IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 744837	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
AMANDA YVONNE SWANN	§	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.

Executive Director of the Board

ORDER OF THE BOARD

TO: Amanda Yvonne Swann
209 Meadow Drive
New Boston, Texas 75570

During open meeting held in Austin, Texas, on 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 professional 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 744837, previously issued to AMANDA YVONNE SWANN, to practice professional 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 professional nursing in the State of Texas.

Entered this 14th day of June, 2011.

TEXAS BOARD OF NURSING

BY: Katherine A. Thomas

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

Attachment: Formal Charge filed April 29, 2011.

Re: Permanent Certificate Number 744837
Issued to Amanda Yvonne Swann
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 16 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):

Amanda Yvonne Swann
209 Meadow Drive
New Boston, Texas 75570

BY: Katherine A. Thomas

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

In the Matter of Permanent License	§	**BEFORE THE TEXAS**
Number 744837, Issued to	§	
AMANDA YVONNE SWANN, Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, AMANDA YVONNE SWANN, a/k/a AMANDA YVONNE WALKER, is a Registered Nurse holding license number 744837, 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 February 7, 2009, Respondent was arrested by the New Boston Police Department, New Boston, Texas, for the offense of Criminal Trespass, a Class B Misdemeanor. On February 6, 2009, Respondent entered the property or a habitation owned by another without the effective consent of said owner, and Respondent had been noticed that entry was forbidden. On September 25, 2009, Respondent plead guilty to the Charge of Criminal Trespass and was sentenced to twenty-six (26) days in the Bowie County Jail. Subsequently, Respondent was given credit for twenty-six (26) days served in the Bowie County Jail and was released from custody.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation 22 TEX. ADMIN. CODE §217.12(13).

CHARGE II.

On or about July 20, 2009, Respondent submitted a nursing license renewal application to the Texas Board of Nursing in which she provided false, deceptive and/or misleading information, in that she answered "no" to the following question, in part:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal: ....

H. been arrested or have any pending criminal charges; and

I. been <u>cited</u> or charged with any violation of the law?"

Respondent failed to disclose that on February 7, 2009, she was arrested for Criminal Trespass (a Class B Misdemeanor offense) by the New Boston Police Department. Respondent's conduct was likely to deceive the Board and could have affected the decision to renew Respondent's license.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10), Texas Occupations Code, and is a violation 22 TEX. ADMIN. CODE §217.12(6)(H)&(6)(I).

CHARGE III.

On or about November 15, 2010 through December 6, 2010, while employed with Paris Pediatric Home Health Care, Inc., Paris, Texas, Respondent failed to submit documentation, including skilled nursing visit notes on Patient Medical Record Number 528069006, as required, by the agency. Respondent was providing private duty nursing care thirty-two (32) hours a week to this patient, a three (3) year old with epilepsy and developmental delay. Respondent's conduct resulted in an inaccurate, incomplete medical record, and was likely to injure the patient in that subsequent care givers would rely on her documentation to provide further patient care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation 22 TEX. ADMIN. CODE §§217.11(1)(A)&(1)(D), and 217.12(1)(A)&(4).

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 and on Adopted Disciplinary Sanction Policies for Fraud, Theft & Deception, which can be found at the Board's website, www.bon.state.tx.us.

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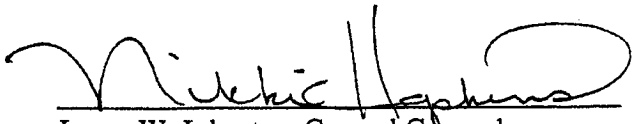
NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

Filed this 29th day of April, 2011.

TEXAS BOARD OF NURSING



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D/2010.12.28