IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 141504	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
KEITH A. FRANKLIN	§	BOARD OF NURSING

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.
Executive Director of the Board

ORDER OF THE BOARD

TO: Keith A. Franklin
6000 Industrial Dr.
Waco, TX 76710

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 141504, previously issued to KEITH A. FRANKLIN, 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 March 2, 2011.

Re: Permanent Certificate Number 141504
Issued to KEITH A. FRANKLIN
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):

Keith A. Franklin
6000 Industrial Dr.
Waco, TX 76710

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

In the Matter of Permanent License	§	**BEFORE THE TEXAS**
Number 141504, Issued to	§	
KEITH A. FRANKLIN, Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, KEITH A. FRANKLIN, a/k/a ALFUNCO KEITH FRANKLIN, is a Vocational Nurse holding license number 141504, 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 4, 1988, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (a misdemeanor offense committed on July 22, 1988), in the County Court at Law No. 1 of Calhoun County, Texas, under Cause No. 88-CR-247. As a result of the conviction, Respondent was sentenced to confinement in the Calhoun County Jail for a period of ninety (90) days; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of seven hundred and thirty (730) days. 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)(9)(eff. date 09/01/1985), and is a violation of 22 TEX. ADMIN. CODE §231.81(6)(eff. date 01/01/1985).

CHARGE II.

On or about March 3, 1994, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE LICENSE SUSPENDED (a Class B misdemeanor offense committed on July 26, 1993), in the County Court of DeWitt County, Texas, under Cause No. 93-7371. As a result of the conviction, Respondent was sentenced to confinement in the Dewitt County Jail for a period of three (3) days. Additionally, Respondent was ordered to pay along with 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)(9)(eff. date 09/01/1993), and is a violation of 22 TEX. ADMIN. CODE §239.11 (eff. date 09/01/1993).

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CHARGE III.

On or about September 16, 1998, Respondent entered a plea of Guilty and was convicted of CIA/FORGERY/PASSING (a Class A misdemeanor offense committed on December 14, 1995), in the County Court of Bee County, Texas, under Cause No. 9435. As a result of the conviction, Respondent was sentenced to confinement in the Bee County Jail for a period of one hundred and twenty-five (125) days, with one hundred and twenty-five (125) days given as credit for time served. 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 09/01/1997), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(eff. date 03/01/1998).

CHARGE IV.

On or about June 15, 1998, Respondent entered a plea of Guilty and was convicted of THEFT CLASS B (a Class B misdemeanor offense committed on February 25, 1998), in the County Court at Law No. 1 of Victoria County, Texas, under Cause No. 1-69,265. As a result of the conviction, Respondent was sentenced to confinement in the Victoria County Jail for a period of thirty (30) days. 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 09/01/1997), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(eff. date 03/01/1998).

CHARGE V.

On or about June 15, 1998, Respondent entered a plea of Guilty and was convicted of FAILURE TO APPEAR (a Class A misdemeanor offense committed on May 11, 1998), in the County Court at Law No. 1 of Victoria County, Texas, under Cause No. 1-69,654. As a result of the conviction, Respondent was sentenced to confinement in the Victoria County Jail for a period of ten (10) days. 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)(9)(eff. date 09/01/1997), and is a violation of 22 TEX. ADMIN. CODE §239.11 (eff. date 03/01/1998).

CHARGE VI.

On or about August 13, 1998, Respondent entered a plea of Guilty to BURGLARY OF HABITATION (a 2nd Degree Felony offense committed on June 8, 1998), in the 24th District Court of DeWitt County, Texas, under Cause No. 98-07-9088. 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 ten (10) years. 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)(9)(eff. date 09/01/1997).

CHARGE VII.

On or about August 13, 1998, Respondent entered a plea of Guilty and was convicted of FORGERY FINANCIAL INSTRUMENT (a State Jail Felony offense committed on June 8, 1998), in the 24th District Court of DeWitt County, Texas, under Cause No. 98 7 9089. As a result of the conviction, Respondent was sentenced to confinement for a period of two (2) years, and Respondent was placed on probation for a period of five (5) years. Additionally, Respondent was ordered to pay 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 09/01/1997), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(eff. date 11/01/1996).

CHARGE VIII.

On or about September 22, 1998, Respondent entered a plea of Guilty to FORGERY BY PASSING (a State Jail Felony offense committed on May 1, 1998), in the 2nd 25th Judicial District Court of Lava County, Texas, under Cause No. 98-07-8335CR. 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 two (2) years. Additionally, Respondent was ordered to pay one hundred and seventy-five dollars ($175.00) in restitution along with 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)(9)(eff. date 09/01/1997).

CHARGE IX.

On or about September 23, 2002, Respondent entered a plea of Guilty and was convicted of THEFT ENHANCE (a Class B misdemeanor offense committed on September 16, 2002), in the Criminal County Court No. 2 of Dallas County, Texas, under Cause No. MB0258185. As a result of the conviction, Respondent was sentenced to confinement in the Dallas County Jail for a period of twenty (20) 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)(3)(B)&(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).

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).

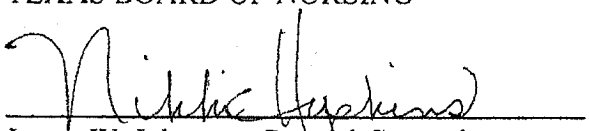
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

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.

Filed this 2nd day of March, 2011.

TEXAS BOARD OF NURSING



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