

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 150111
ISSUED TO
ALICIA MEDINA PEREZ

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE 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.
Alicia Medina Perez
Executive Director of the Board

ORDER OF THE BOARD

TO: Alicia Medina Perez
10118 Flaxman St
Houston, TX 77029

During open meeting held in Austin, Texas, on Tuesday, March 23, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and 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.

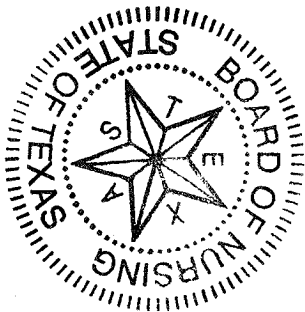
The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. 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 § 213.2(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 150111, previously issued to ALICIA MEDINA PEREZ, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 150111, previously issued to ALICIA MEDINA PEREZ, 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 nurse licensure compact privileges, if any, to practice vocational nursing in the State of Texas.



Entered this 2nd day of March, 2010.

TEXAS BOARD OF NURSING

BY:

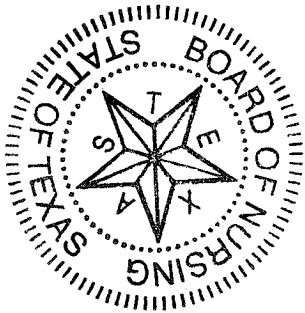
Katherine A. Thomas
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 150111
Issued to ALICIA MEDINA PEREZ
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of March, 2010, 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):

Alicia Medina Perez
10118 Flaxman St
Houston, TX 77029



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 150111, Issued to §
ALICIA MEDINA PEREZ, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ALICIA MEDINA PEREZ, is a Vocational Nurse holding license number 150111, 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 July 12, 2001, Respondent entered a plea of Guilty to POSSESSION OF A CONTROLLED SUBSTANCE PENALTY GROUP 3 < 28 GRAMS (a Class C Misdemeanor offense committed on June 30, 2000), filed in the County Court at Law No. 4 of Hidalgo County, Edinburg, Texas, under Cause No. CR-187605-D. As a result of the guilty plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of three hundred sixty-five (365) days.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(10), Texas Occupations Code (effective September 1, 1999).

CHARGE II.

On or about July 12, 2001, Respondent entered a plea of Guilty to POSSESSION OF MARIJUANA < 2 OZ (a Class C Misdemeanor offense committed on June 30, 2000), filed in the County Court at Law No. 4 of Hidalgo County, Edinburg, Texas, under Cause No. CR-179970-A. As a result of the guilty plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of three hundred sixty-five (365) 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)(10), Texas Occupations Code (effective September 1, 1999).

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CHARGE III.

On or about December 10, 2001, Respondent entered a plea of Guilty and was subsequently Convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on October 26, 2001), filed in the County Criminal Court at Law No. 3 of Harris County, Houston, Texas, under Cause No. 1084564. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of one hundred eighty (180) days, with the imposition of the sentence to confinement suspended, and Respondent was placed on probation for a period of one (1) year. Additionally, Respondent was ordered to pay a fine and court costs. (See Charge V)

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(10), Texas Occupations Code (effective September 1, 2001) and 22 TEX. ADMIN. CODE §239.11(29) (effective thru January 31, 2004).

CHARGE IV.

On or about October 3, 2002, Respondent entered a plea of Guilty and was subsequently Convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on July 17, 2001), filed in the County Court at Law No. 1 for Cameron County, Brownsville, Texas, under Cause No. 01-CR-5707-A. As a result of the conviction, Respondent was sentenced to confinement in the Cameron County Jail for a period of one hundred eighty (180) days, with fifty-eight (58) days credit given.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(10), Texas Occupations Code (effective September 1, 2001) and 22 TEX. ADMIN. CODE §239.11(29) (effective thru January 31, 2004).

CHARGE V.

On or about January 20, 2005, Respondent's probation for the DRIVING WHILE INTOXICATED offense, granted under Cause No. 1084564 and filed in the County Criminal Court at Law No. 3 of Harris County, Houston, Texas, was Revoked. As a result of the revocation, Respondent was sentenced to confinement in the Harris County Jail for a period of twenty (20) days, with twenty-one (21) days credit given. Additionally, Respondent was ordered to pay court costs. Furthermore, Respondent's license was suspended for a period of one (1) year.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code (effective after September 1, 2003), and is a violation of 22 TEX. ADMIN. CODE §217.12(13) (effective after September 28, 2004).

CHARGE VI.

On or about June 21, 2005, Respondent submitted her Texas Online Renewal Document 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, adjudged guilty by 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 the last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUI's, DWI's, PT's must be reported and are not considered minor traffic violations. (One time minor in possession [MIP] or minor in consumption [MIC] do not need to be disclosed, therefore, you may answer "No". If you have two or more MIP's or MIC's, you must answer "Yes".)

On or about January 20, 2005, Respondent's probation for the DRIVING WHILE INTOXICATED offense, granted under Cause No. 1084564 and filed in the County Criminal Court at Law No. 3 of Harris County, Houston, Texas, was Revoked. As a result of the revocation, Respondent was sentenced to confinement in the Harris County Jail for a period of twenty (20) days, with twenty-one (21) days credit given. Additionally, Respondent was ordered to pay court costs. Furthermore, Respondent's license was suspended for a period of one (1) year.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10), Texas Occupations Code (effective after September 1, 2003), and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(H)&(I) (effective after September 28, 2004).

CHARGE VII.

On or about December 4, 2007, Respondent entered a plea of Guilty and was subsequently Convicted of FICTITIOUS LICENSE/CERTIFICATE (a Class A Misdemeanor offense committed on December 2, 2007), filed in the County Criminal Court at Law No. 10 of Harris County, Houston, Texas, under Cause No. 1494835. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of six (6) days, with three (3) days credit given. Additionally, Respondent was ordered to pay court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code (effective after September 1, 2003), and is a violation of 22 TEX. ADMIN. CODE §217.12(13) (effective after September 28, 2004).

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CHARGE VIII.

On or about April 28, 2009, while employed as a Licensed Vocational Nurse with Premier Agency, and assigned to Memorial Hermann Southeast Hospital, Houston, Texas, Respondent began to draw a phenylketonuria lab on Patient D.L.'s baby, when the phenylketonuria lab was ordered for Patient B.V.'s baby. Respondent's conduct was likely to injure the patient in that the drawing of blood products from a patient, which was not ordered by the physician or matched and cross typed, could expose the patient to 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)(B)&(C), and 22 TEX. ADMIN. CODE §217.12(1)(B)&(4).

CHARGE IX.

On or about April 28, 2009, while employed as a Licensed Vocational Nurse with Premier Agency, and assigned to Memorial Hermann Southeast Hospital, Houston, Texas, Respondent failed to document or accurately document nursing care provided to Patient B.V. and Patient D.L. Respondent's conduct was likely to injure the clients in that it deprived subsequent care givers of essential assessment information on which to base their on-going clinical care decisions.

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)(B)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(4).

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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 § 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 (\$1,200.00).

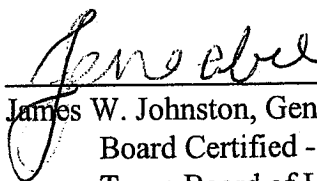
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

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, and 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 21st day of January, 2010.

TEXAS BOARD OF NURSING



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