

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 125614
ISSUED TO
TERESA LEE MACIEL

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE TEXAS
BOARD OF NURSING



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

ORDER OF THE BOARD

TO: Teresa Lee Maciel
10397 Raccoon Rd
San Angelo, TX 76901

During open meeting held in Austin, Texas, on Tuesday, June 14, 2011, the 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 of the Texas Board of Nursing 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 to practice vocational 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 Eligibility and Disciplinary 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 Certificate Number 125614, previously issued to TERESA LEE MACIEL, to practice vocational 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 nurse licensure compact privileges, if any, to practice vocational nursing in the State of Texas.

Entered this 14th day of June, 2011.

TEXAS BOARD OF NURSING

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

Attachment: Formal Charge filed April 5, 2011.

Re: Permanent Certificate Number 125614
Issued to TERESA LEE MACIEL
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 20~~th~~ day of June, 2011, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Teresa Lee Maciel
10397 Raccoon Rd
San Angelo, TX 76901



BY:

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

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 125614, Issued to §
TERESA LEE MACIEL, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TERESA LEE MACIEL, is a Vocational Nurse holding license number 125614, which is in delinquent 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 November 6, 1984, Respondent entered a plea of Guilty to THEFT CHECKS (a Class B misdemeanor offense committed on September 4, 1984), in the County Court at Law of Tom Green County Court, Texas, under Cause No. 64642. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of six (6) months. Additionally, Respondent was ordered to pay court costs.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ART. 4528(c), sec. 10(a)(9)(eff. date 09/01/1983).

CHARGE II.

On or about November 5, 1985, Respondent entered a plea of Guilty and was convicted of THEFT CHECKS (a Class B Misdemeanor offense committed on July 2, 1985), in the County Court at Law of Tom Green County, Texas, under Cause No. 69,638. As a result of the conviction, Respondent was sentenced to confinement in the Tom Green County Jail for a period of thirty (30) days; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of six (6) months. Additionally, Respondent was ordered to pay court costs.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ART. 4528(c), sec. 10(a)(3)&(9)(eff. date 09/01/1985), and is a violation of 22 TEX. ADMIN. CODE §231.81(6)(L){eff. date 1/1/1985}.

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CHARGE III.

On or about September 9, 1987, Respondent entered a plea of No Contest and was convicted of THEFT (a Class A misdemeanor committed on January 1, 1987, reduced from an original felony charge), in the 51st Judicial District Court of Tom Green County, Texas, under Cause No. CR87-0239-A. As a result of the conviction, 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 TEX. REV. CIV. STAT. ART. 4528c, Sec. 10(a)(3)&(9)(eff. date 09/01/1985), and is a violation of 22 TEX. ADMIN. CODE §231.81(6)(L){eff. 01/01/985}.

CHARGE IV.

On or about November 1, 1999, Respondent entered a plea of Guilty to THEFT (a State Jail felony offense committed on October 24, 1998), in the 119th Judicial District Court of Tom Green County, Texas, under Cause No. B-99-0138-S. As a result of the plea, the proceedings against the Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of two (2) years. Additionally, Respondent was ordered to pay restitution in the amount of one thousand five hundred one dollars (\$1,501.00), along with court costs.

On or about November 14, 2001, Respondent was adjudged Guilty of THEFT (a State Jail felony offense committed on October 24, 1998), in the 119th Judicial District Court of Tom Green County, Texas, under Cause No. B-99-0138-S. Respondent was adjudged guilty of the offense based on Findings by the Court that Respondent had violated the terms and conditions of the probation that was granted on November 1, 1999, under Cause No. B-99-0138-S. As a result of the conviction, Respondent was sentenced to confinement in the State Jail Division for a period of two hundred twenty (220) days.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(10), Texas Occupations Code (eff. date 09/01/1999), and 302.402(a)(3)(A)&(10), Texas Occupations Code (eff. date 09/01/2001), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(eff. date 09/01/2001).

CHARGE V.

On or about November 14, 2001, Respondent entered a plea of Guilty and was convicted of THEFT (a State Jail felony offense committed on December 10, 2000), in the 51st Judicial District Court of Tom Green County, Texas, under Cause No. A010701S. As a result of the conviction, Respondent was sentenced to confinement in the State Jail Division of the Department of Criminal Justice for a period of seven hundred thirty (730) days; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of five (5) years. Additionally, Respondent was ordered to pay a fine, court costs and restitution in the amount of seven thousand six hundred thirty five dollars and eighty eight cents (\$7,635.88).

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(3)(A)&(10), Texas Occupations Code (eff. date 09/01/2001), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(eff. date 09/01/2001).

CHARGE VI.

On or about June 13, 2003, Respondent entered a plea of No Contest and was convicted of PURCHASE FURNISH ALCOHOL TO A MINOR (a Class A Misdemeanor offense committed on April 1, 2003), in the County Court at Law No. 3 of Tom Green County, Texas, under Cause No. 0300742L2. As a result of the conviction. Respondent was sentenced to confinement for a period of three (3) days. Additionally, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(10), Texas Occupations Code (eff. date 09/01/2001), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(eff. date 12/01/2002).

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.

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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.

Filed this 5th day of April, 2011.

TEXAS BOARD OF NURSING



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