

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 168980  
ISSUED TO  
EHREN ESTELLE MCDANIEL

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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 Patton*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: Ehren Estelle McDaniel  
1601 Patton  
Odessa, Texas 79761

During open meeting held in Austin, Texas, on Tuesday, March 18, 2008, 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 168980, previously issued to EHREN ESTELLE MCDANIEL, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 168980, previously issued to EHREN ESTELLE MCDANIEL, 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 18th day of March, 2008.

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 24<sup>th</sup> day of March, 2008 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):

Ehren Estelle McDaniel  
1601 Patton  
Odessa, Texas 79761

BY:

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

**In the Matter of Permanent License** § **BEFORE THE TEXAS**  
**Number 168980, Issued to** §  
**EHREN ESTELLE MCDANIEL, Respondent** § **BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, EHREN ESTELLE MCDANIEL, is a Vocational Nurse holding license number 168980, 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 27, 2005, Respondent was convicted of three (3) counts of THEFT  $\geq$  \$50 < \$500, (Class B Misdemeanor offenses committed on April 7 and 8, 2005), in the County Court at Law of Ector County, Texas, under Cause Nos. 052072, 052073 and 052074. As a result of her convictions, Respondent was sentenced to fifty (50) days confinement in the Ector County Jail and ordered to pay court costs.

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

#### **CHARGE II.**

On or about August 5, 2006, Respondent was arrested by the Midland Police Department for the 3rd Degree Felony offense of ENGAGING IN ORGANIZED CRIMINAL ACTIVITY.

On or about January 4, 2007, Respondent was convicted of THEFT OF PROPERTY  $\geq$  \$1500 < \$20K, (a State Jail Felony offense committed on August 5, 2006), in the 142nd District Court of Midland County, Texas, under Cause No. CR32552. As a result of the conviction, Respondent was sentenced to two (2) years confinement in the State Jail Division of the Texas Department of Criminal Justice, with the imposition of the sentence suspended, and Respondent was placed on community supervision for a period of four (4) years. Additionally, Respondent was ordered to pay a fine and court costs.

On or about July 5, 2007, Respondent's community supervision was REVOKED in the 142nd District Court of Midland County, Texas, under Cause No. CR32552 because she had violated certain terms and conditions of her probation. As a result, Respondent was sentenced to twelve (12) months confinement in the State Jail Division of the Department of Criminal Justice, and she was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3),(4)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

### CHARGE III.

On or about July 2, 2007, Respondent was convicted of two (2) counts of THEFT  $\geq$  \$500 < \$1500, (Class A Misdemeanor offenses committed on January 29, 2007 and February 13, 2007), in the County Court at Law of Ector County, Texas, under Cause Nos. 070714 and 070960. As a result of the conviction, Respondent was sentenced to twenty-seven (27) days confinement in the Ector County Jail, with twenty-seven (27) days credit given for time already served, and she was ordered to pay court costs.

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

### CHARGE IV.

On or about July 2, 2007, Respondent was convicted of EVADING ARREST/DET, (a Class B Misdemeanor offense committed on February 13, 2007), in the County Court at Law of Ector County, Texas, under Cause No. 070893. As a result of the conviction, Respondent was sentenced to twenty-seven (27) days confinement in the Ector County Jail, to be served concurrently with Cause Nos. 070714 and 070960, and Respondent was ordered to pay court costs.

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).

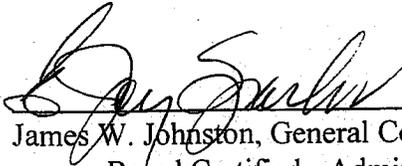
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33 and TEX. OCC. CODE Ch. 53. Additionally, staff will seek to 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).

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for 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 7<sup>th</sup> day of January, 2008.

TEXAS BOARD OF NURSING

  
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Board Certified - Administrative Law  
Texas Board of Legal Specialization  
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