DABNEY, Vocational Nurse License Number 148716, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(2),(3)&(10), 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 August 9, 2013.

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 Navarro College, Mexia, Texas, on August 12, 1994. Respondent was licensed to practice vocational nursing in the State of Texas on September 26, 1994.
5. Respondent's vocational nursing employment history is unknown.
6. On or about June 15, 2005, Respondent entered a plea of Guilty to and was convicted of THEFT >=\$500<\$1,500 BY CHECK, a misdemeanor offense, committed on May 11, 2004,

through May 22, 2004, in the County Court at Law, Gregg County, Texas, under Cause No. 2004-5088. As a result of the conviction, Respondent was sentenced to confinement in the Gregg County Jail for a period of ninety (90) days with credit given for time served.

7. On or about December 7, 2006, Respondent entered a plea of Guilty to and was convicted of THEFT, a Class B misdemeanor offense, committed on September 9, 2006, in the County Court, Limestone County, Texas, under Cause No. 31754. As a result of the conviction, Respondent was sentenced to confinement in the Limestone County Jail for a period of one hundred eighty (180) days; however, the imposition of confinement was suspended, and Respondent was placed on probation for a period of one (1) year and ordered to pay restitution in the amount of eighty dollars and forty cents (\$80.40), along with a fine and court costs. On September 19, 2007, Respondent's probation was extended for a period of 12 (twelve) months with supervision fees and a new discharge date of December 6, 2008.
8. On or about January 30, 2007, Respondent submitted a License Renewal Form 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 charges 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 guilt. Please note that DUI's, DWIs, and PIs 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 MIPs or MICs, 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 June 15, 2005, Respondent entered a plea of Guilty to and was convicted of THEFT >=\$500<\$1,500 BY CHECK, a misdemeanor offense, committed on May 11, 2004, through May 22, 2004, in the County Court at Law, Gregg County, Texas, under Cause No. 2004-5088. As a result of the conviction, Respondent was sentenced to confinement in the Gregg County Jail for a period of ninety (90) days with credit given for time served.

Respondent also failed to disclose that, on or about December 7, 2006, Respondent entered a plea of Guilty to and was convicted of THEFT, a Class B misdemeanor offense, committed on September 9, 2006, in the County Court, Limestone County, Texas, under Cause No. 31754. As a result of the conviction, Respondent was sentenced to confinement in the Limestone County Jail; however, the imposition of confinement was suspended and Respondent was placed on probation for a period of one (1) year.

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 §217.12(6)(I)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2),(3)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 148716, heretofore issued to KIMBERLY DIANE DABNEY, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of a REMEDIAL EDUCATION AND A FINE, 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 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, 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/disciplinaryaction/stipscourses.html>

(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/disciplinaryaction/stipscourses.html>.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). 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, 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.

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

Signed this 10th day of September 2013.

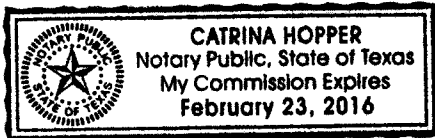
Kimberly Diane Dabney
KIMBERLY DIANE DABNEY, Respondent

Sworn to and subscribed before me this 10 day of September, 2013.

SEAL

Catrina Hopper

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 ratify and adopt the Agreed Order that was signed on the 10th day of September, 2013, by KIMBERLY DIANE DABNEY, Vocational Nurse License Number 148716, and said Order is final.

Effective this 11th day of September, 2013.



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