BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 141714	§	
issued to SONYA KAY MCGINNIS	§	ORDER

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

On this day, the Texas Board of Nursing, hereinafter referred to as the Board accepted the voluntary surrender of Vocational Nurse License Number 141714, issued to SONYA KAY MCGINNIS, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.

2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from McLennan Community College, Waco, Texas, on January 8, 1993. Respondent was licensed to practice vocational nursing in the State of Texas on May 25, 1993.

5. Respondent's vocational nursing employment history is unknown.

6. On or about December 14, 1992, Respondent submitted an Application for Licensure by Examination to the Board of Vocational 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 ever been convicted and/or pled guilty to a felony or misdemeanor other than a minor traffic violation?..."

7. On or about April 14, 1980, Respondent entered a plea of guilty and was convicted of Credit Card Abuse (a felony offense committed on November 2, 1979), in the 213th District Court of Tarrant County, Texas, under Cause No. 19186A. As a result of the conviction, Respondent was sentenced to confinement in the Texas Department of Corrections for a period of nine (9) years; however, the imposition of the sentence of confinement was suspended and Respondent was placed on probation for a period of nine (9) years. Additionally, Respondent was ordered to pay court costs.

8. On or about October 6, 1980, Respondent entered a plea of "Guilty" and was convicted of THEFT OF PROPERTY OF THE VALUE OF $200.00 OR MORE BUT LESS THAN $10,000.00 (a felony offense committed on June 23, 1980), in the 213th District Court of Tarrant County, Texas, under Cause Number 22355A. As a result of the conviction, Respondent was sentenced to confinement in the Texas Department of Corrections for a period of not less than two (2) years, nor more than five (5) years. Additionally, Respondent was ordered to pay court costs.

9. On or about October 6, 1980, the probation Respondent was granted under Cause No. 19186A was REVOKED in the 213th District Court of Tarrant County, Texas. As a result, Respondent was sentenced to confinement in the Texas Department of Corrections for a period of not less than two (2) years, nor more than five (5) years (to run concurrent with the sentence of confinement ordered in Cause No. 22355A).

10. On or about February 9, 1981, Respondent was convicted of AGGRAVATED ROBBERY (a First Degree felony offense committed on July 1, 1980), in the 140th District Court of Lubbock County, Texas, under Cause Number 21,442. As a result of the conviction, Respondent was sentenced to confinement in the Texas State Penitentiary for a period of not less than five (5) years, nor more than twenty (20) years. On or about March 3, 1980, Respondent was paroled until July 1, 2000.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violations of Article 4528c, Section 10(a)(2)&(9), Tex. Rev. Civ. Stat. and, and 22 TEX. ADMIN. CODE §231.81(12)

4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 141714, heretofore issued to SONYA KAY MCGINNIS, including revocation of Respondent's license to practice nursing in the State of Texas.

5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.

7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational License Number 141714, heretofore issued to SONYA KAY MCGINNIS, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-sized license, heretofore issued to SONYA KAY MCGINNIS, to the office of the Texas Board of Nursing.

2. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.

3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.

4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for re-licensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 14 day of September, 2010.

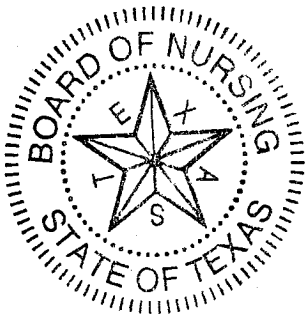
Sonya K. McGinnis
SONYA KAY MCGINNIS, Respondent

Sworn to and subscribed before me this 14 day of September, 2010.

SEAL
NOTARY PUBLIC STATE OF TEXAS
NELDA J. PROCTOR
My Commission Expires
May 10, 2013

Nelda J. Proctor
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Vocational Nurse License Number 141714, previously issued to SONYA KAY MCGINNIS.



Effective this 17th day of September, 20 10.

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

September 1, 2010

Certified Mail No. 91 7108 2133 3938 0675 6008
Return Receipt Requested

Sonya Kay McGinnis
101 Ute Trail
Hewitt, Texas 76643

Dear Ms. McGinnis:

Enclosed are Formal Charges which have been filed against you alleging one or more violations of Article 4528c,Sec10(9), Tex. Rev. Civ. Stat. Ann. 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, MN, RN
Executive Director

KAT/TR/

Enclosure: Formal Charges

09/99-DA

Members of the Board

Linda Rounds, PhD, FNP, RN
Galveston, *President*

Deborah Bell, CLU, ChFC Abilene | Kristin Benton, MSN, RN Austin | Patricia Clapp, BA Dallas | Tamara Cowen, MN, RN Harlingen | Sheri Crosby, JD, SPHR Dallas | Marilyn Davis, BSN, RN, MPA Sugar Land

[illegible] PhD, RN | Richard Gibbs, LVN | Kathy Leader-Horn, LVN | Josefina Lujan, PhD, RN | Beverley Jean Nutall, LVN | Mary Jane Salgado, MEd [illegible]

In the Matter of Permanent License	§	**BEFORE THE TEXAS**
Number 141714, Issued to	§	
SONYA KAY MCGINNIS, Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SONYA KAY MCGINNIS, is a Vocational Nurse holding license number 141714, 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 December 14, 1992, Respondent submitted an Application for Licensure by Examination to the Board of Vocational 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 ever been convicted and/or pled guilty to a felony or misdemeanor other than a minor traffic violation?"

Respondent failed to disclosed the following:

On or about April 14, 1980, Respondent entered a plea of Guilty and was convicted of CREDIT CARD ABUSE (a felony offense committed on November 2, 1979), in the 213th District Court of Tarrant County, Texas, under Cause No. 19186A. As a result of the conviction, Respondent was sentenced to confinement in the Texas Department of Corrections for a period of nine (9) years; however, the imposition of the sentence of confinement was suspended and Respondent was placed on probation for a period of nine (9) years. Additionally, Respondent was ordered to pay court costs.

On or about October 6, 1980, Respondent entered a plea of Guilty and was convicted of THEFT OF PROPERTY OF THE VALUE OF $200.00 OR MORE BUT LESS THAN $10,000.00 (a felony offense committed on June 23, 1980), in the 213th District Court of Tarrant County, Texas, under Cause Number 22355A. As a result of the conviction, Respondent was sentenced to confinement in the Texas Department of Corrections for a period of not less than two (2) years, nor more than five (5) years. Additionally, Respondent was ordered to pay court costs.

On or about October 6, 1980, Respondent's probation granted under Cause Number 19186A was REVOKED in the 213th District Court of Tarrant County, Texas. As a result, Respondent was sentenced to confinement in the Texas Department of Corrections for a period of not less than two (2) years, nor more than five (5) years (to run concurrent with the sentence of confinement ordered in Cause No. 22355A).

On or about February 9, 1981, Respondent was convicted of AGGRAVATED ROBBERY (a First Degree felony offense committed on July 1, 1980), in the 140th District Court of Lubbock County, Texas, under Cause Number 21,442. As a result of the conviction, Respondent was sentenced to confinement in the Texas State Penitentiary for a period of not less than five (5) years, nor more than twenty (20) years. On or about March 3, 1980, Respondent was paroled until July 1, 2000.

The above action constitutes grounds for disciplinary action in accordance with Article 4528c, Section 10(a)(2)&(9), Tex. Rev. Civ. Stat. Ann.(effective 9/1/1985) and 22 TEX. ADMIN. CODE §231.81(2)(A),(3)&(6) (effective 1/1/1985).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of 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 § 301.461, TEX. OCC. CODE ANN. 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).

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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 Lying and Falsification, for Fraud, Theft & Deception, 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 31st day of August, 2010.

TEXAS BOARD OF NURSING

James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
Jena Renee Koslan Abel, Assistant General Counsel
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