

DOCKET NUMBER 507-10-5188



IN THE MATTER OF § BEFORE THE STATE OFFICE  
PERMANENT CERTIFICATE §  
NUMBERS 189636 and 702053 § OF  
ISSUED TO §  
MELANIE LEE (DENN) REBANDO § ADMINISTRATIVE HEARING

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.  
*Melanie R. Roman*  
Executive Director of the Board

OPINION AND ORDER OF THE BOARD

TO: MELANIE LEE (DENN) REBANDO  
107 E. SAN BENITO STREET  
WACO, TX 76706

JOANNE SUMMERHAYS  
ADMINISTRATIVE LAW JUDGE  
300 WEST 15TH STREET  
AUSTIN, TEXAS 78701

At the regularly scheduled public meeting on January 27-28, 2011, the Texas Board of Nursing (Board) considered the following items: (1) The Proposal for Decision (PFD) regarding the above cited matter; (2) Staff's recommendation that the Board adopt the PFD regarding the registered and vocational nursing licenses of Melanie Lee (Denn) Rebando with changes; and (3) Respondent's recommendation to the Board regarding the PFD and order, if any.

The Board finds that after proper and timely notice was given, the above styled case was heard by an Administrative Law Judge (ALJ) who made and filed a PFD containing the ALJ's findings of facts and conclusions of law. The PFD was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein. No exceptions were filed by any party.

The Board has authority to review and modify the PFD in accordance with the

Government Code §2001.058(e). The Board, after review and due consideration of the PFD, Staff's recommendations, and the presentation by Respondent during the open meeting, if any, has determined that Finding of Fact Number One contains a technical error. The Respondent holds a vocational nursing license and a professional nursing license issued by the Board. However, Finding of Fact Number One omits reference to the Respondent's professional nursing license number. Therefore, the Board finds that the current PFD should BE MODIFIED under the authority of the Government Code §2001.058(e)(3) to correct this technical error and include reference to the Respondent's professional nursing license number in Finding of Fact Number One.

IT IS, THEREFORE, ORDERED THAT the PFD signed on November 2, 2010, is hereby MODIFIED under the authority of the Government Code §2001.058(e) for the reasons outlined above, in order to correct a technical error in Finding of Fact Number One.

IT IS FURTHER ORDERED THAT Findings of Fact Numbers 2 through 22 and Conclusions of Law Numbers 1 through 13 contained in the PFD of November 2, 2010, are ADOPTED without modification. All proposed findings of fact and conclusions of law filed by any party or the ALJ not specifically adopted herein are hereby DENIED.

**AMENDED FINDING OF FACT NUMBER ONE**

IT IS FURTHER ORDERED THAT FINDING OF FACT NUMBER ONE is AMENDED and ADOPTED as follows:

Melanie Lee Rebando (Respondent) holds permanent nurse license numbers 189636 and 702053 issued by the Texas Board of Nursing.

IT IS, THEREFORE, ORDERED THAT Permanent Certificate Numbers 189636 and 702053, previously issued to MELANIE LEE (DENN) REBANDO, to practice


nursing in the State of Texas be, and the same are hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Numbers 189636 and 702053, previously issued to MELANIE LEE (DENN) REBANDO, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

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 28<sup>th</sup> day of January, 2011.

TEXAS BOARD OF NURSING

A handwritten signature in black ink, appearing to read "Katherine A. Thomas", is written over a horizontal line.

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

Attachment: Proposal for Decision; Docket No. 507-10-5188 (November 2, 2010).

SOAH DOCKET NO. 507-10-5188

IN THE MATTER OF PERMANENT § BEFORE THE STATE OFFICE  
CERTIFICATE NO. 189636 § OF  
ISSUED TO MELANIE LEE REBANDO § ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

The staff (Staff) of the Texas Board of Nursing (Board) brought this action seeking revocation of the nurse's license of Melanie Lee Rebando (Respondent). Staff alleges that Respondent is subject to discipline under several provisions of the Nursing Practice Act<sup>1</sup> and the Board's rules.<sup>2</sup>

The hearing on the merits was held on October 19, 2010. Respondent failed to appear. Staff moved for default. In support of its motion, Staff offered proof that proper notice of the hearing had been provided. The Administrative Law Judge (ALJ) grants Staff's motion for default. Accordingly, Staff's allegations are deemed admitted as true.<sup>3</sup> The ALJ recommends that Respondent's license be revoked.

I. FINDINGS OF FACT

1. Melanie Lee Rebando (Respondent) holds permanent nurse license number 189636 issued by the Texas Board of Nursing (Board).
2. On July 27, 2010, the staff of the Board (Staff) sent its Notice of hearing and formal charges to Respondent by Certified U.S. Mail to her official address on record with the Board.
3. The Notice of Hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short plain statement of the matters asserted.

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<sup>1</sup> TEX. OCC. CODE ANN. ch. 301(the Nursing Practice Act).

<sup>2</sup> 22 TEX. ADMIN. CODE part 11.

<sup>3</sup> 1 TEX. ADMIN. CODE § 155.501.

4. The Notice of Hearing stated, in at least 12-point bold-faced font, that "Failure to appear at the hearing in person or by legal representative, regardless of whether an appearance has been entered, will result in the allegations contained in the formal charges being admitted as true and the proposed recommendation of Staff shall be granted by default."
5. The hearing on the merits was convened at 9:00 a.m. on October 19, 2010, at the State Office of Administrative Hearings, William P. Clements State Office Building, 300 West 15<sup>th</sup> Street, Austin, Texas. Administrative Law Judge Joanne Summerhays presided.
6. Staff appeared at the hearing through its Assistant General Counsel, R. Kyle Hensley. Respondent did not appear, was not represented at the hearing, and did not provide an explanation for her failure to appear.
7. Staff made a motion for default and offered evidence demonstrating jurisdiction and proper notice.
8. Staff's motion for default was granted.
9. The allegations in Staff's Notice of Hearing are deemed true.
10. On or about April 7, 2008, Respondent entered a plea of guilty to Fraud (a 3<sup>rd</sup> degree felony offense committed on July 29, 2007) in the 19<sup>th</sup> District Court of McLennan County, Waco, Texas, in cause No. 2007-1890-C1. As a result of the guilty plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and she was placed on probation for a period of five years.
11. On or about December 30, 2008, while employed as a registered nurse with Parkview Regional Hospital, Mexia Texas, Respondent while on duty was found in an empty hospital room having a seizure with a tourniquet and a syringe in her arm. Needle marks were found on her wrist and forearms. The contents of the syringe tested positive for opiates. Respondent provided a specimen which tested positive for opiates.
12. Respondent's conduct as described in Finding of Fact No. 11 was likely to injure the patients in that the use of opiates by a nurse while on duty could impair the nurse's ability to recognize subtle signs symptoms, or changes in the patient's condition and could impair the nurse's ability to make rational, accurate and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
13. Respondent's conduct as described in Finding No. 11 demonstrated that she lacked fitness to practice professional nursing.
14. On or about December 23, 24, and 29, 2008, while employed as a registered nurse with Parkview Regional Hospital, Mexia, Texas, Respondent withdrew medications from the Pyxis medication system for patients without a physician's order.

15. Respondent's conduct as described in Finding No. 14 was likely to injure patients in that the administration of medications without a valid physician's order could result in the patient suffering from adverse reactions.
16. On or about December 23 and 24, 2008, while employed as a registered nurse with Parkview Regional Hospital, Mexia, Texas, Respondent withdrew medications from the Pyxis medication dispensing system for patients, but failed to document, and/or accurately document, the administration of the medications in the patient's Medication Administration Records and/or nurse's notes.
17. Respondent's conduct as described in Finding of Fact No. 16 was likely to injure the patients in that subsequent caregivers would rely on her documentation to further medicate the patients which could result in an overdose.
18. On or about December 30, 2008, while employed as a registered nurse with Parkview Regional Hospital, Mexia, Texas, Respondent misappropriated Demerol from the facility and patients thereof. An internal audit revealed that Respondent diverted over 100 vials of Demerol.
19. Respondent's conduct as described in Finding of fact No. 18 was likely to defraud the facility and patients of the cost of the medications.
20. On or about October 2, 2009, Respondent entered a plea of Guilty to Possession of Controlled Substances/ Prescription, Schedule I/II by Fraud (a 2nd degree felony offense committed on December 29, 2008), entered in the 77th District Court of Limestone County, Groesbeck, Texas, under Cause No. 11880-A. As a result of the conviction, Respondent was sentenced to confinement in the Institutional Division of Texas Department of Criminal Justice for a period of ten (10) years; however, the imposition of the sentence of confinement was suspended and she was placed on community supervision for a period of six (6) years. Additionally, Respondent was ordered to pay a fine and court costs.
21. On or about October 2, 2009, Respondent entered a plea of Guilty to Possession of Controlled Substances/ Prescription, Schedule I/II by Fraud (a 2nd degree felony offense committed on December 23, 2008), entered in the 77th District Court of Limestone County, Groesbeck, Texas, under Cause No. 11881-A. As a result of the conviction, Respondent was sentenced to confinement in the Institutional Division of Texas Department of Criminal Justice for a period of ten (10) years; however, the imposition of the sentence of confinement was suspended and she was placed on community supervision for a period of six (6) years. Additionally, Respondent was ordered to pay a fine and court costs.
22. On or about October 2, 2009, Respondent entered a plea of Guilty to Possession of Controlled Substances/ Prescription, Schedule I/II by Fraud (a 2nd degree felony offense committed on December 23, 2008), entered in the 77th District Court of Limestone

County, Groesbeck, Texas, under Cause No. 11882-A. As a result of the conviction, Respondent was sentenced to confinement in the Institutional Division of Texas Department of Criminal Justice for a period of ten (10) years; however, the imposition of the sentence of confinement was suspended and she was placed on community supervision for a period of six (6) years. Additionally, Respondent was ordered to pay a fine and court costs.

## II. CONCLUSIONS OF LAW

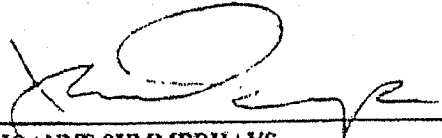
1. The Board has jurisdiction over this matter. TEX. OCC. CODE ch. 301.
2. The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this matter, including the authority to issue a proposal for decision with findings of fact and conclusions of law. TEX. GOV'T CODE ch. 2003.
3. Proper and timely notice of the hearing was provided. TEX. GOV'T CODE ch. 2001; 22 TEX. ADMIN. CODE § 213.10.
4. Because of Respondent's failure to appear at the hearing despite being provided proper notice, default is appropriate and the allegations in Staff's Notice of Hearing are deemed admitted. 1 TEX. ADMIN. CODE § 155.501.
5. Respondent's conduct as described in Findings of Fact Nos. 11, 12, and 13 constitutes grounds for disciplinary action, including revocation of a license, in accordance with TEX. OCC. CODE § 301.452(b)(9), (10) & (12), and is a violation of 22 TEX. ADMIN. CODE § 217.12(1)(E),(5),(10)(A),(D) & (11)(B).
6. Respondent's conduct as described in Findings of Fact Nos. 14 and 15 constitutes grounds for disciplinary action, including revocation of a license, in accordance with TEX. OCC. CODE § 301.452(b)(10) & (13), and is a violation of 22 TEX. ADMIN. CODE §§ 217.11(1)(A) & (C) and 217.12(1)(A), (B), (4) & (11)(B).
7. Respondent's conduct as described in Findings of Fact Nos. 16 and 17 constitutes grounds for disciplinary action, including revocation of a license, in accordance with TEX. OCC. CODE § 301.452(b)(10) & (13) and is a violation of 22 TEX. ADMIN. CODE §§ 217.11(1)(A) & (D) and 217.12(1)(A) & (C), (4), (6), (10)(A) & (11)(B).
8. Respondent's conduct as described in Findings of Fact Nos. 18 and 19 constitutes grounds for disciplinary action, including revocation of a license, in accordance with TEX. OCC. CODE § 301.452(b)(10) and is a violation of 22 TEX. ADMIN. CODE § 217.12(6)(G), (8) & (11)(B).
9. Based on the above Findings of Fact, Respondent has been convicted of three felony offenses:
  - a) Possession of a Controlled Substance by Fraud, Cause No. 11880-A;

- b) Possession of a Controlled Substance by Fraud, Cause No. 11881-A; and
  - c) Possession of a Controlled Substance by Fraud, Cause No. 11882-A.
10. Based on the above Findings of Fact, Respondent has received a deferred adjudication for one felony: Fraud, Cause No.2007-1890-C1.
  11. A person is subject to disciplinary action, including revocation of a license, based on a conviction or placement on deferred adjudication, community supervision, or deferred disposition for a felony. TEX. OCC. CODE § 301.452(b)(3).
  12. The Board may revoke licensure based on any criminal conviction for conduct occurring within five years of application for licensure or for any criminal conviction that relates to the duties and responsibilities of the nursing profession. TEX. OCC. CODE § 53.021.
  13. The Board is authorized to revoke Respondent's license. TEX. OCC. CODE § 301.453.

### III. RECOMMENDATION

The Board should revoke Respondent's license to practice nursing in Texas.

SIGNED November 2, 2010.



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JOANNE SUMMERHAYS  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS



**In the Matter of Permanent License Number 189636** § **BEFORE THE TEXAS**  
**and Permanent License Number 702053, Issued to** §  
**MELANIE LEE REBANDO, Respondent** § **BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MELANIE LEE REBANDO, is a Vocational Nurse holding license number 189636, which is in Delinquent status at the time of this pleading, and a Registered Nurse holding license number 702053, 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 licenses prior to commencement of this proceeding.

#### **CHARGE I.**

On or about April 7, 2008, Respondent entered a plea of Guilty to FRAUD (a 3<sup>rd</sup> Degree felony offense committed on July 29, 2007) in the 19<sup>th</sup> District Court of McLennan County, Waco, Texas, under Cause No. 2007-1890-C1. As a result of the guilty plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and she was placed on probation for a period of five (5) years. Additionally, she 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).

#### **CHARGE II.**

On or about December 30, 2008, while employed as a Registered Nurse with Parkview Regional Hospital, Mexia, Texas, Respondent lacked fitness to practice professional nursing in that while on duty she was found in an empty hospital room having a seizure with a tourniquet and a syringe in her arm. Also, needle marks were found on her wrist and forearms. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(12), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(E),(5)&(10)(A).

### **CHARGE III.**

On or about December 30, 2008, while employed as a Registered Nurse with Parkview Regional Hospital, Mexia, Texas, Respondent engaged in the intemperate use of Opiates in that she provided a specimen for a drug screen requested by the facility, which resulted positive for Opiates. In addition, the contents of the syringe found in Respondent's arm was tested, and resulted positive for Opiates. Possession of Opiates is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Opiates by a Registered Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(5),(10)(A),(D)&(11)(B).

### **CHARGE IV.**

On or about December 30, 2008, while employed as a Registered Nurse with Parkview Regional Hospital, Mexia, Texas, Respondent misappropriated Demerol belonging to the facility and patients thereof in that empty vials of Demerol were found next to Respondent in a hospital room where Respondent was having a seizure. In addition, vials of Demerol were found in Respondent's personal bag and an internal investigation and audit revealed Respondent diverted over one hundred (100) vials of Demerol. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

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(6)(G),(8)&(11)(B).

### **CHARGE V.**

On or about December 23, 2008, December 24, 2008 and December 29, 2008, while employed as a Registered Nurse with Parkview Regional Hospital, Mexia, Texas, Respondent withdrew Meperidine from the Pyxis Medication Dispensing System for patients without a physician's order, as follows:

Date	Time	Patient	Physician's Order	Pyxis Record
12/23/08	21:18	1545635	No order for Meperidine	2 Meperidine HCL 50MG/ML 1 ML Ampule
12/23/08	20:10	6013752	No order for Meperidine	2 Meperidine HCL 50MG/ML 1 ML Ampule
12/23/08	22:13	6013752	No order for Meperidine	2 Meperidine HCL 50MG/ML 1 ML Ampule
12/23/08	23:09	6013752	No order for Meperidine	2 Meperidine HCL 50MG/ML 1 ML Ampule
12/24/08	00:12	6013752	No order for Meperidine	2 Meperidine HCL 50MG/ML 1 ML Ampule
12/24/08	02:56	6013752	No order for Meperidine	2 Meperidine HCL 50MG/ML 1 ML Ampule
12/24/08	04:17	6013752	No order for Meperidine	2 Meperidine HCL 50MG/ML 1 ML Ampule
12/24/08	06:11	6013752	No order for Meperidine	2 Meperidine HCL 50MG/ML 1 ML Ampule
12/29/08	23:12	6013758	No order for Meperidine	2 Meperidine HCL 50MG/ML 1 ML Ampule

Respondent's conduct was likely to injure the patients in that the administration of Meperidine without a valid physician's order could result in the patient suffering from adverse reactions.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A)&(C) and 217.12(1)(A),(B),(4)&(11)(B).

### CHARGE VI.

On or about December 23, 2008 and December 24, 2008, while employed as a Registered Nurse with Parkview Regional Hospital, Mexia, Texas, Respondent withdrew Meperidine from the Pyxis Medication Dispensing System for Patient Medical Record Number 6013752 and Patient Medical Record Number 1545635, but failed to document, or accurately document the administration of the medication in the patient's Medication Administration Records (MAR) and/or nurse's notes, as follows:

Date	Time	Patient	Physician's Order	Pyxis Record	MAR	Nurses Notes
12/23/08	20:10	6013752	No order for Meperidine	2 Meperidine HCL 50MG/ML 1 ML Ampule	No	No
12/23/08	22:13	6013752	No order for Meperidine	2 Meperidine HCL 50MG/ML 1 ML Ampule	No	No
12/23/08	23:09	6013752	No order for Meperidine	2 Meperidine HCL 50MG/ML 1 ML Ampule	No	No
12/24/08	00:12	6013752	No order for Meperidine	2 Meperidine HCL 50MG/ML 1 ML Ampule	No	No

12/24/08	02:56	6013752	No order for Meperidine	2 Meperidine HCL 50MG/ML 1 ML Ampule	No	No
12/24/08	04:17	6013752	No order for Meperidine	2 Meperidine HCL 50MG/ML 1 ML Ampule	No	No
12/24/08	06:11	6013752	No order for Meperidine	2 Meperidine HCL 50MG/ML 1 ML Ampule	No	No
12/23/08	21:18	1545635	No order for Meperidine	2 Meperidine HCL 50MG/ML 1 ML Ampule	No	No
12/23/08	21:18	1545635	No order for Meperidine	2 Meperidine HCL 50MG/ML 1 ML Ampule	No	No

Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(C),(4),(6)(A)&(11)(B).

#### **CHARGE VII.**

On or about October 2, 2009, Respondent entered a plea of Guilty to FRAUD POSS CS/PRESCRIPTION SCH I/II (a 2<sup>nd</sup> degree felony offense committed on December 29, 2008), entered in the 77<sup>th</sup> District Court of Limestone County, Groesbeck, Texas, under Cause No. 11880-A. As a result of the conviction, Respondent was sentenced to confinement in the Institutional Division of Texas Department of Criminal Justice for a period of ten (10) years; however, the imposition of the sentence of confinement was suspended and she was placed on community supervision for a period of six (6) years. 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).

#### **CHARGE VIII.**

On or about October 2, 2009, Respondent entered a plea of Guilty to FRAUD POSS CS/PRESCRIPTION SCH I/II (a 2<sup>nd</sup> degree felony offense committed on December 23, 2008), entered in the 77<sup>th</sup> District Court of Limestone County, Groesbeck, Texas, under Cause No. 11881-A. As a result of the conviction, Respondent was sentenced to confinement in the Institutional Division of Texas Department of Criminal Justice for a period of ten (10) years; however, the imposition of the sentence of confinement was suspended and she was placed on community supervision for a period of six (6) years. 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).

## CHARGE IX.

On or about October 2, 2009, Respondent entered a plea of Guilty to FRAUD POSS CS/PRESCRIPTION SCH I/II (a 2<sup>nd</sup> degree felony offense committed on December 23, 2008), entered in the 77<sup>th</sup> District Court of Limestone County, Groesbeck, Texas, under Cause No. 11882-A. As a result of the conviction, Respondent was sentenced to confinement in the Institutional Division of Texas Department of Criminal Justice for a period of ten (10) years; however, the imposition of the sentence of confinement was suspended and she was placed on community supervision for a period of six (6) years. 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 Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. and TEX. OCC. CODE Ch. 53. 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](http://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, and for Fraud, Theft & Deception, which can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

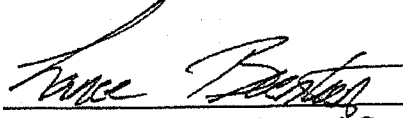
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NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.state.tx.us/disciplinaryaction/discp-matrix.html](http://www.bon.state.tx.us/disciplinaryaction/discp-matrix.html).

Filed this 28<sup>th</sup> day of April, 2016.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel

Board Certified - Administrative Law

Texas Board of Legal Specialization

State Bar No. 10838300

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