

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 517158
ISSUED TO
VICTOR I. JENKINS

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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 R. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Victor I. Jenkins
10050 Cameron Pines Way
Sacramento, CA 95829-8011

During open meeting held in Austin, Texas, on Tuesday, December 11, 2007, 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 517158, previously issued to VICTOR I. JENKINS, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 517158, previously issued to VICTOR I. JENKINS, 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 11th day of December, 2007.

TEXAS BOARD OF NURSING


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

Re: Permanent Certificate Number 517158
Issued to VICTOR I. JENKINS
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of December, 2007, 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):

Victor I. Jenkins
10050 Cameron Pines Way
Sacramento, CA 95829-8011

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

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 517158, Issued to §
VICTOR I. JENKINS, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, VICTOR I. JENKINS, is a Registered Nurse holding license number 517158, 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 May 14, 2007, Respondent's license to practice professional nursing in the State of California was revoked by the California Board of Registered Nursing, Sacramento, California, based on Findings that:

- On or about January 2002, while employed as a Registered Nurse with Methodist Hospital, Sacramento, California, Respondent was grossly negligent and incompetent in his care of Patient AB.

A copy of the Findings of Fact, Determination of Issues and Default Decision and Order effective May 14, 2007, 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.

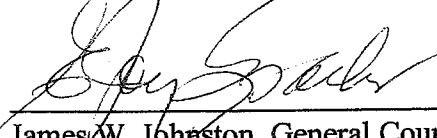
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative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

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: Default Decision and Order of the California Board of Registered Nursing effective May 14, 2007.

Filed this 15th day of October, 2007.

TEXAS BOARD OF NURSING



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

Victoria Cox, Assistant General Counsel
State Bar No. 00789585

E. Joy Sparks, Assistant General Counsel
State Bar No. 18874600

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: Default Decision and Order of the California Board of Registered Nursing effective May 14, 2007.

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of the State of California
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8 Attorneys for Complainant

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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

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In the Matter of the Accusation Against:

Case No. 2007-53

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VICTOR IRVING JENKINS
10050 Cameron Pines Way
15 Sacramento, California 95829-8011

OAH No. 2006100404

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Registered Nurse No. 433927

**DEFAULT DECISION
AND ORDER**

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Respondent.

[Gov. Code, §11520]

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FINDINGS OF FACT

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1. On or about August 29, 2006, Complainant Ruth Ann Terry, M.P.H, R.N,
in her official capacity as the Executive Officer of the Board of Registered Nursing, filed
Accusation No. 2007-53 against Victor Jenkins (Respondent) before the Board of Registered
Nursing, Department of Consumer Affairs, State of California (Board).

2. On or about November 30, 1988, the Board issued Registered Nurse
License No. 433927 (License) to Respondent. Respondent's License was in full force and effect
at all times relevant to the charges brought herein and will expire on September 30, 2008, unless
renewed.

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1 3. On or about September 7, 2006, Cathleen Logan, an employee of the
2 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.
3 2007-53 (Accusation), Statement to Respondent, Notice of Defense, Request for Discovery, and
4 Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record
5 with the Board, which was and is 10050 Cameron Pines Way, Sacramento, California
6 95829-8011. A copy of the Accusation, the related documents, and Declaration of Service are
7 attached as Exhibit A, and are incorporated herein by reference.

8 4. Service of the Accusation was effective as a matter of law under the
9 provisions of Government Code section 11505, subdivision (c).

10 5. On or about September 8, 2006, Respondent signed and returned a Notice
11 of Defense, requesting a hearing in this matter. A Notice of Hearing was served by mail at
12 Respondent's address of record and it informed him that an administrative hearing in this matter
13 was scheduled for January 3 and 4, 2007. Respondent subsequently withdrew his Notice of
14 Defense and indicated he would not be appearing at the hearing. A copy of Respondent's Notice
15 of Defense, the Notice of Hearing, Declaration of Service, and the Withdrawal are attached
16 hereto as Exhibit B, and are incorporated herein by reference.

17 6. Government Code section 11506 states, in pertinent part: "(c) The
18 respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense,
19 and the notice shall be deemed a specific denial of all parts of the accusation not expressly
20 admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a
21 hearing, but the agency in its discretion may nevertheless grant a hearing."

22 7. Government Code section 11520 states, in pertinent part: "(a) If the
23 respondent either fails to file a notice of defense or to appear at the hearing, the agency may take
24 action based upon the respondent's express admissions or upon other evidence and affidavits may
25 be used as evidence without any notice to respondent."

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