



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.
William C. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of
Advanced Practice Registered Nurse License Number
Vocational Nurse License Number 130568
issued to KIM WALKER HARP

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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 130568, issued to KIM WALKER HARP, 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 is currently licensed to practice vocational nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from Texas State Technical College, Sweetwater, Texas, on August 17, 1990. Respondent was licensed to practice vocational nursing in the State of Texas on November 28, 1990.
4. Respondent's nursing employment history is unknown.
5. On or about July 14, 2006, Respondent entered a plea of Guilty and was convicted of DWI, a Class B misdemeanor offense committed on March 27, 2006, in the County Court at Law No. 1 of Grayson County, Texas, under Cause No. 20061521. As a result of the conviction, Respondent was sentenced to confinement in the Grayson County Jail for a period of one hundred eighty (180) days; however, imposition of the sentence of confinement was

suspended, and Respondent was placed on probation for a period of one (1) year, and ordered to pay a fine and court costs.

6. On or about August 14, 2013, Respondent submitted a Texas Online Renewal Document Licensed Vocational Nurse to the Texas Board of Nursing in which you answered "Yes" to the 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?"

On or about January 23, 2014, Respondent entered a plea of Guilty/Nolo Contendere and was convicted of DWI 2ND, a Class A misdemeanor offense committed on April 20, 2013, in the County Court at Law of Stonewall County, Texas, under Cause No. 6260. As a result of the conviction, Respondent was sentenced to confinement in the Stonewall County Jail for a period of ninety (90) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of twelve (12) months, and ordered to pay a fine and court costs.

7. On or about May 2, 2014, Respondent was seen by Dr. Brandon Bates, Ph.D. to undergo a Chemical Dependency Evaluation.

Dr Bates found that although the Respondent obviously has made some poor decisions while drinking alcohol in the past, there are no signs that she has had or does have a tendency to abuse alcohol on a regular basis. Moreover, based on all available data, there is no reason to believe that she has a problem with alcohol or drugs that would prevent her from practicing nursing with reasonable skill and safety to patients

8. On September 25, 2014, 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 September 23, 2014, is attached and incorporated herein by reference as part of this Order.

9. 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.
10. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to 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 and 22 TEX. ADMIN. CODE §217.12(13).
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4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 130568, heretofore issued to KIM WALKER HARP, 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, 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 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 130568, heretofore issued to KIM WALKER HARP, to practice nursing in the State of Texas, is/are 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/an 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.

Effective this 6th day of October, 2014.

TEXAS BOARD OF NURSING

By:


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