



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 A. Plummer*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING  
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In the Matter of § AGREED  
Vocational Nurse License Number 230212 §  
issued to KEVIN WAYNE BAKER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of KEVIN WAYNE BAKER, Vocational Nurse License Number 230212 hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.

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

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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 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 Victoria College, Victoria, Texas, on August 13, 2010. Respondent was licensed to practice vocational nursing in the State of Texas on September 21, 2010.
5. Respondent's complete vocational employment history is unknown.
6. On or about April 13, 2012, and March 30, 2012, Respondent falsified a prescription drug record by forging Dr. Mark Sevens' signature to the prescription form for Hydrocodone. An attempt to obtain a controlled substance through the use of a fraudulent prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Texas Controlled Substances Act).

7. On or about January 22, 2013, Respondent entered a plea of "Guilty" to FRAUD (A SCHEDULE III CONTROLLED SUBSTANCE), a Third Degree Felony Offense committed on April 26, 2012, in the 377<sup>th</sup> Judicial District Court, Victoria County, Texas, under Case No. 12-11-27071-D. As a result of the plea, the proceedings against the Respondent were deferred without entering an adjudication of guilt and Respondent was placed on Community Supervision for a period of five (5) years. Additionally, Respondent was ordered to pay a fine, court costs and enter into a recovery program.
8. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to chemical dependency.
9. Charges were filed on April 26, 2013.
10. Charges were mailed to Respondent on April 29, 2013.
11. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license(s) to practice nursing in the State of Texas.
12. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
13. 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.

#### 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(10)(B)&(E),(11)(B)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(3)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 230212, heretofore issued to KEVIN WAYNE BAKER, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational Nurse License Number 230212, heretofore issued to KEVIN WAYNE BAKER, to practice nursing in the State of Texas, is accepted by 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 "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying himself 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; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
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.

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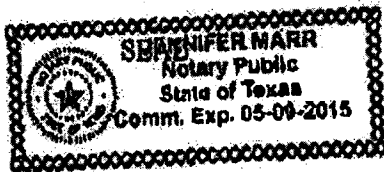
**RESPONDENT'S CERTIFICATION**

I understand that I have the right to legal counsel prior to signing this Agreed Order. 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 this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 16 day of October, 2013.

Kevin W. Baker  
KEVIN WAYNE BAKER, Respondent

Sworn to and subscribed before me this 16 day of October, 2013.



Jennifer Marr  
Notary Public in and for the State of Texas

Approved as to form and substance.

Taralynn R. Mackay  
Taralynn Mackay, RN, JD, Attorney for Respondent

Signed this 17<sup>th</sup> day of October, 2013.

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Vocational Nurse License Number 230212, previously issued to KEVIN WAYNE BAKER.

Effective this 21<sup>st</sup> day of October, 2013 .



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