IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 137221	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
MARY ANN ARNOLE	§	BOARD OF NURSING

BOARD OF NURSING TEXAS
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: Mary Ann Arnold
5143 Encino
Abilene, TX 79605

During open meeting held in Austin, Texas, on Tuesday, Marach 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.

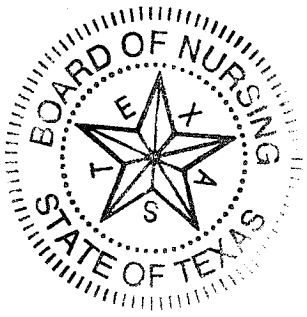
All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 137221, previously issued to MARY ANN ARNOLD, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 137221, previously issued to MARY ANN ARNOLD, 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 privilege, if any, to practice vocational nursing in the State of Texas.

Entered this 23rd day of March, 2010.



TEXAS BOARD OF NURSING

BY: _____

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

Re: Permanent Certificate Number 137221
Issued to Mary Ann Arnold
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 25th 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):

Mary Ann Arnold
5143 Encino
Abilene, TX 79605

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 137221, Issued to	§	
MARY ANN ARNOLD, Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MARY ANN ARNOLD, is a Vocational Nurse holding license number 137221, 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 March 10, 1988, Respondent entered a plea of Guilty to FORGERY BY MAKING (a 3rd Degree felony offense committed on November 8, 1987), in the 132nd Judicial District Court of Scurry County, Texas, under Cause No. 5799. 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 four (4) years. Additionally, Respondent was ordered to pay restitution in the amount of one hundred twenty dollars ($120), along with a fine and court costs.

On or about December 14, 1989, Respondent's probation granted under Cause No. 5799 was revoked and Respondent was sentenced to confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of four (4) years, however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of four (4) years.

The above action constitutes grounds for disciplinary action in accordance with Article 4528(c), sec. 10(a)(3)&(9)(eff. through 09/01/1993), TEX. REV. CIV. STAT. ANN., and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(eff. through 09/28/2004).

CHARGE II.

On or about November 17, 1998, Respondent entered a plea of Guilty and was convicted of POSSESSION OF MARIHUANA (a Class B misdemeanor offense committed on November 2, 1998), in the County Court of Scurry County, Texas, under Cause No. 26832. As a result of the conviction, Respondent was sentenced to confinement in the Scurry County Jail for a period of sixty (60) days. Respondent's judgment was modified to allow her to serve her time on weekends only.

The above action constitutes grounds for disciplinary action in accordance with Article 4528(c), sec. 10(a)(9)(eff. through 09/01/1999), TEX. REV. CIV. STAT. ANN., and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(eff. through 09/28/2004).

CHARGE III.

On or about June 14, 1999, Respondent entered a plea of Guilty and was convicted of POSSESSION OF A CONTROLLED SUBSTANCE IN A CORRECTIONAL FACILITY - TEXAS PENAL CODE 38.11 (a 3rd Degree felony offense committed on February 20, 1999), in the 132nd District Court of Scurry County, Texas, under Cause No. 8119. As a result of the conviction, Respondent was sentenced to confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of five (5) years.

The above action constitutes grounds for disciplinary action in accordance with Article 4528(c), sec. 10(a)(3)&(9)(eff. through 09/01/1999), TEX. REV. CIV. STAT. ANN., and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(eff. through 09/28/2004). Moreover, the above offense mandates revocation of Respondent's license to practice nursing in accordance with Chapter 53.021 of the Texas Occupations Code.

CHARGE IV.

On or about June 25, 1999, Respondent entered a plea of Guilty and was convicted of POSSESSION MARIJUANA (a Class B misdemeanor offense committed on October 13, 1998), in the County Court at Law of Parker County, Texas, under Cause No. 98-1824. As a result of the conviction, Respondent was sentenced to confinement in the Parker County Jail for a period of forty-five (45) days, with seventy (70) days credit for time served.

The above action constitutes grounds for disciplinary action in accordance with Article 4528(c), sec. 10(a)(9)(eff. through 09/01/1999), TEX. REV. CIV. STAT. ANN., and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(eff. through 09/28/2004).

CHARGE V.

On or about June 14, 2009, Respondent entered a plea of Guilty and was convicted of POSSESSION OF A CONTROLLED SUBSTANCE (a State Jail felony offense committed on January 7, 2009), in the 132nd District Court of Scurry County, Texas, under Cause No.9488. As a result of the conviction, Respondent was sentenced to confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of twelve (12) months. Additionally, Respondent was ordered to pay restitution in the amount of one hundred forty dollars ($140) along with a fine and court costs. Sentence is concurrent with any other sentence unless otherwise specified.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code(eff. 09/01/2007), and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B)&(13)(eff. 09/28/2004).

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.
CONTINUED ON NEXT PAGE.

CHARGE VI.

On or about July 14, 2009, Respondent entered a plea of Guilty and was convicted of FORGERY (a State Jail felony offense committed on December 12, 2008), in the 132nd District Court, Scurry County, Texas, under Cause No. 9529. As a result of the conviction, Respondent was sentenced to confinement in the State Jail Division of the Texas Department of Criminal Justice for a period of eighteen (18) months. Sentence is concurrent with any other sentence unless otherwise specified.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code(eff. 09/01/2007), and is a violation of 22 TEX. ADMIN. CODE §217.12(13)(eff. 09/28/2004). Moreover, the above offense mandates revocation of Respondent's license to practice nursing in accordance with Chapter 53.021 of the 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. 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).

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, and 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.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.
CONTINUED ON NEXT PAGE.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated June 16, 1992.

Filed this 20th day of January, 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
State Bar No. 24036103
Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847
John F. Legris, Assistant General Counsel
State Bar No. 00785533
TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated June 16, 1992.

0999/D

137221

BOARD OF VOCATIONAL NURSE EXAMINERS
9101 BURNET ROAD - SUITE 105
AUSTIN, TEXAS 78758
TELEPHONE 512/835-2071

June 19, 1992

MARY ANN ARNOLD
404 AMARILLO
ABILENE, TEXAS 79602

Dear Ms. Arnold:

On June 16, 1992, the Board of Vocational Nurse Examiners endorsed the enclosed Agreed Board Order, and it is now in effect.

As a result of this action your license has been suspended, suspension stayed and placed on probation for a period of eighteen (18) months. Your probation is subject to certain conditions as outlined in the Agreed Board Order. The reports that are due from your nursing employer(s) are due on the following dates, to-wit:

September 16, 1992, 1993
December 16, 1992, 1993
March 16, 1993
June 16, 1993

Any period(s) of unemployment must be documented in writing and submitted directly to the Board office on a quarterly basis throughout the term of probation. Future non-compliance with the Vocational Nurse Act may result in a more severe sanction.

If you have any questions concerning this matter, please contact the Investigation Division.

Sincerely,

Marjorie A. Bronk, RN

Marjorie A. Bronk, R.N.
Executive Director

MAB/db
Enclosure

137221

BOARD OF VOCATIONAL NURSE EXAMINERS
9101 BURNET ROAD - SUITE 105
AUSTIN, TEXAS 78758
TELEPHONE 512/835-2071

December 28, 1993

Mary Arnold
5220 Hartford #409
Abilene 79605

Dear Ms. Arnold:

You have successfully completed your term of probation as stipulated by the Board of Vocational Nurse Examiners.

All pertinent information will remain in your permanent records. We urge you in the future to promote and uphold the ethical standards a Licensed Vocational Nurse should practice.

If you have any questions concerning this matter, please do not hesitate to contact our office.

Sincerely,

Carolyn Hudson

Carolyn Hudson
Investigations Division

/CH

137221

c. Applicant was admitted to the Hendrick Medical Center on about 1-29-87 through about 3-10-87 for substance abuse treatment. Prior to said admission, Applicant was unable to stop using Heroine and Dilaudid.

d. With said application for licensure, Applicant provided a written statement acknowledging her past poly-drug abuse history, and submitted supportive documentation referencing her continued efforts toward rehabilitation.

By Applicant's signature on this Order, Applicant neither admits nor denies the truth of the matters previously set out in this Order with respect to the above mentioned investigation. By Applicant's signature on this Order, Applicant acknowledges that she has read and understood this Order and has approved it for consideration by the Board.

By her notarized signature on this Order, Applicant does hereby waive the right to Notice of a Formal Hearing, and a Formal Hearing before the Board of Vocational Nurse Examiners, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

THEREFORE, PREMISES CONSIDERED, The Board of Vocational Nurse Examiners does hereby order that MARY ANN ARNOLD be allowed to write the examination for licensure and upon obtaining a passing score be issued a license to practice vocational nursing in the State of Texas. Said license shall be suspended, suspension stayed and placed on probation for a period of eighteen (18) months.

137221

The probation of said license is subject to the following stipulations to wit:

1. That Applicant shall cause her nursing employer(s) to submit satisfactory reports to the Board office on a quarterly basis throughout the term of probation.

2. That Applicant shall not be employed by a nurse registry/temporary nurse agency or as a private duty nurse throughout the term of probation.

3. That Applicant shall work only under the direct supervision of a licensed medical professional throughout the term of probation.

4. That Applicant shall not work in an autonomous nursing position throughout the term of probation.

5. That Applicant shall submit to random periodic blood alcohol and urine drug screens upon demand of the Board staff. Said screens shall be properly monitored with adherence to chain of custody procedures. The results of said screens shall be submitted to the Board office by the laboratory. The expense of said screens shall be borne by Applicant.

6. That any period(s) of unemployment must be documented in writing by Applicant and submitted directly to the Board office on a quarterly basis throughout the term of probation.

7. Further, that if Applicant's place of employment, name, address or telephone number changes, Applicant is to notify the Board office immediately.

8. It is also ordered that MARY ANN ARNOLD shall comply with all the provisions of Article 4528c, Revised Civil Statutes of Texas.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.

Dated this the 13 day of February, 1992

FEB 14 1992

137221

Mary Ann Arnold
Signature of Applicant

404 Amarillo
Current Address

Abilene Tex 79602
City, State and Zip

915, 695-0767 (Aunt's phone)
Area Code and Telephone Number

The State of Texas
County of Taylor

Before me, the undersigned authority, on this day personally appeared MARY ANN ARNOLD, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me this the 13th day of February, 1992

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 02-11-95

HARVIE C. JAMES
NOTARY PUBLIC
State of Texas
Comm. Exp. 02-11-95

Marjorie A. Bronk, R.N.
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 14th day of February, 1992

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

FEB. 14 1992

137221

AGREED ORDER
RE: MARY ANN ARNOLD, EXAM APPLICANT
PAGE 5

ENDORSEMENT OF THE BOARD
To The Agreed Board Order
in the matter of MARY ANN ARNOLD
EXAM APPLICANT

At its regularly called session, 16th day of June, 1992, came on to be considered the indicated Agreed Board Order pertaining to MARY ANN ARNOLD. The Board having reviewed the contents of said Order, the Order should be, and is hereby, endorsed as an Order of the Board and made an official act of the Board of Vocational Nurse Examiners for the State of Texas.

Said Order is rendered this the 16th day of June, 1992.

Sandra W. King Lt. WD
Opal Robinson LVN
Doris A. Parker RN
Mary Speck WD
Charlotte J. Sifford LVN
Carrie M. Davis

Virginia M. Bauman
Annie Mae Parker LVN
Ruth T. Lenfant
Norma Jean Clark LVN

137221

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of June, 1992, a true and correct copy of the foregoing Order was served by placement in the U.S. Mail, first class, and addressed to the following person(s):

Mary Ann Arnold
404 Amarillo
Abilene, Texas 79602

Marjorie A Bronk, RN

Marjorie Bronk, R.N.
Executive Director
Agent for the Board of Vocational Nurse Examiners