IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 118753	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
LOUISE ANN ACOSTA	§	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: Louise Ann Acosta
2009 Holly Springs Dr
Taylor, Texas 76574

During open meeting held in Austin, Texas, on Tuesday May 10, 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 118753, previously issued to LOUISE ANN ACOSTA, 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 10th day of May, 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 January 21, 2011.

Re: Permanent Certificate Number 118753
Issued to LOUISE ANN ACOSTA
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of May, 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):

Louise Ann Acosta
2009 Holly Springs Dr
Taylor, Texas 76574

BY: Katherine A. Thomas

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

Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.state.tx.us

Katherine A. Thomas, MN, RN
Executive Director

January 25, 2011

Certified Mail No. 91 7108 2133 3934 1955 4633
Return Receipt Requested

Louise Ann Acosta
2009 Holly Springs Dr
Taylor, Texas 76574

Dear Ms. Acosta:

Enclosed are Formal Charges which have been filed against you alleging one or more violations of Section 301.452(b) of the Nursing Practice Act, Texas Occupations Code. Within three weeks of the date of this letter, you must file a written answer to each charge admitting or denying each allegation. If you intend to deny only part of an allegation, you must specify so much of it as is true and deny only the remainder. Your answer shall also include any other matter, whether of law or fact, upon which you intend to rely for your defense. Please send your written answer to the attention of Tamika Rose, Investigator. You may obtain legal counsel at your own expense.

FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY LEGAL REPRESENTATIVE, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF WILL BE GRANTED BY DEFAULT.

Please be advised that should you fail to file a written answer, the case will proceed on a default basis and it will be staff's recommendation that a default order be entered revoking your license or multistate privilege to practice professional nursing in the State of Texas.

The results of any default order or formal disposition (Board Order) are public information. Results of informal and formal dispositions will appear in the Board's newsletter under the heading of "Disciplinary Action."

Should you desire to discuss this matter, you may contact Tamika Rose, Investigator, Enforcement Division, at the above address, or at (512) 305-6812.

Sincerely,

Katherine A. Thomas

Katherine A. Thomas, MN, RN
Executive Director

KAT/TR/

Enclosure: Formal Charges

09/99-DA

Members of the Board

Linda Rounds, PhD, FNP, RN
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Josefina Lujan, PhD, RN El Paso
Beverley Jean Nutall, LVN Bryan
Mary Jane Salgado, MEd Eagle Pass

In the Matter of Permanent License	§	**BEFORE THE TEXAS**
Number 118753, Issued to	§	
LOUISE ANN ACOSTA, Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, LOUISE ANN ACOSTA, is a Vocational Nurse holding license number 118753, 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 19, 1999, Respondent entered a plea of Guilty to OBSTRUCTING A HIGHWAY (a Misdemeanor offense committed on August 22, 1998), in the County Court at Law No. 1 of Brazos County, Texas, under Cause Number 789-99. 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 one (1) year. Additionally, Respondent was ordered to pay a fine and court costs.

On or about January 31, 2001, an Order Revoking the Probation and Sentencing Defendant was issued by the County Court at Law No. 1 of Brazos County, Texas. The Order was entered based on Findings by the court that Respondent had substantially violated the conditions of the Community Supervision that she had been granted under Cause 789-99. As a result, Respondent was adjudged guilty of OBSTRUCTING A HIGHWAY and sentence to serve one hundred and twenty (120) days in the Brazos County Jail. Additionally, Respondent was ordered to pay a fine.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(10) (effective 9/1/1999), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A) (effective 9/1/1999).

CHARGE II.

On or about December 21, 2000, Respondent entered a plea of Guilty and was convicted of NO OPERATOR'S LICENSE (a Class C Misdemeanor offense committed on September 3, 2000), in the County Court at Law No. 2 of Bell County, Texas, under Cause Number 2000-08022. As a result of the conviction, 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) (effective 9/1/1999), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A) (effective 9/1/1999).

CHARGE III.

On or about March 9, 2001, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED 1ST OFFENSE (a Class B Misdemeanor offense committed on October 14, 2000), in the County Court at Law No. 2 of Bell County, Texas, under Cause Number 200-09137. As a result of the conviction, Respondent was sentenced to confinement in the Bell County Jail for a period of three (3) days, with three (3) days credit given. 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) (effective 9/1/1999), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A) (effective 9/1/1999).

CHARGE IV.

On or about November 13, 2003, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on August 4, 2003), in the County Court in and for Milam County, Texas, under Cause Number 26961. As a result of the conviction, Respondent was sentenced to confinement in the Milam County Jail for a period of three (3) days. Additionally, Respondent was ordered to pay a fine and court costs, and Respondent's Driver's License was suspended for one (1) year.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(10) (effective 9/1/2003), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A) (effective 9/1/2003).

CHARGE V.

On or about July 13, 2004, Respondent submitted a license Renewal form Licensed Vocational Nurse to the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

> "Were you convicted of a misdemeanor other than a minor traffic violation since your last renewal?"

Respondent failed to disclose that on or about November 13, 2003, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on August 4, 2003), in the County Court in and for Milam County, Texas, under Cause Number 26961.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10) (effective 9/1/2003), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(8)&(29)(A) (effective 9/1/2003).

CHARGE VI.

On or about September 21, 2005, Respondent entered a plea of Guilty and was convicted of POSSESSION OF MARIHUANA (a Class B Misdemeanor offense committed on April 16, 2005),

in the County Court in and for Milam County, Texas, under Cause Number CR27835. As a result of the conviction, Respondent was sentenced to confinement in the Cameron County Jail for a period of twenty (20) days, with twenty (20) days credit given. 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)(10)(effective 9/1/2005), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13)(effective 9/28/2004).

CHARGE VII.

On or about July 31, 2006, Respondent submitted a license Renewal form Licensed Vocational Nurse to the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

> "Have you been convicted, adjudicated guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrest (excluding minor traffic violations) since your last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUIs, DWIs, PI's must be reported and are not considered minor traffic violations. (One time minor in possession [MIP] or minor in consumption [MIC] does not need to be disclosed, therefore, you may answer "No". If you have two or more MIPs or MICs, you must answer "Yes".)"

Respondent failed to disclose that on or about September 21, 2005, Respondent entered a plea of Guilty and was convicted of POSSESSION OF MARIHUANA (a Class B Misdemeanor offense committed on April 16, 2005), in the County Court in and for Milam County, Texas, under Cause Number CR27835.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10)(effective 9/1/2005), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(I)&(13)(effective 9/28/2004).

CHARGE VIII.

On or about October 4, 2007, Respondent entered a plea of No Contest and was convicted of ASSAULT BY CONTACT(a Class C Misdemeanor offense committed on December 14, 2006), in the County Court at Law No. 1, Williamson County, Texas, under Cause Number 07-0634-1. As a result of the conviction, 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)(10)(effective 9/1/2007), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13)(effective 9/28/2004).

CHARGE IX.

On or about October 3, 2008, Respondent entered a plea of No Contest and was convicted of ASSAULT CAUSED BODILY INJURY FAMILY VIOLENCE (a Class A Misdemeanor offense

committed on September 7, 2008), in the County court at Law No. 1, Williamson County, Texas, under Cause Number 08-06123-1. As a result of the conviction, Respondent was sentenced to confinement in the Williamson County Jail for a period of one hundred (100) days, with twenty-six days (26) credit given to run concurrent with Cause Number 08-06124-1. Additionally, Respondent was ordered to pay court costs.

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(13).

CHARGE X.

On or about October 3, 2008, Respondent entered a plea of No Contest and was convicted of ASSAULT CAUSED BODILY INJURY FAMILY VIOLENCE (a Class A Misdemeanor offense committed on September 7, 2008), in the County court at Law No. 1, Williamson County, Texas, under Cause Number 08-06124-1. As a result of the conviction, Respondent was sentenced to confinement in the Williamson County Jail for a period of one hundred (100) days, with twenty-six days (26) credit given to run concurrent with Cause Number 08-06124-1. Additionally, Respondent was ordered to pay court costs.

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(13).

CHARGE XI.

On or about February 24, 2009, Respondent submitted a License Renewal Form (Delinquent for over 90 days) Licensed Vocational Nurse to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

> "Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:
> A. been convicted of a misdemeanor?
> B. been convicted of a felony?
> C. pled nolo contendere, no contest, or guilty?
> D. received deferred adjudication?
> E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
> F. been sentenced to serve jail or prison time? court-ordered confinement?
> G. been granted pre-trial diversion?
> H. been arrested or have any pending criminal charges?
> I. been **cited** or charged with any violation of the law?
> J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

Respondent failed to disclose the following:

On or about October 4, 2007, Respondent entered a plea of No Contest and was convicted of

ASSAULT BY CONTACT(a Class C Misdemeanor offense committed on December 14, 2006), in the County Court at Law No. 1, Williamson County, Texas, under Cause Number 07-0634-1.

On or about October 3, 2008, Respondent entered a plea of No Contest and was convicted of ASSAULT CAUSED BODILY INJURY FAMILY VIOLENCE (a Class A Misdemeanor offense committed on September 7, 2008), in the County court at Law No. 1, Williamson County, Texas, under Cause Number 08-06123-1.

On or about October 3, 2008, Respondent entered a plea of No Contest and was convicted of ASSAULT CAUSED BODILY INJURY FAMILY VIOLENCE (a Class A Misdemeanor offense committed on September 7, 2008), in the County court at Law No. 1, Williamson County, Texas, under Cause Number 08-0612341.

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

CHARGE XII.

On or about February 24, 2009, Respondent submitted a License Renewal Form (Delinquent over 90 Days) Licensed Vocational Nurse to the Texas Board of Nursing in which she answered "Yes" to the question:

> "In the past 5 years have you been diagnosed with or treated or hospitalized for schizophrenia or other psychotic disorder, bipolar disorder, paranoid personality disorder, antisocial personality disorder, or borderline personality disorder? (You may answer "no" if you have completed and/or are in compliance with TPAPN for mental illness)"

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code.

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 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).

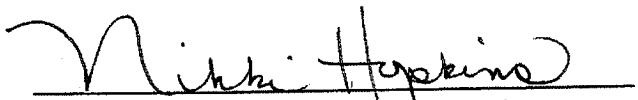
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

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 Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying and Falsification, 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 21st day of January, 2011.

TEXAS BOARD OF NURSING



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Attachments:

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