

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 680812  
ISSUED TO  
BONI JEAN JAMES

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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 A. Thomas*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: Boni Jean James  
617 Franklin Ave. #2  
Pottsboro, Texas 75706

During open meeting held in Austin, Texas, on Tuesday, 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 professional 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 680812, previously issued to BONI JEAN JAMES, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 680812, previously issued to BONI JEAN JAMES, 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 professional 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

CERTIFICATE OF SERVICE

I hereby certify that on the 15<sup>th</sup> 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):

Boni Jean James  
617 Franklin Ave. #2  
Pottsboro, Texas 75706

BY:

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

**In the Matter of Permanent License** § **BEFORE THE TEXAS**  
**Number 680812, Issued to** §  
**BONI JEAN JAMES, Respondent** § **BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, BONI JEAN JAMES, is a Registered Nurse holding license number 680812, 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 June 1, 2007 through September 30, 2007, while employed as a Registered Nurse with Always Better Care Home Health, Sherman, Texas, Respondent had coworkers pick up prescriptions for two hundred to three hundred (200-300) Lortab that were not prescribed to her, or to any Always Better Care Home Health Patient, from pharmacies throughout Sherman, Texas, Bonham, Texas and Denison, Texas. Respondent's conduct was likely to deceive the pharmacy and possession of Lortab through use of falsified, unauthorized, fraudulent prescriptions is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12 (4),(6)(A),(G),(8),(10)(E)&(11)(B).

#### **CHARGE II.**

On or about September 10, 2007, while employed as a Registered Nurse with Always Better Care Home Health, Sherman, Texas, Respondent misappropriated Lortab belonging to Patient Medical Record Number MC11558. Respondent's conduct was likely to defraud the facility and patient of the cost of medication. Possession of Lortab without a valid prescription is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12 (4),(6)(G),(8),(10)(E)&(11)(B).

### **CHARGE III.**

On or about August 2007 through September 12, 2007, while employed as a Registered Nurse with Always Better Care Home Health, Sherman, Texas, Respondent lacked fitness to practice professional nursing, in that she exhibited impaired behavior while on duty including, but not limited to: a decrease in attentiveness and a decreased in the work produced. In addition, Respondent was regularly late to work, and exhibited signs of excessive sleepiness. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(12), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A),(E),(4),&(5).

### **CHARGE IV.**

On or about March 6, 2008, while employed as a Registered Nurse with Always Better Care Home Health, Sherman, Texas, Respondent submitted a fraudulent prescription for Hydrocodone to Med Choice Pharmacy, Denison, Texas, using Dr. R. H.'s name and DEA number. Respondent's conduct was likely to deceive the pharmacy and possession of Hydrocodone through use of a fraudulent prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12 (1)(B), (6)(H),(10)(B),(E)&(11)(B).

### **CHARGE V.**

On or about September 8, 2008, while employed as a Registered Nurse with Pate Rehabilitation Endeavors, Inc., Anna, Texas, Respondent obtained Provigil from Dyer Pharmacy, Farmersville, Texas, under the name of Patient Medical Record Number 2215, through the use of a fraudulent telephonically communicated prescription, using the name and Drug Enforcement Agency (DEA) number assigned to Dr. K K. Respondent's conduct was likely to deceive the pharmacy and possession of Provigil through use of a fraudulent telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12 (1)(B), (6)(H),(10)(B),(E)&(11)(B).

**CHARGE VI.**

On or about November 6, 2008, Respondent was indicted on two (2) counts of FRAUDULENT POSSESSION OF A CONTROLLED SUBSTANCE/PRESCRIPTION SCH I/II (Second Degree Felonies) in the 15th Judicial District Court of Grayson County, Texas, Cause numbers 057789 and 057790.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(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.bon.state.tx.us](http://www.bon.state.tx.us).

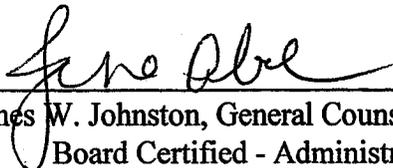
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NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, Lying and Falsification,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

Filed this 3rd day of April, 2009.

TEXAS BOARD OF NURSING

  
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