

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 179979
ISSUED TO
WENDY ELAINE BROCK

§
§
§
§
§
§
§
§

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 R. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Wendy Elaine Brock
P.O. Box 583
Chico, TX 76431-0583

During open meeting held in Austin, Texas, on June 9, 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.

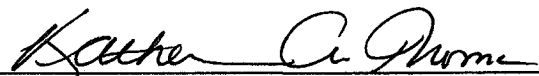
NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 179979, previously issued to WENDY ELAINE BROCK, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 179979, previously issued to WENDY ELAINE BROCK, 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 9th day of June, 2009.

TEXAS BOARD OF NURSING

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


Re: Permanent Certificate Number 179979
Issued to WENDY ELAINE BROCK
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of June, 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):

Wendy Elaine Brock
P.O. Box 583
Chico, TX 76431-0583

BY:


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

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 179979, Issued to §
WENDY ELAINE BROCK, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, WENDY ELAINE BROCK, is a Vocational Nurse holding license number 179979, 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 February 20, 2009, Respondent's license to practice practical nursing in the State of Arkansas was REVOKED by the Arkansas State Board of Nursing, Little Rock, Arkansas. A copy of the Findings of Fact, Conclusions of Law, and Order dated February 20, 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 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).

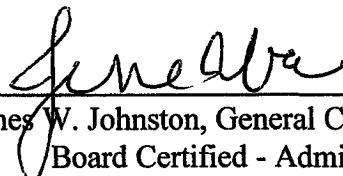
BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.
CONTINUED ON NEXT PAGE.

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 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: Arkansas State Board of Nursing Order dated February 20, 2009.

Filed this 20th day of April, 2009.

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 Arkansas State Board of Nursing dated February 20, 2009

0999/D

BEFORE THE ARKANSAS STATE BOARD OF NURSING

IN THE MATTER OF:

WENDY E. ELLISON FRYE BROCK YORK

LPN LICENSE NO. L30633

FINDINGS OF FACT
CONCLUSIONS OF LAW AND ORDER

A hearing on the captioned matter was held before the Arkansas State Board of Nursing (hereinafter referred to as "the Board"), on February 12, 2009, in the Board Room of the Arkansas State Board of Nursing, 1123 South University, Suite 800, Little Rock, Arkansas. The Board was represented by its General Counsel, William F. Knight. Wendy E. Ellison Frye Brock York, Licensed Practical Nurse (hereinafter referred to as "Respondent"), did not appear in person before the Board and was not represented by counsel. The Order and Notice of Hearing was mailed to Respondent on January 22, 2009. On the basis of testimony and other evidence presented, the Board made the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent is licensed as a licensed practical nurse and holds license number L30633.
2. On or about April 19, 2008, the Respondent submitted her application for license renewal.
3. The Respondent acknowledged on her application for renewal that she had been convicted of a felony.
4. On August 15, 2002, in the Circuit Court of Escambia County, Florida, the Respondent was found guilty of Aggravated Battery by Battery on a Pregnant Person. The Respondent was committed to the Department of Correction for the State of Florida for a term of

IN THE MATTER OF:

WENDY E. ELLISON FRYE BROCK YORK

LPN LICENSE NO. L30633

twenty-one (21) months, to be followed by two (2) years supervised probation. In addition to other conditions, the Respondent was ordered to undergo anger evaluations, counseling and treatment, if necessary.

5. The Respondent is requesting waiver pursuant to Ark. Code Ann. §17-87-312.

CONCLUSIONS OF LAW

1. Pursuant to Ark. Code Ann. §17-87-309, the Board has subject matter and personal jurisdiction in this matter.

2. The Respondent is guilty of violating Arkansas Code Ann. §17-87-309(a)(2) and (a)(6) and §17-87-312(e)(10).

ORDER

IT IS THEREFORE ORDERED by the Board that the license issued to Respondent be **REVOKED**. Respondent must surrender her license to practice nursing to the Board immediately.

Respondent may request judicial review of the decision rendered by the Board by filing a petition in the Court of any county in which Respondent resides or does business or in the Circuit Court of Pulaski County within thirty (30) days after service upon Respondent of the Board's final decision.


DATED this 20th day of February, 2009.


IN THE MATTER OF:

WENDY E. ELLISON FRYE BROCK YORK

LPN LICENSE NO. L30633

ARKANSAS STATE BOARD OF NURSING

BY: 
WILLIAM F. KNIGHT, AR Bar No. 85086
General Counsel


PHYLLIS DeCLERK, RN
Director of Nursing Practice
University Tower Building, Suite 800
1123 South University Avenue
Little Rock, Arkansas 72204
(501) 686-2700

IN THE MATTER OF:

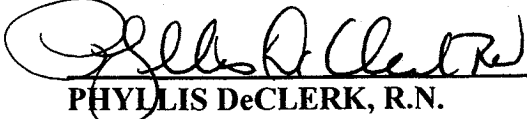
WENDY E. ELLISON FRYE BROCK YORK

LPN LICENSE NO. L30633

CERTIFICATE OF SERVICE

I, Phyllis DeClerk, Director of Nursing Practice, do hereby certify that I have served a copy of the foregoing pleading by mailing a copy of same by certified, return receipt requested, U.S. Mail, postage prepaid, this 20th day of February, 2009, to the following:

Wendy E. Ellison Frye Brock York
20 Ellison Road
Rison, AR 71665



PHYLLIS DeCLERK, R.N.