IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 182565	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
ANDREA LEE RUSSELL	§	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.

Executive Director of the Board

ORDER OF THE BOARD

TO: Andrea Lee Russell
P.O. Box 665
Pottsboro, TX 75076

During open meeting held in Austin, Texas, on Tuesday, August 18, 2009, 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 182565, previously issued to ANDREA LEE RUSSELL, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 182565, previously issued to ANDREA LEE RUSSELL, 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 18th day of August, 2009.

TEXAS BOARD OF NURSING

BY: _____

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

Re: Permanent Certificate Number 182565
Issued to ANDREA LEE RUSSELL
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 21 day of August, 2009 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):

Andrea Lee Russell
P.O. Box 665
Pottsboro, TX 75076

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

In the Matter of Permanent License	§	**BEFORE THE TEXAS**
Number 182565, Issued to	§	
ANDREA LEE RUSSELL, Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ANDREA LEE RUSSELL, is a Vocational Nurse holding license number 182565, which is in current 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 August 24, 2003, Respondent was arrested by the Texas Highway Patrol, Garland, Texas, and subsequently charged under Cause No. 2003-2-212 for THEFT PROP >=$20 <$500 BY CHECK - COUNT I (a Class B misdemeanor offense) and ISSUANCE OF A BAD CHECK - COUNT II (a Class C misdemeanor offense). Additionally, Respondent was charged under Cause No. 2003-2-1290 for DRIVING WHILE INTOXICATED (a Class B misdemeanor offense).

A. On or about September 9, 2004, Respondent entered a plea of Guilty and was convicted of ISSUANCE OF A BAD CHECK - COUNT II (a Class C misdemeanor offense committed on July 25, 2002), in the County Court at Law of Grayson County, Texas, under Cause No. 2003-2-212. As a result of the conviction, Respondent was ordered to pay a fine and court costs.

   On or about September 9, 2004, Count I, THEFT BY CHECK was dismissed in the County Court at Law of Grayson County, Texas, under Cause No. 2003-2-212, for the reason: Full Restitution Made.

B. On or about November 2, 2004, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (a Class B misdemeanor offense committed on August 24, 2003), in the County Court at Law, Grayson County, Texas, under Cause No. 2003-2-1290. As a result of the conviction, Respondent was sentenced to confinement in the Grayson County Jail for a period of one hundred eighty (180) days; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of two (2) years. Additionally, Respondent was ordered to pay a fine.

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

CHARGE II.

On or about December 18, 2003, Respondent was arrested by the Van Alstyne Police Department, Van Alstyne, Texas, for DRIVING WHILE LIC SUSPENDED/INVALID (a misdemeanor offense).

On or about June 11, 2004, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE LICENSE SUSPENDED (a Class B misdemeanor offense committed on December 18, 2003), in the County Court at Law, Grayson County, Texas, under Cause No. 2004-2-230. As a result of the conviction, Respondent was sentenced to confinement in the Grayson County Jail for a period of three (3) days. Additionally, Respondent was ordered to pay a fine.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code,(effective date September 1, 2003), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(effective date February 1, 2004).

CHARGE III.

On or about November 27, 2005, Respondent submitted a Texas Online Renewal Document Licensed Vocational Nurse 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 a 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 DUI's, DWI's, PI's must be reported . . ."

1. On or about September 9, 2004, Respondent entered a plea of Guilty and was convicted of ISSUANCE OF A BAD CHECK - COUNT II, in the County Court at Law of Grayson County, Texas.

2. On or about November 2, 2004, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED, in the County Court at Law, Grayson County, Texas.

3. On or about June 11, 2004, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE LICENSE SUSPENDED, in the County Court at Law, Grayson County, Texas.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10), Texas Occupations Code,(effective date September 1, 2005) and 22 TEX. ADMIN. CODE 22 TEX. ADMIN. CODE §217.12(6)(I),(effective date September 1, 2005).

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. 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 Sanction Policies for Lying and Falsification and Fraud, Theft & Deception which can be found at the Board's website, www.bon.state.tx.us.

Filed this 27th day of May, 2009.

TEXAS BOARD OF NURSING

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