



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.
Judith A. Roman
Executive Director of the Board

DOCKET NUMBER 507-12-4150

**IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 98474
ISSUED TO
JUDY ANN MOMAN**

§
§
§
§
§

**BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS**

OPINION AND ORDER OF THE BOARD

**TO: JUDY ANN MOMAN
18959 LINA ST, #1403
DALLAS, TX 75287**

**RENEE M. RUSCH
ADMINISTRATIVE LAW JUDGE
300 WEST 15TH STREET
AUSTIN, TEXAS 78701**

At the regularly scheduled public meeting on July 19-20, 2012, the Texas Board of Nursing (Board) considered the following items: (1) Order Number 1, *Announcing Default*, issued by the Administrative Law Judge (ALJ) in the above cited matter; (2) Order Number 2, *Dismissal Order*, issued by the ALJ in the above cited matter; (3) Staff's recommendation that the Board revoke the Respondent's vocational nursing license by default; and (4) Respondent's recommendation to the Board regarding the above cited matter, if any.

On April 26, 2012, the ALJ convened a hearing on the merits in this matter. Staff of the Board was present for the hearing. However, the Respondent was not present at the hearing, and no one appeared on her behalf. During the hearing on April 26, 2012, Staff introduced evidence into the record demonstrating that Respondent had been sent a Notice of Hearing by first class certified mail return receipt requested to her last known address of record¹ maintained by the Board in accordance with 22 Tex. Admin. Code §213.10(a). The ALJ found that Staff's notice was adequate, granted Staff's Motion for Default, and issued Order No. 1, announcing the Respondent's default and providing the Respondent an opportunity to file a motion to set aside the default. The Respondent did not file a motion to set aside the default within the time frame ordered by the ALJ, and, on May 11, 2012, the ALJ issued Order No. 2, dismissing the case from the docket of the State Office of Administrative Hearings (SOAH) and remanding it to the Board for informal disposition on a default basis in accordance with the Government Code §2001.056.

The Board, after review and due consideration of Order Number 1, *Announcing Default*, and Order Number 2, *Dismissal Order*, finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with the Government Code §2001.054(c) and Respondent has been given an opportunity to

¹ Evidence was also introduced showing that an investigatory notice letter was sent to the same address of record and was received by the Respondent at that address. Formal Charges and a Notice of Hearing were also sent to the same address of record, but were returned as "unclaimed".

show compliance with all the requirements of the Occupations Code Chapter 301 (Nursing Practice Act) for retention of Respondent's license to practice vocational nursing in the State of Texas. The Board further finds that the Formal Charges were properly initiated and filed in accordance with the Occupations Code §301.458. The Board further finds that proper and timely notice regarding the violations alleged in the Formal Charges was given to Respondent in accordance with the requirements of the Government Code §2001.051 and §2001.052 and 1 Tex. Admin. Code §155.501. The Board further finds that the Respondent failed to appear in accordance with 22 Tex. Admin. Code Chapter 213 and 1 Tex. Admin. Code §155.501. As a result of the Respondent's failure to appear, the Board has determined that the factual allegations listed in the Notice of Hearing and Formal Charges are to be deemed admitted and the Board is authorized to enter a default order against the Respondent pursuant to the Government Code §2001.056 and 22 Tex. Admin. Code §213.16. Further, the Board has determined that it is entitled to revoke the Respondent's vocational nursing license pursuant to 22 Tex. Admin. Code §213.33(m).

Therefore, the Board hereby adopts the factual allegations, which have been deemed admitted, and the conclusions of law contained in the Formal Charges, which are attached hereto and incorporated herein by reference for all purposes, and 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 in accordance with the Government Code Chapter 2001 and 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.

IT IS, THEREFORE, ORDERED THAT Permanent Certificate Number 98474, previously issued to JUDY ANN MOMAN, to practice nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privileges, if any, to practice nursing in the State of Texas.



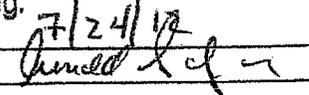
Entered this 19th day of July, 2012.

TEXAS BOARD OF NURSING


KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR FOR THE BOARD

Attachment: Proposal for Decision; Docket No. 507-12-4150 (May 11, 2012).

I certify this to be a true copy of the records on file with the Texas Board of Nursing.

Date: 7/24/12
Signed: 

In the Matter of Permanent License § BEFORE THE TEXAS
Number 98474, Issued to §
JUDY ANN MOMAN, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JUDY ANN MOMAN, is a Vocational Nurse holding license number 98474, which is in current 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 March 3, 2009, Respondent entered a plea of Guilty and was convicted of ASSAULT (a 3rd Degree Felony offense committed on April 27, 2008, reduced to a lesser Class A Misdemeanor offense), in 173rd District Court of Athens, Texas, under Cause No. C16511. As a result of the conviction, Respondent was sentenced to confinement in the Henderson County Justice Center for a period of three hundred sixty-five (365) days; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of one (1) year. Additionally, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and is a violation of 22 Tex. Admin. Code §217.12(13).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license 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.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct, which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated June 11, 1996 and Agreed Order dated June 2, 2008.

Filed this 18th day of July, 20 11.

TEXAS BOARD OF NURSING



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

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512) 305-7401

Attachments: Agreed Order dated June 11, 1996
Agreed Order dated June 2, 2008

D/2010.12.28

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse License Number 98474 § AGREED
issued to JUDY ANN MOMAN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JUDY ANN MOMAN, Vocational Nurse License Number 98474, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on January 27, 2008, by Katherine A. Thomas, MN, RN, Executive Director.

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.
2. Respondent waived representation by counsel, informal conference, 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 Trinity Valley Junior College, Palestine, Texas, on September 3, 1982. Respondent was licensed to practice vocational nursing in the State of Texas on December 13, 1982.
5. Respondent's vocational nursing employment history includes:

12/82 - 1/91	Unknown	
2/91 - 5/95	Charge Nurse	Manor Health Care Nursing Home Dallas, Texas

Respondent's vocational nursing employment history continued:

6/95 - 3/99	Staff Nurse	Charter Behavioral Health Center Dallas, Texas
4/99 - 2/01	Agency Nurse	Med-Tex Nursing Agency Dallas, Texas
3/01 - 1/03	Internship Coordinator	PCI Health Training Center Dallas, Texas
2/03 - 10/05	Private Duty	Wanda Matthews Richardson, Texas
11/05 - 7/06	Staff Nurse	Sovereign Home Health Services, Inc. Dallas, Texas
08/06 - Present	Unknown	

6. On June 11, 1996, Respondent's license to practice vocational nursing in the State of Texas was suspended through an Agreed Board Order by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Agreed Board Order, dated June 11, 1996, is attached and incorporated herein by reference.
7. At the time of the incident in Finding of Fact Number Eight (8), Respondent was employed as a Staff Nurse with Sovereign Home Health Services, Inc., Dallas, Texas, and had been in this position for eight (8) months.
8. On or about July 7, 2006, while employed with Sovereign Home Health Services, Inc., Dallas, Texas, Respondent failed to administer the evening dose of Lantus 25 Units subcutaneously to Patient Medical Record Number MR005642, as ordered by the physician. Lantus is a long-acting Insulin. Furthermore, Respondent failed to notify the physician of the medication omission. Respondent's conduct unnecessarily exposed the patient to the risk of harm including, but not limited to, hyperglycemia.
9. In response to the incident in Finding of Fact Number Eight (8), Respondent admits that she held the Lantus Insulin and did not report this to the physician because the patient had recently changed physicians and the new physician's name and phone number were not available to her.

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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 violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(B), (1)(C),(1)(D),(1)(P)&(2)(A) and 217.12(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 98474, heretofore issued to JUDY ANN MOMAN, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Vocational Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice vocational nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure 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 deliver the wallet-sized license issued to JUDY ANN MOMAN to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order for appropriate notation.

(2) 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) contact 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 Chemical Dependency, 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.state.tx.us/about/stipscourses.html>.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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.state.tx.us/about/stipscourses.html>*

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

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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 30th day of May, 2008, by JUDY ANN MOMAN, Vocational Nurse License Number 98474, and said Order is final.

Effective this 2nd day of June, 2008.


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

00098474

BOARD OF VOCATIONAL NURSE EXAMINERS

* STATE OF TEXAS

VS.

JUDY ANN MOMAN

* COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of vocational nurse license number 098474, held by JUDY ANN MOMAN, hereinafter called Respondent.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Respondent of its intent to take disciplinary action with respect to said license held by Respondent, as a result of a complaint and subsequent investigation. Said investigation produced evidence indicating that Respondent has engaged in unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public, in violation of Article 4528c, Section 10 (a) (9), Revised Civil Statutes of Texas, in the following manner:

I.

a. On or about December 15, 1995, the Board of Vocational Nurse Examiners received a written referral from the Texas Peer Assistance Program for Nurses (TPAPN) alleging that Respondent declined to participate in their program.

AGREED BOARD ORDER

RE: JUDY ANN MOMAN, LVN #098474

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II.

a. Respondent was employed as a Licensed Vocational Nurse at Four Seasons Nursing Center in Dallas, Texas, from about February 20, 1992, through about September 1995.

b. While so employed with said facility, Respondent on the dates of May 11, 1992; July 29, 1994; March 28, 1995; November 7, 1994; February 6, 1995; February 13, 1995; May 16, 1995; and September 12, 1995; had been counseled by her nursing supervisor regarding documentation errors.

c. Respondent on the dates of September 2, 1995 and September 3, 1995, omitted documentation entries in the medical administration records of residents assigned to her care. Subsequently, Respondent's employment was mutually terminated.

By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the matters previously set out in this Order with respect to the above mentioned investigation. 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.

By their notarized signature on this Order, Respondent does hereby waive the right to a formal Complaint, Notice of Hearing and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. 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 098474, heretofore issued to JUDY ANN MOMAN, 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 Vocational Nurse Act and Rules and Regulations of the Board.
3. 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.
4. 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.
5. 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. four (4).
6. That Respondent shall work only under the supervision of a licensed medical professional (M.D., R.N., L.V.N.) who is physically present on the work premises during Respondent's shift assignment(s), throughout the term of probation.
7. That Respondent shall not be employed by a nurse registry, temporary nurse employment agency, home health agency, or as a private duty nurse, throughout the term of probation.
8. That Respondent shall successfully complete nursing program course(s) encompassing the following areas of study: Legal Aspects of Nursing (to include Charting, & Patient Confidentiality), and submit documentation of successful course completion to the Board office prior to the end 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 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.

00098474

AGREED BOARD ORDER
RE: JUDY ANN MOMAN, LVN #098474
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This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.

Dated this the 1st day of April, 19 96.

Judy Moman
Signature of Respondent

2718 Barnes Bridge Rd
Current Address

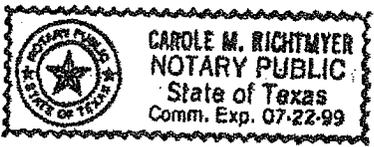
Dallas Tex 75208
City, State and Zip

214-324-5347
Area Code and Telephone Number

The State of Texas
County of Collin

Before me, the undersigned authority, on this day personally appeared JUDY ANN MOMAN, 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 on this the 1 day of April, 19 96.



Carole M. Richtmyer
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 7-22-99

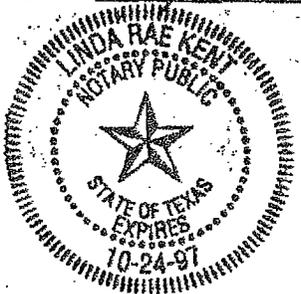
Marjorie A. Brunk
Marjorie A. Brunk, RN
Agent for the Board of
Vocational Nurse Examiners

APR 08 1996

00098474

AGREED BOARD ORDER
RE: JUDY ANN MOWAN, LVN #098474
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SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 9th
day of April, 1996.



Linda Rae Keat
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

00098474

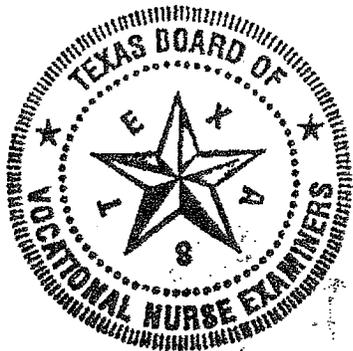
AGREED BOARD ORDER
RE: JUDY ANN MOMAN, LVN #098474
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ENDORSEMENT OF THE BOARD
To The Agreed Board Order
in the matter of Vocational Nurse
License No. 098474
Issued to Judy Ann Moman

At its regularly called session, on the 11th day of June, 1996, came on to be considered the indicated Agreed Board Order pertaining to Judy Ann Moman. The Board having reviewed the contents of said Order, the Order should be, and is hereby, endorsed as an Order of the Board, and made an official act of the Board of Vocational Nurse Examiners for the State of Texas.

Said Order is rendered on this the 11th day of June, 1996.

Lillian Brewer
Carla McCrear
Shirley A. Cherry
Adrian M.
Opal Robinson
Janet Wood-Vogel
Melba Lee - Hays, CVN



00098474

BOARD ORDER

RE: JUDY ANN MOMAN, LVN #098474

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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of June, 1996,
a true and correct copy of the foregoing Order was served by placement in the
U.S. Mail, first class, and addressed to the following person(s):

JUDY ANN MOMAN
2718 BARNS BRIDGE RD.
DALLAS, TX 75228

Marjorie A. Brock
Marjorie A. Brock, RN
Executive Director
Agent for the Board of Vocational Nurse Examiners