



BOARD OF VOCATIONAL NURSE EXAMINERS
 333 GUADALUPE STREET, SUITE 3-400
 AUSTIN, TEXAS 78701
 512/305-8100



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.
Kathleen S. Davies
 Executive Director of the Board

June 7, 2001

LEA ANN POOLE
 RT 1 BOX 202P
 MINEOLA TX 75773

Certified Mail No. 7099 3220 0002 2847 5037

Dear Ms. Poole:

Enclosed please find a sworn Complaint which has been filed against you alleging one or more statutory violations or grounds to take disciplinary action against you as a vocational nurse licensed under the Texas Occupations Code, Chapter 302.

Pursuant to the Board of Vocational Nurse Examiners' Rules, you are hereby offered the opportunity to schedule an Informal Conference, to be conducted at the Board's office, to discuss possible agreed resolution of this matter, in whole or in part. You may be represented by an attorney at the Informal Conference, or you may appear without an attorney. The dates of the Informal Conference are July 9 – 11, 2001.

You must file a "written answer to appear" within twenty (20) days from the date of this correspondence. You may file your answer via FAX (512) 305-8101, U.S. Mail and/or telephone Kathleen S. Davies, Supervising Investigator, at (512) 305-7663, **no later than June 28, 2001**, to schedule your Informal Conference. Docket times are assigned by the Board staff. Be advised that conferences may not be held on the last day indicated, if we anticipate that we will not have enough cases to fill the docket.

You must arrive at the Board office at least thirty (30) minutes prior to the scheduled time in order to meet with your case investigator. Please bring with you a valid form of picture identification (Drivers License, I.D. Card, etc.).

A copy of the Board's rules pertaining to Informal Conferences is enclosed. The proceedings relating to the Informal Conference are confidential and your statements made at the conference will not be offered as evidence to support the allegations in the Complaint. However, if an Agreed Order is proposed as a result of the Informal Conference, it will become a public record if accepted and ratified by the Board of Vocational Nurse Examiners.

Due to security concerns, purses, briefcases, backpacks, etc., will not be allowed into the conference chambers. (Attorneys are exempt from this requirement). Please make prior arrangements for the safekeeping of your personal belongings, as the Board will not be responsible for these items.

LEA ANN POOLE
June 7, 2001
Page 2

FIREARMS ARE NOT PERMITTED IN THE BOARD OF VOCATIONAL NURSE EXAMINERS OFFICES AND/OR HEARING CHAMBERS.

FAILURE TO ANSWER THIS NOTICE OF COMPLAINT WILL RESULT IN THE ALLEGATIONS AGAINST YOU THAT ARE SET OUT IN THE NOTICE OF COMPLAINT BEING DEEMED ADMITTED AS TRUE. IN ADDITION, YOUR OPPORTUNITY TO OBJECT TO THE PROPOSED SANCTIONS AND YOUR OPPORTUNITY FOR HEARING ON THE COMPLAINT SHALL BE DEEMED TO HAVE BEEN WAIVED.

Should you have questions regarding the Informal Conference procedure, please contact the Enforcement Division (512) 305-7663.

Sincerely,

Kathleen Davies
Kathleen Davies, Supervisor
Regulatory Law Enforcement

KSD/ch

Enclosure: Complaint, Informal Conference Rules, Board Location Map

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Name (Please Print Clearly) (To be completed by mailer)

Lea Ann Poole

Street, Apt. No.; or PO Box No.

Rt 1 Box 202 P

City, State, ZIP+4

Minneapolis, TX 75773

PS Form 3800, July 1999

See Reverse for Instructions

7099 3220 0002 2647 5037

BOARD OF VOCATIONAL NURSE
EXAMINERS

VS.

LEA ANN POOLE

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STATE OF TEXAS

COUNTY OF TRAVIS

COMPLAINT

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Clifford F. Lemke, who after being by me duly sworn, did depose and say:

As an Investigator for the Board of Vocational Nurse Examiners, I, Clifford F. Lemke, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against LEA ANN POOLE, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 145262, hereinafter called Respondent.

I.

- a. Respondent was employed as a Licensed Vocational Nurse with Children's Place in Tyler, Texas from about April 4, 1998, through about May 16, 2000.
- b. While so employed with said facility, on or about April 8, 2000 Respondent was assigned to the care of resident K.Y. While so assigned to the care of K.Y. Respondent on April 8, 2000, was mentally/emotionally and verbally abusive to said resident.
- c. Respondent on April 8, 2000, stripped resident K.Y. of her urine soaked panties and made said resident smell them. Furthermore, as Respondent had resident K.Y. smell the panties, she abrasively scolded said resident for her urine release. Subsequently, Respondent was terminated for her abuse.

COMPLAINT

RE: LEA ANN POOLE, LVN #145262

PAGE: 2

d. Also, Respondent while employed with said facility had been suspended with pay for alleged allegations of resident abuse, by letter dated January 20, 2000. However, Respondent's employment was reinstated, as the alleged allegations of abuse remained unconfirmed.

II.

The foregoing acts constitute unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public, in violation of the Texas Occupations Code, Chapter 302, Section 302.402 (a) (10) and Rule 239.11 of the Rules and Regulations of the Board of Vocational Nurse Examiners, Title 22, Texas Administrative Code. Rule 239.11, provides in pertinent part: that "Unprofessional Conduct" shall include, but not be limited to:

(27) failing to conform to the minimal standards of acceptable prevailing practice, regardless of whether or not actual injury to any person was sustained, including but not limited to:

(F) causing or permitting physical, sexual, emotional, or verbal abuse or injury to the patient/client or the public, or failing to report same to the employer, appropriate legal authority and/or licensing board.

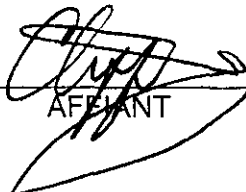
III.

The foregoing acts constitute grounds for the Board of Vocational Nurse Examiners to take disciplinary action as provided under the Texas Occupations Code, Chapter 302, Licensed Vocational Nurse, Section 302.403 and Section 302.451, relief such as revocation, suspension, suspension with probation, reprimand, warning, denial of licensure and/or imposition of administrative penalties (fines), may be recommended by the Board. Pursuant to Board Rule

COMPLAINT
RE: LEA ANN POOLE, LVN #145262
PAGE: 3


239.19 the Board may assess penalties (fines), in the minimum amount of two hundred fifty dollars (\$250.00), not to exceed two thousand dollars (\$2,000.00).

WHEREFORE, PREMISES CONSIDERED, I, Clifford F. Lemke, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against LEA ANN POOLE, LVN #145262, in accordance with the provisions of the laws of the State of Texas.

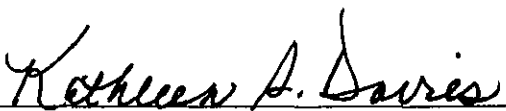

AFFIDANT

SUBSCRIBED AND SWORN TO BEFORE ME by the said Clifford F. Lemke, on this the 7th day of June, 2001.




NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Filed with the Board of Vocational Nurse Examiners on the 7th day of June, 2001.


Kathleen S. Davies, Supervisor
Enforcement Division
Board of Vocational Nurse Examiners

BOARD OF VOCATIONAL NURSE
EXAMINERS

VS.

LEA ANN POOLE

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* 145262
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NOTICE

Notice is hereby given in the above-referenced and styled cause of action that a hearing will be held before the Executive Director with the Board of Vocational Nurse Examiners (hereinafter "BVNE"), pursuant to the Texas Occupations Code, Chapter 302, from July 9 – 11, 2001 at the William P. Hobby Building, Tower 3, 4th Floor, Suite 400, Austin, Texas.

The purpose of said hearing will be to determine whether LEA ANN POOLE has violated the Texas Occupations Code, Chapter 302, by engaging in the alleged acts described in the *Complaint filed and served on Respondent/Applicant, and which is incorporated herein for all purposes*. In addition, should the Complaint contain an allegation regarding any felony or misdemeanor conviction you may have, the hearing shall also serve the purpose of determining whether or not the BVNE, can take disciplinary action against your license pursuant to the Texas Occupations Code, Chapter 53, § 53.021.

The hearing is being conducted under authority of the Texas Occupations Code and the Administrative Procedure Act, TEX. GOV'T CODE, ANN., Chapter 2001 (Vernon's Supp. 1998).

The Complaint is based on information received by the Board. You are hereby notified that such documentation, which may include certified business records submitted to the Board, is now on file and available for your inspection at the Board office during regular business hours prior to said hearing.

When applicable, the staff will propose that the Executive Director take official notice of the following: Federal and/or State Drug Laws, relating to medical practice, the Physician's Desk Reference, the Encyclopedia and Dictionary of Medicine and Nursing, and former Orders of the Board.


NOTICE
RE: LEA ANN POOLE, LVN #145262
PAGE 2

According to the provisions of the aforementioned authority, you have the right to be present at the hearing and to be represented by counsel. You may also present and introduce evidence by testimony, documentation, or any other offer of proof as prescribed by the Rules of Evidence of the courts of this State in refuting the aforesaid charges.

Pursuant to the Texas Occupations Code, Chapter 302, Section 302.403 and Section 302.451, relief such as revocation, suspension, suspension with probation, reprimand, warning, denial of licensure and/or imposition of administrative penalties (fines), may be recommended by the Board. Pursuant to Board Rule 239.19 the Board may assess penalties (fines), in the minimum amount of two hundred fifty dollars (\$250.00), not to exceed two thousand dollars (\$2,000.00).

PURSUANT TO BVNE RULE 239.44 (A) (7), YOUR FAILURE TO FILE A WRITTEN ANSWER TO APPEAR WILL RESULT IN THE ALLEGATIONS AGAINST YOU THAT ARE SET OUT IN THE NOTICE OF COMPLAINT BEING DEEMED ADMITTED AS TRUE. IN ADDITION YOUR OPPORTUNITY TO OBJECT TO THE PROPOSED SANCTIONS AND YOUR OPPORTUNITY FOR HEARING ON THE COMPLAINT SHALL BE DEEMED TO HAVE BEEN WAIVED. THE RELIEF SOUGHT IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT.

THE WRITTEN ANSWER OR OTHER RESPONSIVE PLEADING MUST BE FILED WITH THE BOARD OF VOCATIONAL NURSE EXAMINERS, 333 GUADALUPE, SUITE 3-400, AUSTIN, TEXAS 78701 VIA MAIL; OR FAXED TO (512) 305-8101; OR TELEPHONE THE SUPERVISOR OF THE ENFORCEMENT DIVISION (512) 305-7663; WITHIN TWENTY (20) DAYS (FROM THE DATE INDICATED ON THE ENCLOSED COVER LETTER).



Kathleen S. Davies, Supervisor
Enforcement Division
Board of Vocational Nurse Examiners

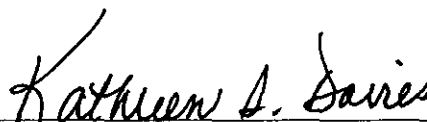
ENCLOSURE: BVNE ANSWER TO APPEAR

COMPLAINT/NOTICE INFORMAL CONFERENCE
RE: LEA ANN POOLE, LVN #145262
PAGE: 3

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of June, 2001, a true and correct copy of the foregoing complaint/notice was served by placement in the U.S. Mail, first class and certified return receipt, and addressed to the following person(s):

LEA ANN POOLE
RT 1 BOX 202P
MINEOLA TX 75773



Kathleen S. Davies, Supervisor
Enforcement Division
Agent for the Board of Vocational Nurse Examiners

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Lea Ann Poole JUN 20 2001
Rt 1 BOX 202 P
Mineola, TX 75773

2. Article Number (Copy from service label)

7099 3220 0002 2847 5037

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Lea A Poole JUN 15 2001

C. Signature

X Lea A Poole Agent Addressee

D. Is delivery address different from item 1? Yes

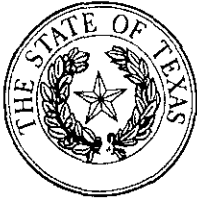
If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

CL/July Informal



BOARD OF VOCATIONAL NURSE EXAMINERS
333 GUADALUPE STREET, SUITE 3-400
AUSTIN, TEXAS 78701
512/305-8100

September 14, 2001

LEA POOLE
RT 1 BOX 202P
MINEOLA TX 75773

Dear Ms. Poole:

The enclosed Agreed Board Order has been ratified by the Board of Vocational Nurse Examiners, and it is now in effect. Your probation is subject to certain conditions as outlined in the Agreed Board Order.

The reports that are due from your nursing supervisor(s) on a **monthly** basis for the first three (3) months of probation are due on the following dates, to-wit:

October 10, 2001 – December 10, 2001

Thereafter and throughout the remainder of probation, reports are due by your nursing supervisor(s) on a quarterly basis on the following dates to-wit:

March 10, 2002
June 10, 2002
September 10, 2002

It is also stipulated that you pay a probation monitoring fee in the amount of thirty (\$30.00) dollars on a quarterly basis on the 15th of each quarter on the following dates to-wit:

December 15, 2001
March 15, 2002
June 15, 2002
September 15, 2002

It is **your responsibility** to insure that the required reports are submitted to the Board office, on time, and without reminders.

Any period(s) of unemployment must be documented in writing and submitted directly to the Board office as stipulated in the Board Order. Non-compliance with this Order, or violation of the Texas Occupations Code, may result in a more severe sanction.

If you have any questions concerning this matter, please contact the Enforcement Division.

Sincerely,

A handwritten signature in cursive script that reads "Cora Clay".

Cora Clay, R.N.
Executive Director

CC/ch
Enclosure: Agreed order and Probation Documentation

BOARD OF VOCATIONAL
NURSE EXAMINERS

VS

LEA ANN POOLE

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STATE OF TEXAS

COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the matter of vocational nurse license number 145262, held by LEA ANN POOLE hereinafter called Respondent.

A sworn Complaint has been filed and served on the Respondent, which alleges violations of the Texas Occupations Code, Chapter 302, and grounds to take disciplinary action against Respondent.

An informal conference was held on July 9, 2001, at the office of the Board of Vocational Nurse Examiners. The conference was conducted by Betty Sims, R.N., MSN, Hearing Officer, assisted by Wendy Prather Dear, member of the Board of Vocational Nurse Examiners. Respondent was present and was not represented by counsel.

The conference was attended by Clifford F. Lemke, Investigator for the Board, and Courtney Newton, Assistant Attorney General. By their notarized signature on this Order, Respondent does hereby waive the right to Notice of Formal Hearing and a Formal Hearing of the Complaint before the Board, and to judicial review of this disciplinary action after this Order is endorsed by the Board.

AGREED BOARD ORDER
RE: LEA ANN POOLE, LVN#145262
PAGE 2

After reviewing the Complaint and information provided at the informal conference, Respondent agrees to the entry of an Order dispensing with the need for further proceedings on the Complaint. By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the allegations stated in the Complaint. By Respondent's signature on this Order, Respondent acknowledges that they have read and understood this Order and have approved it for consideration by the Board. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED, that license number 145262, heretofore issued to LEA ANN POOLE to practice vocational nursing in the State of Texas be, and the same is hereby Suspended, with said suspension stayed and placed on probation for a period of one (1) year.

The probation of said license is subject to the following stipulations, to wit:

1. That if Respondent's place of employment, name, address or telephone number changes, Respondent is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said notification shall be in the form of a written letter or report.
2. That Respondent shall comply with Federal, State, and local laws, and all the provisions of the Texas Occupations Code and Rules and Regulations of the Board.
3. That Respondent shall not practice nursing in a Nurse Licensure Compact remote state without obtaining prior written authority of both the BVNE and the Board of Nursing of the remote state.

4. That by copy of this Board Order, Respondent shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.

5. That Respondent shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a monthly basis for the first three (3) months of probation. Thereafter, and throughout the remainder of said probation, Respondent shall be responsible for causing his/her immediate nursing supervisor (s) to submit satisfactory reports directly to the Board office on a quarterly basis. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.

6. That any period(s) of nursing unemployment must be documented in writing by Respondent and submitted to the Board office, as provided in Stipulation No. five.

7. That if Respondent is employed as a private duty, temporary agency, or home health nurse, Respondent shall cause his/her nurse supervisor(s) to conduct and document weekly supervisory reviews and/or supervised visits of all medical records of patients assigned to Respondent. While so employed, Respondent shall be responsible for causing his/her nurse supervisor(s) to submit said required documentation in the form of satisfactory reports directly to the Board office, as provided in Stipulation No. five.

8. That Respondent shall successfully complete a **Stress Management** course or seminar (a minimum of 8 hours in length), and submit documentation of successful course completion of the Board office within the first year of probation. Respondent shall be responsible for locating said course/seminar and obtaining prior written approval of board staff prior to committing to said course/seminar. The expense of said course/seminar shall be borne by Respondent. Failure to successfully complete said course/seminar within the time frame stipulated, shall be considered a violation of probation.

9. That Respondent shall successfully complete nursing program courses(s) encompassing the following areas of study: **Legal Aspects of Nursing** (to include Charting, & Patient Confidentiality), **Nursing Ethics**, **Crossing Professional Boundaries** (instructions provided by the BVNE), and submit documentation of successful course completion to the Board office within the first year of probation. Respondent shall be responsible for locating said course(s) and obtaining prior written approval of Board staff prior to committing to said course(s). Said course(s) shall be through correspondence (through a recognized provider), in-house at a community college, university or nursing program, and/or tutored by a state approved, licensed nursing program faculty member. The expense of said course(s) shall be borne by Respondent. Failure to successfully complete said course(s) within the time frame stipulated, shall be considered a violation of probation.

AGREED BOARD ORDER
RE: LEA ANN POOLE, LVN#145262
PAGE 4

10. That Respondent pay a Probation Monitoring fee in the amount of thirty (\$30.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said fee shall be paid quarterly, due on the 15th of each quarter commencing the quarter following the date of the Board's ratification of the Order, and continuing thereafter until the successful completion of Respondent's probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners", 333 Guadalupe, Suite 3-400, Austin, TX 78701. Failure by Respondent to make any quarterly payment on time shall constitute a violation of probation.

11. That Respondent shall pay a license re-issue fee in the amount of twenty (\$20.00) dollars in the form of cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said re-issue license will be marked "**PROBATION**". Said fee shall be made not later than thirty (30) days following the date of the commencement of probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners", 333 Guadalupe, Suite 3-400, Austin, TX 78701. Failure by Respondent to return said license or pay said fee shall constitute a violation of probation.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until ratified by a majority of the Board present and voting, at its next regularly called session.

Dated this the 9th day of July, 2001.

Lea A Poole,

Signature of Respondent

Rt 1 Box 202-P

Current Address

Mineola, Tx 75473

City, State and Zip

903 / 769-4751

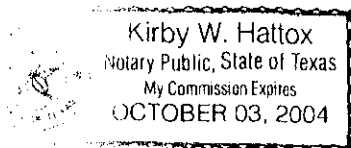
Area Code and Telephone Number


AGREED BOARD ORDER
RE: LEA ANN POOLE, LVN#145262
PAGE 5

The State of Texas
County of TRAVIS

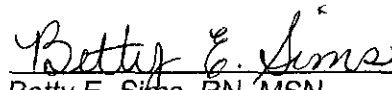
Before me, the undersigned authority, on this day personally appeared LEA ANN POOLE who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me this the 9th day of July, 2001.



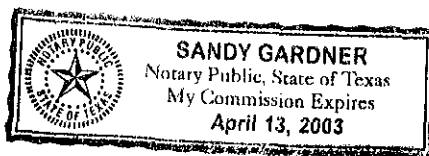



NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 10/3/4



Betty E. Sims, RN, MSN
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 9th day of July, 2001.





NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

BOARD ORDER
RE: LEA ANN POOLE, LVN #145262
PAGE: 6

WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Board Order notarized on the 9th day of July, 2001 by Respondent, license number 145262 and that Said Order is Final.

Effective this 10th day of September, 2001

A handwritten signature in cursive script, reading "Cora Clay", is written over a horizontal line.

Cora Clay, R.N.
Executive Director
On Behalf of Said Board

BOARD ORDER

RE: LEA ANN POOLE, LVN #145262

PAGE: 7

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of September, 2001, a true and correct copy of the foregoing **BOARD ORDER** was served by placement in the U.S. Mail, first class, and addressed to the following person(s):

LEA ANN POOLE
RT 1 BOX 202P
MINEOLA, TX 75773



Cora Clay, R.N.
Executive Director
Agent for the Board of Vocational Nurse Examiners



BOARD OF VOCATIONAL NURSE EXAMINERS
333 GUADALUPE STREET, SUITE 3-400
AUSTIN, TEXAS 78701
(512) 305-8100

January 6, 2003

LEA POOLE
PO BOX 130514
TYLER TX 75713

Certified Mail No. 7002 0860 0007 8848 3294

Dear Ms. Poole:

Enclosed please find a sworn Complaint which has been filed against you alleging one or more statutory violations or grounds to take disciplinary action against you as a vocational nurse licensed under the Texas Occupations Code, Chapter 302.

Pursuant to the Board of Vocational Nurse Examiners' Rules, you are hereby offered the opportunity to schedule an Informal Conference, to be conducted at the Board's office, to discuss possible agreed resolution of this matter, in whole or in part. You may be represented by an attorney at the Informal Conference, or you may appear without an attorney. The date of the Informal Conference is February 6, 2003.

You must file a "written answer to appear" within twenty (20) days from the date of this correspondence. You may file your answer via FAX (512) 305-8101, U.S. Mail and/or telephone Kirby W. Hattox, Supervising Investigator, at (512) 305-7664, **no later than** January 30, 2003, to schedule your Informal Conference. Docket times are assigned by the Board staff.

You must arrive at the Board office at least thirty (30) minutes prior to the scheduled time in order to meet with your case investigator. Please bring with you a valid form of picture identification (Drivers License, I.D. Card, etc.).

A copy of the Board's rules pertaining to Informal Conferences is enclosed. The proceedings relating to the Informal Conference are confidential and your statements made at the conference will not be offered as evidence to support the allegations in the Complaint. However, if an Agreed Order is proposed as a result of the Informal Conference, it will become a public record if accepted and ratified by the Board of Vocational Nurse Examiners.

Due to security concerns, purses, briefcases, backpacks, etc., will not be allowed into the conference chambers. (Attorneys are exempt from this requirement). Please make prior arrangements for the safekeeping of your personal belongings, as the Board will not be responsible for these items.

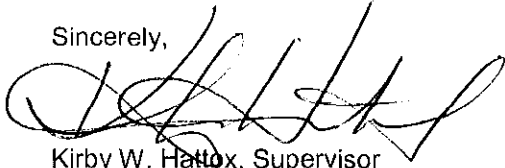
FIREARMS ARE NOT PERMITTED IN THE BOARD OF VOCATIONAL NURSE EXAMINERS OFFICES AND/OR HEARING CHAMBERS.

Lea Poole
January 6, 2003
Page 2

FAILURE TO ANSWER THIS NOTICE OF COMPLAINT WILL RESULT IN THE ALLEGATIONS AGAINST YOU THAT ARE SET OUT IN THE NOTICE OF COMPLAINT BEING DEEMED ADMITTED AS TRUE. IN ADDITION, YOUR OPPORTUNITY TO OBJECT TO THE PROPOSED SANCTIONS AND YOUR OPPORTUNITY FOR HEARING ON THE COMPLAINT SHALL BE DEEMED TO HAVE BEEN WAIVED.

Should you have questions regarding the Informal Conference procedure, please contact the Enforcement Division (512) 305-7664.

Sincerely,



Kirby W. Hattox, Supervisor
Enforcement Division

KWH/ch

Enclosure: Complaint, Informal Conference Rules, Board Location Map

cc: Regular Mail

7002 0860 0007 8848 3294	U.S. Postal Service CERTIFIED MAIL REC (Domestic Mail Only; No In	
	OFFICE	
	Postage	\$ _____
	Certified Fee	_____
	Return Receipt Fee (Endorsement Required)	_____
	Restricted Delivery Fee (Endorsement Required)	_____
Total Postage & Fees	\$ _____	
Sent To		
Lea Poole		
Street, Apt. No., or PO Box No. P.O. Box		
City, State, ZIP+4 Tyler, T		
PS Form 3800, April 2002		

BOARD OF VOCATIONAL NURSE
EXAMINERS

VS.

LEA POOLE

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* 145262
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NOTICE

Notice is hereby given in the above-referenced and styled cause of action that a hearing will be held before the Executive Director with the Board of Vocational Nurse Examiners (hereinafter "BVNE"), pursuant to the Texas Occupations Code, Chapter 302, on February 6, 2003 at the William P. Hobby Building, Tower 3, 4th Floor, Suite 400, Austin, Texas.

The purpose of said hearing will be to determine whether LEA POOLE has violated the Texas Occupations Code, Chapter 302, by engaging in the alleged acts described in the Complaint filed and served on Respondent/Applicant, and which is incorporated herein for all purposes. In addition, should the Complaint contain an allegation regarding any felony or misdemeanor conviction you may have, the hearing shall also serve the purpose of determining whether or not the BVNE, can take disciplinary action against your license pursuant to the Texas Occupations Code, Chapter 53, § 53.021.

The hearing is being conducted under authority of the Texas Occupations Code and the Administrative Procedure Act, TEX. GOV'T CODE, ANN., Chapter 2001 (Vernon's Supp. 1998).

The Complaint is based on information received by the Board. You are hereby notified that such documentation, which may include certified business records submitted to the Board, is now on file and available for your inspection at the Board office during regular business hours prior to said hearing.

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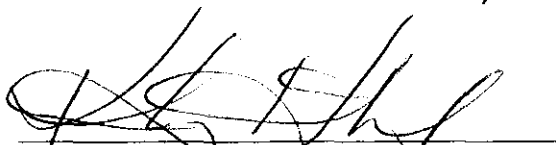
NOTICE
RE: LEA POOLE, LVN #145262
JANUARY 6, 2003
PAGE 2

According to the provisions of the aforementioned authority, you have the right to be present at the hearing and to be represented by counsel. You may also present and introduce evidence by testimony, documentation, or any other offer of proof as prescribed by the Rules of Evidence of the courts of this State in refuting the aforesaid charges.

Pursuant to the Texas Occupations Code, Chapter 302, Section 302.403 and Section 302.451, relief such as revocation, suspension, suspension with probation, reprimand, warning, denial of licensure and/or imposition of administrative penalties (fines), may be recommended by the Board. Pursuant to Board Rule 239.19 the Board may assess penalties (fines), in the minimum amount of two hundred fifty dollars (\$250.00), not to exceed two thousand dollars (\$2,000.00).

PURSUANT TO BVNE RULE 239.44 (A) (7), YOUR FAILURE TO FILE A WRITTEN ANSWER TO APPEAR WILL RESULT IN THE ALLEGATIONS AGAINST YOU THAT ARE SET OUT IN THE NOTICE OF COMPLAINT BEING DEEMED ADMITTED AS TRUE. IN ADDITION YOUR OPPORTUNITY TO OBJECT TO THE PROPOSED SANCTIONS AND YOUR OPPORTUNITY FOR HEARING ON THE COMPLAINT SHALL BE DEEMED TO HAVE BEEN WAIVED. THE RELIEF SOUGHT IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT.

THE WRITTEN ANSWER OR OTHER RESPONSIVE PLEADING MUST BE FILED WITH THE BOARD OF VOCATIONAL NURSE EXAMINERS, 333 GUADALUPE, SUITE 3-400, AUSTIN, TEXAS 78701 VIA MAIL; OR FAXED TO (512) 305-8101; OR TELEPHONE THE SUPERVISOR OF THE ENFORCEMENT DIVISION (512) 305-7663; WITHIN TWENTY (20) DAYS (FROM THE DATE INDICATED ON THE ENCLOSED COVER LETTER).



Kirby W. Hattox, Supervisor
Enforcement Division
Board of Vocational Nurse Examiners

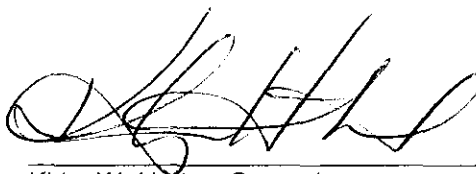
ENCLOSURE: BVNE ANSWER TO APPEAR

COMPLAINT/NOTICE INFORMAL CONFERENCE
RE: LEA POOLE, LVN #145262
PAGE: 3

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of January, 2003, a true and correct copy of the foregoing complaint/notice was served by placement in the U.S. Mail, first class and certified return receipt, and addressed to the following person(s):

LEA POOLE
PO BOX 130514
TYLER TX 75713



Kirby W. Hattox, Supervisor
Enforcement Division
Agent for the Board of Vocational Nurse Examiners

BOARD OF VOCATIONAL NURSE
EXAMINERS

VS.

LEA POOLE

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STATE OF TEXAS

COUNTY OF TRAVIS

COMPLAINT

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Carolyn Hudson, who after being by me duly sworn, did depose and say:

As an Investigator for the Board of Vocational Nurse Examiners, I, Carolyn Hudson, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against LEA POOLE, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 145262, hereinafter called Respondent.

I.

- a. On September 10, 2001, the Board of Vocational Nurse Examiners ratified an Agreed Board Order in which Respondent's license to practice Vocational Nursing in the State of Texas was suspended, with said suspension stayed and placed on probation for a period of one (1) year.
- b. Said Order stipulated, in part, that Respondent shall successfully complete nursing program courses(s) encompassing the following areas of study: Legal Aspects of Nursing, Nursing Ethics, and Crossing Professional Boundaries and submit documentation of successful course completion to the Board office within the first year of probation.
- c. On September 12, 2002, the Board office received a request for an extension to complete the required nursing courses. The Board office granted Respondent an extension to November 30, 2002, to complete the required nursing courses.
- d. Respondent has failed to obtain prior written approval to commit to said courses in order to complete the required nursing courses by the due date of November 30, 2002.
- e. By said conduct Respondent has violated the terms of her probation.

COMPLAINT
RE: LEA POOLE, LVN #145262
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II.

Respondent has violated the Texas Occupations Code, a rule or order issued under this code, contrary to the Texas Occupations Code, Chapter 302, Section 302.402 (a) (1).

III.

The foregoing acts constitute grounds for the Board of Vocational Nurse Examiners to take disciplinary action as provided under the Texas Occupations Code Chapter 302, Licensed Vocational Nurse, Section 302.403 and Section 302.451, relief such as revocation, suspension, suspension with probation, reprimand, warning, denial of licensure and/or imposition of administrative penalties (fines), may be recommended by the Board. Pursuant to Board Rule 239.19 the Board may assess penalties (fines), in the minimum amount of two hundred fifty dollars (\$250.00), not to exceed two thousand dollars (\$2,000.00).

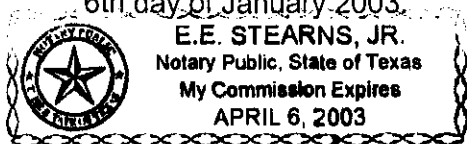
WHEREFORE, PREMISES CONSIDERED, I, Carolyn Hudson, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against LEA POOLE, LVN # 145262, in accordance with the provisions of the laws of the State of Texas.



AFFIANT

COMPLAINT
RE: LEA POOLE, LVN #145262
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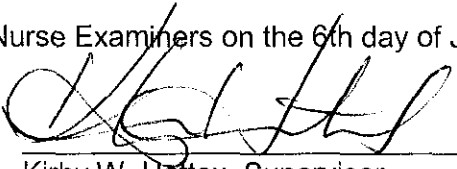
SUBSCRIBED AND SWORN TO BEFORE ME by the said Carolyn Hudson, on this the
6th day of January 2003.





NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Filed with the Board of Vocational Nurse Examiners on the 6th day of January 2003.



Kirby W. Hattox, Supervisor
Enforcement Division
Board of Vocational Nurse Examiners



BOARD OF VOCATIONAL NURSE EXAMINERS
333 GUADALUPE STREET, SUITE 3-400
AUSTIN, TEXAS 78701
(512) 305-8100

January 23, 2003

LEA POOLE
PO BOX 130514
TYLER TX 75713

Dear Ms. Poole:

You have successfully completed your term of probation as stipulated by the Board of Vocational Nurse Examiners.

All pertinent information will remain in your permanent records. We urge you in the future to promote and uphold the ethical standards a Licensed Vocational Nurse should practice.

If you have any questions concerning this matter, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Carolyn Hudson".

Carolyn Hudson
Probation Monitor, Enforcement Division

/ch