



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.  
*Katherine A. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Professional Nurse           §       AGREED  
License Number 688601                           §  
issued to MISTI LEA LOMAS                   §       ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MISTI LEA LOMAS, Registered Nurse License Number 688601, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on December 3, 2009, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on 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 professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from San Antonio College, San Antonio, Texas, on May 10, 2002. Respondent was licensed to practice professional nursing in the State of Texas on July 23, 2002.
5. Respondent's professional nursing employment history is unknown.

6. On or about June 7, 2007, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on July 18, 2006), in the County Court at Law of Wise County, Texas, under Cause No. 60480. As a result of the conviction, Respondent was sentenced to confinement in the Wise County Correctional Facility for a period of three (3) days; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of one (1) day. Additionally Respondent was ordered to pay a fine and court costs.
7. In response to Finding of Fact Number Six (6), Respondent states: She was on back roads, on the way to her aunt's house and was unable to stop at the end of the road due to loose dirt. Respondent got into a car accident, and was found to have more alcohol in her system than allowed by law. This was a terrible event in her life, in which she learned a valuable lesson. Respondent states: "I certainly do not intend to repeat it or anything like it in the future.
8. On or about February 18, 2009, Respondent submitted an Online Renewal Document to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal...?"

  - A. been convicted of a misdemeanor?
  - C. pled nolo contendere, no contest or guilty?
  - E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?

Respondent failed to disclose that on or about June 7, 2007, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on July 18, 2006), in the County Court at Law of Wise County, Texas, under Cause No. 60480.
9. In response to Finding of Fact Number Eight (8), Respondent states: She had not committed any criminal offense in the past 24 months, Respondent honestly thought she was supposed to say "No" due to the fact that it had been three years since the offense. Respondent realizes now that the conviction was actually within the 24 months prior, therefore Respondent should have answered "Yes". Respondent apologizes for her actions and for having violated the Nurse Practice Act.
10. Formal Charges were filed on July 2, 2009 .
11. Formal Charges were mailed to Respondent on July 7, 2009.

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 violation of Section 301.452(b)(2)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(I)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 688601, heretofore issued to MISTI LEA LOMAS, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION WITH A FINE, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

- (1) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty

dollars (\$250). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*  
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

RESPONDENT'S CERTIFICATION

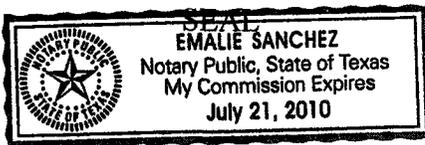
I understand that I have the right to legal counsel prior to signing this Agreed Order.

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 when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 8 day of March, 2010.

M. Lomas, RN (now: M. Kempner, RN)  
MISTI LEA LOMAS, Respondent

Sworn to and subscribed before me this 8th day of March, 2010.



Emalie Sanchez  
Notary Public in and for the State of Texas July 21, 2010

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 8th day of March, 2010, by MISTI LEA LOMAS, Registered Nurse License Number 688601, and said Order is final.



Effective this 23 day of March, 2010.

*Katherine A. Thomas*

Katherine A. Thomas, MN, RN  
Executive Director on behalf  
of said Board