



# Board of Nurse Examiners For the State of Texas

Location Address: William P. Hobby Building, Ste. 3-460, 333 Guadalupe Street, Austin, Texas 78701  
Phone: (512) 305-7400 Fax: (512) 305-7401 Web: www.bne.state.tx.us

**Katherine A. Thomas, MN, RN**  
*Executive Director*



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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

0211 5601 0000 054E 9002

Ret (Endorse)  
Restrict (Endorse)  
Total F

Sent To Twila Faye  
Street, Apt. No.; or PO Box No. 4406 Z  
City, State, ZIP+4 Lubbock, TX  
PS Form 3800, August 2006

July 11, 2007

Twila Faye Benavides  
4406 20th St. #13  
Lubbock, TX 79407

Via CMRRR # 7006 3450 0000 1095 1

## NOTICE OF HEARING

RE: IN THE MATTER OF PERMANENT CERTIFICATE NUMBER 132582  
ISSUED TO: TWILA FAYE BENAVIDES

Dear Ms. Benavides:

Your case is scheduled to be heard before the Board of Nurse Examiners at a Committee Meeting on Tuesday, August 14, 2007, at 8:30 a.m., at 333 Guadalupe, Suite 3-460, Austin, Texas, 78701. At that time, pursuant to BNE Rule 213.16, your failure to respond and/or appear regarding the allegation(s) of violation(s) of the Nurse Practice Act and to the Formal Charges filed pursuant to BNE Rule 213.15, will result in the allegations against you that are set out in the Formal Charges being deemed as true. In addition, your opportunity for hearing on the formal charges shall be deemed to have been waived. The relief sought in this notice of hearing will be granted by default (TEX. GOVT. CODE § 2001.056).

Pursuant to the Texas Occupations Code §301.453, relief such as revocation, suspension, suspension with probation, reprimand, warning, denial of licensure and/or imposition of administrative penalties (fines), may be imposed by the Board.

Staff has completed a Default Order recommending the sanction of revocation which will be presented to the Board for consideration at its next regularly scheduled business meeting on Tuesday, August 14, 2007, at 8:30 a.m., at 333 Guadalupe, Suite 3-460, Austin, Texas, 78701. **FAILURE TO APPEAR AT THE HEARING IN PERSON OR BY LEGAL REPRESENTATIVE, REGARDLESS OF WHETHER AN APPEARANCE HAS BEEN ENTERED, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF SHALL BE GRANTED BY DEFAULT.**

After the Board meets, you will receive formal notification of the decision. Please contact Noemi Reyes, Investigator at 512-305-6834 should you have any questions regarding this matter.

Sincerely,

Noemi Reyes, Investigator  
Enforcement Division

Enclosures: Formal Charges with Attachments

### Members of the Board

- |                                 |                                       |  |  |   |
|---------------------------------|---------------------------------------|--|--|---|
| Joyce Adams, PhD, RN<br>Houston | Deborah Bell, CLU, ChFC<br>Abilene    | George Buchenau, Jr., BSN, RN, MBA<br>Amarillo | Virginia Campbell, BSN, RN, CNOR<br>Mesquite | Blanca Rosa Garcia, PhD, RN<br>Corpus Christi |
| Richard Gibbs, LVN<br>Mesquite  | Rachel Gomez, LVN<br>Harlingen        | Brenda Jackson, PhD, RN<br>San Antonio         | Beverley Jean Nutall, LVN<br>Bryan           |   |
| Anita Palmer, ME, MA            | Phyllis Rawley, CPC<br>Vice President | Linda Rounds, PhD, FNP, RN<br>President        | Frank Sandoval, Jr., J.D.<br>San Antonio     |   |



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**Katherine A. Thomas, MN, RN**  
*Executive Director*

June 20, 2007

Certified Mail No. 7006 3450 0000 1095 0710  
Return Receipt Requested

Twila Faye Benavides  
4406 20th St. #13  
Lubbock, Texas 79407

Dear Ms. Benavides:

Enclosed are Formal Charges which have been filed against you alleging one or more violations of the Nursing Practice Act, Texas Occupations Code. Within three weeks from 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 Noemi Reyes, Investigator. You may obtain legal counsel at your own expense.

These Charges have been filed because your pending alleged violations of the Nursing Practice Act have not been resolved. **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.**

Additionally, you may resolve this matter according to the terms of the proposed Agreed Order previously sent to you. If you want to do that, you should sign the Order, have it notarized, and mail it to this office. If you do not have the proposed Agreed Order, you should call and request that a duplicate be sent to you.

If a written answer to the Formal Charges or a signed, notarized Agreed Order is not received within three weeks from the date of this letter, this matter will proceed as a default matter 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 enclosed Formal Charges spell out the matters which will be presented by default.

Should you desire to discuss this matter, you may contact Noemi Reyes, Investigator, Enforcement Division, at (512) 305-6834.

Sincerely,

Katherine A. Thomas, MN, RN  
Executive Director

KAT/nr

Enclosure: Formal Charges  
09/99-DB

### Members of the Board

- |                                 |                                    |  |  |   |
|---------------------------------|------------------------------------|--|--|---|
| Joyce Adams, PhD, RN<br>Houston | Deborah Bell, CLU, ChFC<br>Abilene | George Buchenau, Jr., BSN, RN, MBA<br>Amarillo | Virginia Campbell, BSN, RN, CNOR<br>Mesquite | Blanca Rosa Garcia, PhD, RN<br>Corpus Christi |
| Richard Gibbs, LVN<br>Mesquite  | Rachel Gomez, LVN<br>Harlingen     | Brenda Jackson, PhD, RN<br>San Antonio         | Beverley Jenn Natall, LVN<br>Bryan           | Frank Sandoval, Jr., J.D.<br>San Antonio      |
| Anita Palmer, ME, MA            | Phyllis Rawley, CPC                | Linda Rounds, PhD, FNP, RN<br>President        |  |   |

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Sent To Twila Faye  
Street, Apt. No.; 4406 20  
or PO Box No. 13  
City, State, ZIP+4 Lubbock, TX

PS Form 3800, August 2006

7006 3450 0000 1095 0710

In the Matter of Permanent License  
Number 132582, Issued to  
TWILA FAYE BENAVIDES, Respondent

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§  
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**BEFORE THE BOARD  
OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS**

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TWILA FAYE BENAVIDES, is a Vocational Nurse holding license number 132582, 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 January 17, 1996, Respondent was arrested by the Amarillo Police Department, Amarillo, Texas, and subsequently charged for Count I - DRIVING WHILE INTOXICATED (1<sup>st</sup> Offense) and Count II - DEADLY CONDUCT. On or about June 10, 1997, Respondent entered a plea of Guilty to Count II - DEADLY CONDUCT, (a Class A Misdemeanor offense committed on January 17, 1996), in the County Court at Law of Randall County, Texas, under Cause No. 46,290-L. 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 one hundred eighty (180) days. Additionally, Respondent was ordered to pay a fine in the amount of seven hundred fifty dollars (\$750), and court costs.

The above action constitutes grounds for disciplinary action in accordance with Article 4528c, sec. 10(a)(9), TEX. REV. CIV. STAT. ANN.

#### CHARGE II.

On or about July 19, 2005, Respondent entered a plea of Guilty in the United States District Court, Western District of Texas, Pecos Division, under Case No. P-05-CR-076(02)RAJ, to AIDING AND ABETTING POSSESSION WITH INTENT TO DISTRIBUTE MARIJUANA, (a felony offense committed on March 15, 2005), a violation of Title 21 U.S.C. § 841 (a)(1) & (b)(1)(B). As a result, Respondent was adjudged guilty of the offense and sentenced to thirty (30) months imprisonment in the United States Bureau of Prisons, with credit for time served while in custody. Upon release from imprisonment, Respondent was to be on supervised release for a term of five (5) years.

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

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).

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.bne.state.tx.us](http://www.bne.state.tx.us).

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Chemical Dependency and Fraud, Theft & Deception which can be found at the Board's website, [www.bne.state.tx.us](http://www.bne.state.tx.us).

Filed this 18<sup>th</sup> day of June, 20 07.

BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS



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

Victoria Cox, Assistant General Counsel  
State Bar No. 00789585

E. Joy Sparks, Assistant General Counsel  
State Bar No. 18874600

BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS  
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