

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 185047
ISSUED TO
DAWN MICHELLE HERNANDEZ

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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 P. Roman
Executive Director of the Board

ORDER OF THE BOARD

TO: Dawn Michelle Hernandez
505 Toby
Conroe, TX 77301-6240

During open meeting held in Austin, Texas, on March 10, 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 185047, previously issued to DAWN MICHELLE HERNANDEZ, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 185047, previously issued to DAWN MICHELLE HERNANDEZ, 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 10th day of March, 2009.

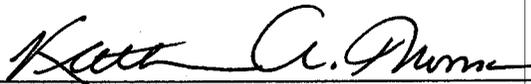
TEXAS BOARD OF NURSING

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

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of March, 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):

Dawn Michelle Hernandez
505 Toby
Conroe, TX 77301-6240

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

**In the Matter of Permanent License
Number 185047, Issued to
DAWN MICHELLE HERNANDEZ, Respondent**

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**BEFORE THE TEXAS
BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DAWN MICHELLE HERNANDEZ, is a Vocational Nurse holding license number 185047, 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 February 27, 2007, Respondent was arrested by the Montgomery County Sheriff's Office, Conroe, Texas, and subsequently Indicted in the District Court of Montgomery County, Texas, 410th Judicial District, under Cause No. 07-02-01298-CR for POSSESSION OF CONTROLLED SUBSTANCE (a 3rd Degree felony offense committed on November 12, 2006).

On or about March 15, 2007, Respondent entered a plea of Guilty to POSSESSION OF CONTROLLED SUBSTANCE, (a 3rd Degree Felony offense committed on November 12, 2006), in the District Court of Montgomery County, Texas, 410th Judicial District, under Cause No. 07-02-01298-CR. Respondent filed a Motion and Agreement for Drug Court Diversion and Postponement of Sentencing, and admitted in open Court that on or about November 12, 2006, she intentionally and knowingly possessed a controlled substance, namely: Hydrocodone, in an amount of 28 grams or more, but less than 200 grams. The Motion was granted and the agreement was to be effective for a period of not less than one year.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3),(9)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B)&(13).

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CHARGE II.

On or about May 20, 2008, Respondent submitted a License Renewal Form to the Texas Board of Nursing. On the Renewal, Respondent answered "yes" to the question:

"In the past 5 years, have you been addicted or treated for the use of alcohol or any other drug? (You may answer "no" if you have completed and/or are in compliance with TPAPN)."

Thomas Bollinger, Licensed Clinical Social Worker (LCSW), submitted a Report of Health Status form for Respondent. Mr. Bollinger indicates Respondent was diagnosed with Major Depressive Disorder, Post Traumatic Stress Disorder, and polysubstance abuse on March 30, 2007. Respondent's current medication is Lisinopril. Mr. Bollinger states Respondent was tested each month for alcohol and drugs but never tested positive. Mr. Bollinger indicates Respondent is in compliance with her treatment and aftercare. He states Respondent did a very good job with compliance and motivation during her treatment. He further states she does not pose a current or potential threat to the safety of patients, family or the public.

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(5).

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).

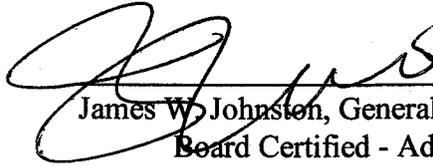
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NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

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 which can be found at the Board's website, www.bon.state.tx.us.

Filed this 24th day of November, 20 08.

TEXAS BOARD OF NURSING



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

John F. Legris, Assistant General Counsel
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