

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 163996
ISSUED TO
TONIA ELAINE MRAZ-LEICHER

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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. Roman
Executive Director of the Board

ORDER OF THE BOARD

TO: Tonia Elaine Mraz-Leicher
PO Box 1047
Navasota, TX 77868

During open meeting held in Austin, Texas, on Tuesday, May 12, 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 163996, previously issued to TONIA ELAINE MRAZ-LEICHER, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 163996, previously issued to TONIA ELAINE MRAZ-LEICHER, 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 12th day of May, 2009.

TEXAS BOARD OF NURSING

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


Re: Permanent Certificate Number 163996
Issued to TONIA ELAINE MRAZ-LEICHER
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

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

Tonia Elaine Mraz-Leicher
PO Box 1047
Navasota, TX 77868

BY:


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



Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.state.tx.us

Katherine A. Thomas, MN, RN
Executive Director

February 10, 2009

Certified Mail No. 7008 1830 0004 1634 8445
Return Receipt Requested

Tonia Elaine Mraz-Leicher
PO Box 1047
Navasota, TX 77868

U.S. Postal Service
CERTIFIED MAIL
(Domestic Mail Only; No
For delivery information visit
OFFIC
Postage \$
Certified Fee
Return Receipt Fee (Endorsement Required) 2
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees \$
Sent To Tonia El
Street, Apt. No., or PO Box No. PO Box
City, State, ZIP+4 Navasota
PS Form 3800, August 2006

Dear Ms. Mraz-Leicher:

Enclosed are Formal Charges which have been filed against you alleging one or more violations of Section 301.452(b) of the Nursing Practice Act, Texas Occupations Code. Within three weeks of 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 Kevin G. Freemyer, Investigator. You may obtain legal counsel at your own expense.

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.

Please be advised that should you fail to file a written answer, the case will proceed on a default basis 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 results of any default order or formal disposition (Board Order) are public information. Results of informal and formal dispositions will appear in the Board's newsletter under the heading of "Disciplinary Action."

Should you desire to discuss this matter, you may contact Kevin G. Freemyer, Investigator, Enforcement Division, at the above address, or at (512) 305-8314.

Sincerely,

[Handwritten signature of Katherine A. Thomas]

Katherine A. Thomas, MN, RN
Executive Director

KAT/kgf

Enclosure: Formal Charges

09/99-DA

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 163996, Issued to §
TONIA ELAINE MRAZ-LEICHER, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TONIA ELAINE MRAZ-LEICHER, is a Vocational Nurse holding license number 163996, 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 14, 1983, Respondent entered a plea of Nolo Contendere and was subsequently Convicted of PROSTITUTION (a Misdemeanor offense committed on November 12, 1982), filed in the County Court at Law No. 1 of Travis County, Austin, Texas, under Cause No. 218,668. As a result of the conviction, Respondent was sentenced to confinement in the Travis County Jail for a period of ten (10) days, with the imposition of the sentence to confinement suspended, and Respondent was placed on probation for a period of six (6) months. Additionally, Respondent was ordered to pay a fine and court costs.

On or about December 14, 1983, Respondent was released from probation, which was granted under Cause No. 218,668, and filed in the County Court at Law No. 1 of Travis County, Austin, Texas.

The above action constitutes grounds for disciplinary action in accordance with Article 4528c, sec. 10(a)(3)&(9), TEX. REV. CIV. STAT. ANN.

CHARGE II.

On or about June 13, 1997, Respondent submitted an Application for Licensure by Examination to the Board of Vocational Nurse Examiners for the State of Texas, in which she provided false, deceptive, and/or deceptive information in that she answered "No" to the question:

Have you ever been convicted of a misdemeanor other than a minor traffic violation?

On or about June 14, 1983, Respondent was Convicted of PROSTITUTION (a Misdemeanor offense committed on November 12, 1982), filed in the County Court at Law No. 1 of Travis County, Austin, Texas, under Cause No. 218,668.

The above action constitutes grounds for disciplinary action in accordance with Article 4528c, sec. 10(a)(2)&(9), TEX. REV. CIV. STAT. ANN.

CHARGE III.

On or about October 29, 1999, Respondent entered a plea of Guilty and was subsequently Convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on February 23, 1999), filed in the County Court at Law No. 2 of Bell County, Belton, Texas, under Cause No. 2C99-03152. As a result of the conviction, Respondent was sentenced to confinement in the Bell County Jail, with the imposition of the sentence to confinement suspended, and Respondent was placed on community supervision for a period of twelve (12) months. Additionally, Respondent was ordered to pay a fine and court costs. Furthermore, Respondent was ordered to attend a Life Skills I course and attend and successfully complete a DWI Education Course.

On or about October 30, 2000, Respondent was released from probation, which was granted under Cause No. 2C99-03152, and filed in the County Court at Law No. 2 of Bell County, Belton, Texas.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(2)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(iv).

CHARGE IV.

On or about October 11, 2000, Respondent submitted a License Renewal to the Board of Vocational Nurse Examiners for the State of Texas, in which she provided false, deceptive, and/or deceptive information in that she answered "No" to the question:

Were you convicted of a misdemeanor other than a minor traffic violations since your last renewal?

On or about October 29, 1999, Respondent was Convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on February 23, 1999), filed in the County Court at Law No. 2 of Bell County, Belton, Texas, under Cause No. 2C99-03152.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(8).

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CHARGE V.

On or about July 31, 2006, while employed as a Licensed Vocational Nurse with Daniel Jarvis Home Health Agency, Bryan, Texas, Respondent engaged in the intemperate use of Cocaine in that she produced a specimen for a drug screen which resulted positive for Cocaine. Possession of Cocaine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Cocaine by a Licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(10)(A)&(D)&(11)(B).

CHARGE VI.

On or about August 11, 2006, while employed as a Licensed Vocational Nurse with Daniel Jarvis Home Health Agency, Bryan, Texas, Respondent engaged in the intemperate use of Amphetamines and Cocaine in that she produced a specimen for a drug screen which resulted positive for Amphetamines and Cocaine. Possession of Amphetamines without a lawful prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act). Possession of Cocaine is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Amphetamines and Cocaine by a Licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(10)(A)&(D)&(11)(B).

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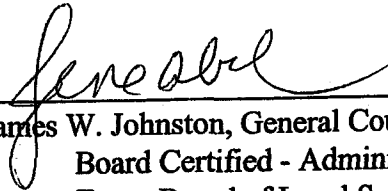
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative 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 (\$1,200.00).

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 Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, Lying and Falsification, and Fraud, Theft & Deception, which can be found at the Board's website, www.bon.state.tx.us.

Filed this 9th day of February, 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

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