

IN THE MATTER OF
PERMANENT REGISTERED NURSE
LICENSE NUMBER 723964
ISSUED TO JENNIFER LINDSEY WHIPPLE,
RESPONDENT

§ 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 Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: JENNIFER LINDSEY WHIPPLE
5400 B STREET
LITTLE ROCK, AR 72205

During open meeting held in Austin, Texas, on **December 8, 2015**, 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 Permanent Registered Nurse License Number 723964, previously issued to JENNIFER LINDSEY WHIPPLE, 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 8th day of December, 2015.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed October 15, 2015.

d17r(2014.12.05)

Re: Permanent Registered Nurse License Number 723964
Issued to JENNIFER LINDSEY WHIPPLE
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of December, 2015, 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

JENNIFER LINDSEY WHIPPLE
5400 B STREET
LITTLE ROCK, AR 72205

BY:



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

In the Matter of § BEFORE THE TEXAS
Permanent Registered Nurse §
License Number 723964 §
Issued to JENNIFER LINDSEY WHIPPLE, §
Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JENNIFER LINDSEY WHIPPLE, is a Registered Nurse holding License Number 723964, which is in invalid 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 4, 2015, while utilizing a Privilege to Practice (PTP) nursing from the State of Arkansas, and employed with Maxim Healthcare Services, Fort Worth, Texas, Respondent attempted to submitted a urine specimen for a drug screen by using urine that she brought to the drug testing location. Respondent admitted that she brought the urine in with her. The specimen was not processed. Respondent's conduct was likely to deceive the laboratory and could have affected the company's decision to continue her employment.

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

CHARGE II.

On or about September 28, 2015, the Voluntary Surrender of Respondent's registered nurse license and Privilege to Practice in Arkansas was accepted by the Arkansas State Board of Nursing, Little Rock, Arkansas. A copy of the Arkansas State Board of Nursing's Order for Voluntary Surrender dated September 28, 2015, is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

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.

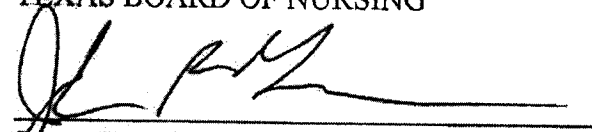
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on adopted policies related to Substance Use Disorders and Other Alcohol and Drug Related Conduct; and related to Behavior Involving Lying and Falsification, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of 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, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

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: Arkansas State Board of Nursing's Order for Voluntary Surrender dated September 28, 2015.

Filed this 15 day of October, 2015.

TEXAS BOARD OF NURSING



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

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Attachments: Arkansas State Board of Nursing's Order dated September 28, 2015.

ORDER FOR VOLUNTARY SURRENDER

IT IS SO ORDERED that the Board hereby accept the voluntary surrender of RN License No. R097407 and Privilege to Practice in Arkansas, granted to Jennifer Lindsey Whipple (hereinafter referred to as Respondent.)

Respondent understands that voluntary surrender of the license is disciplinary action and this document constitutes a final order of the Arkansas State Board of Nursing.

This Voluntary Surrender is:

- Public information,
- Made a part of Respondent's record,
- Scheduled to be reported in the ASBN newsletter,
- Reported to the National Council of State Boards of Nursing Disciplinary Data Bank, and
- Reported to the National Practitioner Data Bank.

A written request and appropriate documentation must be submitted to the Board's General Counsel for consideration of reinstatement. Documentation requirements will vary dependent upon each Respondent's circumstance. Appropriate documentation may include but is not limited to:

- Medical Records;
- Addiction/Abuse treatment records or a current addiction psychological or addiction evaluation obtained within the last six (6) months with recommendations for continued sobriety and a statement that the licensee is safe to practice;
- Drug screens through a Board approved lab monitoring company for three (3) or more consecutive months that are negative for controlled or abuse potential substances;
- Criminal Background Check and criminal records; and
- Employment Records and employer recommendations.

Nurses reinstating a nursing license to active status after the expiration date of the current license shall document completion of continuing education as required by the Board.

On the backside of this form, please explain the reason for your voluntary surrender.

Respondent may apply for reinstatement of said license after one (1) year provided there are no other violations of the Nurse Practice Act.


Respondent Signature

Date

ARKANSAS STATE BOARD OF NURSING

By: 

Sue A. Tedford, MNSc, RN, Executive Director

Dated: 

I am an addict. I need
help.

Jennifa Whipple, RN 9/25/15

I never gave a false urine in
Texas. I told the girl I brought
some in, but I did not use it.

I gave her my own urine,
she dumped it in trash.

J. Whipple, RN