

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 183204  
ISSUED TO  
KELLY MCCONCHIE-LOPEZ

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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.  
*Patricia Thomas*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: Kelly McConchie-Lopez  
9109 Sedgemoor Trl. # A  
Austin, TX 78748

During open meeting held in Austin, Texas, on 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 183204, previously issued to KELLY MCCONCHIE-LOPEZ, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 183204, previously issued to KELLY MCCONCHIE-LOPEZ, 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 183204  
Issued to KELLY MCCONCHIE-LOPEZ  
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 25<sup>th</sup> day of March, 20 10, 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):

Kelly McConchie-Lopez  
9109 Sedgemoor Trl # A  
Austin, TX 78748

BY:



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

**In the Matter of Permanent License** § **BEFORE THE TEXAS**  
**Number 183204, Issued to** §  
**KELLY MCCONCHIE-LOPEZ, Respondent** § **BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, KELLY MCCONCHIE-LOPEZ, is a Vocational Nurse holding license number 183204, 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 June 10, 2009, Respondent's license to practice vocational nursing in the State of New Mexico was REVOKED by Default, by the Board of Nursing for the State of New Mexico, Albuquerque, New Mexico. A copy of the Default Order, dated June 10, 2009, is attached and incorporated by reference as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), 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. 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).

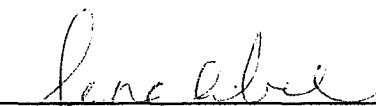
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

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](http://www.bon.state.tx.us/disciplinaryaction/discp-matrix.html).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Default Order dated June 10, 2009, issued by the Board of Nursing for the State of New Mexico.

Filed this 5<sup>th</sup> day of February, 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: Default Order, dated June 10, 2009, issued by the Board of Nursing for the State of New Mexico.

0999/D

BEFORE THE BOARD OF NURSING  
FOR THE STATE OF NEW MEXICO

IN THE MATTER OF: Kelly McConchie

LICENSE/CERTIFICATE NO.: L17656/H00269

Respondent

I certify this to be a true copy of the  
records on file with the New Mexico  
Board of Nursing.

Signed: CB

DEFAULT ORDER

THIS MATTER having come before the Board of Nursing ("BON") on  
Wednesday, June 10, 2009 the BON finds the following:

1. A Notice of Contemplated Action was served on the respondent  
in accordance with the Uniform Licensing Act, N.M.S.A. §61-1-1 et seq.
2. The respondent has not mailed a request for hearing within the  
time and in the manner required by N.M.S.A. §61-1-4 and is therefore in  
default.

IT IS THEREFORE ORDERED THAT: the license/certificate of Kelly  
McConchie, L17656/H00269 is hereby revoked by default.

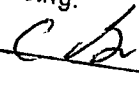
6/10/09  
DATE

TERRI FORTNER  
TERRI FORTNER, CHAIRPERSON  
NEW MEXICO BOARD OF NURSING

CERTIFIED MAIL NO: 70081140600425416184  
RETURN RECEIPT REQUESTED

BEFORE THE BOARD OF NURSING  
FOR THE STATE OF NEW MEXICO

IN THE MATTER OF:  
KELLY McCONDIE,  
License No: L17656,

I certify this to be a true copy of the  
records on file with the New Mexico  
Board of Nursing.  
Signed: 

Respondent.

NOTICE OF CONTEMPLATED ACTION

1. The Respondent is licensed under the Nursing Practice Act, §61-3-1 et seq. N.M.S.A., and is subject to the jurisdiction of the New Mexico Board of Nursing ("BON").

2. The BON has sufficient evidence which, if not rebutted or explained, will justify the BON in suspending or revoking or taking other action against the Respondent's license pursuant to §61-3-28 N.M.S.A.

3. The general nature of the allegations is contained in Exhibit 1 to this Notice of Contemplated Action.

4. Unless the Respondent within twenty days after service of this notice deposits in the mail a certified return receipts requested letter addressed to the BON at the address below containing a request for hearing, the BON will take the contemplated action.

61-1-8. Rights of person entitled to hearing.

A. A person entitled to be heard under the Uniform Licensing Act [61-1-1 NMSA 1978] shall have the right to be represented by counsel or by a licensed member of his own profession or occupation, or both; to present all relevant

evidence by means of witnesses and books, papers, documents and other evidence; to examine all opposing witnesses who appear on any matter relevant to the issues; and to have subpoenas and subpoenas duces tecum issued as of right prior to the commencement of the hearing to compel discovery and the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making written request therefore to the board or hearing officer. The issuance of such subpoenas after the commencement of the hearing rests in the discretion of the board or the hearing officer. All notices issued pursuant to §61-1-4 NMSA 1978 shall contain a statement of these rights.

B. Upon written request to another party, any party is entitled to:

(1) obtain the names and addresses of witnesses who will or may be called by the other party to testify at the hearing; and

(2) inspect and copy any documents or items which the other party will or may introduce in evidence at the hearing.

The party to whom such a request is made shall comply with it within ten days after the mailing or delivery of the request. No request shall be made less than fifteen days before the hearing.

C. Any party may take depositions after service of notice in accordance with the Rules of Civil Procedure for the District Courts. Depositions may be used as in proceedings governed by those rules.



Date:

5/4/09

Allison Kozeliski

Board of Nursing  
Allison Kozeliski, R.N.  
Executive Director  
6301 Indian School Rd., NE  
Suite 710  
Albuquerque, New Mexico 87110

CERTIFIED MAIL: 7008114000042543 0707  
RETURN RECEIPT REQUESTED

(505) 841-8345

mf # 2076



Board Of Nursing  
Diversion Program

6301 Indian School NE Suite 710  
Albuquerque, New Mexico 87110

(PLEASE PRINT OR TYPE INFORMATION)

IN THE MATTER OF THE COMPLAINT OF

NANCY DARBRO, PhD, RN DIVERSION PROGRAM COORDINATOR, NEW MEXICO BOARD OF NURSING

Names of Complainant and Institution

6301 INDIAN SCHOOL RD. NE, SUITE 710, ALBUQ. N.M., 841-8345

Street Address

City

State

Zip

Telephone Numbers: Office: \_\_\_\_\_ Home: \_\_\_\_\_

AGAINST

L-17656

Kelly McConchie

License or Certificate No: \_\_\_\_\_

Name of Nurse or Certificate Holder

HC 81 Box 636, Ouesta, N.M. 87556

Street Address

PO Box

City

State

Zip

Telephone

(Write a detailed statement, directly on this form, describing the facts related to the alleged violation(s) of the Nursing Practice Act and/or rules adopted by the Board. Attach copies of records, reports, letters, etc., relative to the alleged violation(s). Additional sheets may be attached if necessary. (USE TYPEWRITER IF POSSIBLE).

PLEASE HAVE THE FORM SIGNED AND DATED ON REVERSE SIDE.

Comes now the complaint in the above entitled matter alleges

Ms. Kelly McConchie, L-17656, contacted the Diversion Program in early July, 2008, from an inpatient treatment program saying she had a problem with illicit drug abuse and wanted help. She submitted her request for admission on July 25, 2008, indicating she was going to be admitted to a long term inpatient treatment program. She signed her initial contract with the DP on November 17, 2008, agreeing to abstinence and the submission of regular reports.

Ms. McConchie submitted a positive drug screen for THC on 1-28-09. When contacted, she did admit to relapsing by smoking pot, saying she was stressed and discouraged as she could not find a job. She has not submitted reports or drug screens since January, 2009. When contacted in February, 2009, she was said she was still in crisis and used pot again but was hoping to get back into compliance.

The relapse with pot and not submitting required reports are violations of her DP contract.

Wherefore complainant prays that an investigation be made as to the matter herein alleged, and if the facts warrant it, the appropriate action be initiated in accordance with the provisions of Section 61-3-1 through 61-3-39, NMSA, 1978 COMP. as amended.

5-4-09

DATE

*Nancy Melton PhD, RN*

Signature of Complainant(s)  
(Please type or print name below)