

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 568437
ISSUED TO
CAROL PATRICIA RIEKSTINS

§
§
§
§
§
§
§
§

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 Riekstins
Executive Director of the Board

ORDER OF THE BOARD

TO: Carol Patricia Riekstins
210 Chaparral Road
Austin, Texas 78745

During open meeting held in Austin, Texas, on May 13, 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 file a written response to the Formal Charges as required by 22 TEX. ADMIN. CODE, §213.16.

The Committee of the 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 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 of the violations alleged in the Formal Charges were given to Respondent in this matter, Respondent has failed to file an answer in accordance with 22 TEX. ADMIN. CODE, §213.16.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code, §2001.056 and 22 Texas Administrative Code, §213.16.

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 to set aside the default order (22 TEX. ADMIN.CODE § 213.16(j)). All parties have a right to judicial review of this Order.

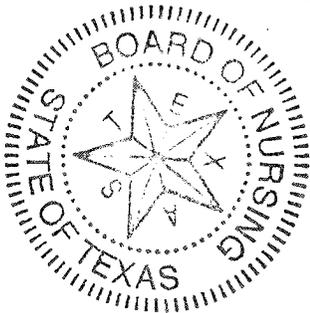
All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 568437, previously issued to CAROL PATRICIA RIEKSTINS, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 568437, previously issued to CAROL PATRICIA RIEKSTINS upon receipt of this Order, be immediately delivered to the office of the Board of Nursing for the State of Texas.

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 13th day of May, 2008.



TEXAS BOARD OF NURSING

BY:


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

In the Matter of Permanent License § **BEFORE THE BOARD**
Number 568437, Issued to § **OF NURSE EXAMINERS**
CAROL PATRICIA RIEKSTINS, Respondent § **FOR THE STATE OF TEXAS**

FIRST AMENDED FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CAROL PATRICIA RIEKSTINS, is a Registered Nurse holding license number 568437, 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 18, 2006, and February 25, 2006, while employed with Seton Medical Center, Austin, Texas, Respondent misappropriated Dilaudid from the facility and the patients' thereof. Respondent's conduct was likely to defraud the facility and the patients of the cost of the medication.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(G).

CHARGE II.

On or about February 2006, while employed with Seton Medical Center, Austin, Texas, Respondent engaged in the intemperate use of Dilaudid. Possession of Dilaudid is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Dilaudid by a Registered 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) and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(10)(A) & (D) and (11)(B).

CHARGE III.

On or about March 2007, while employed with Seton Medical Center, Austin, Texas, Respondent misappropriated various medications from the facility by taking dirty needle boxes out of the trash in various utility rooms. Respondent's conduct was likely to expose the public to infectious pathogens and communicable conditions and was likely to defraud the facility and the patients of the cost of the medication.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(G).

BALANCE OF PAGE INTENTIONALLY LEFT BLANK

CONTINUED ON NEXT PAGE

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.bne.state.tx.us.

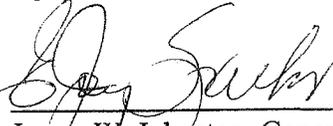
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Chemical Dependency and for Fraud, Theft and Deception which can be found at the Board's website, www.bne.state.tx.us.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order of the Board dated June 9, 1998, and Agreed Orders dated September 10, 2002, and January 19, 2006.

Filed this 29th day of January, 2008.



BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS


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. 0079585

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

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305.8101 or (512)305-7401

Attachments: Order of the Board dated June 9, 1998
Agreed Order dated September 10, 2002
Agreed Order dated January 19, 2006

0999/D

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 568437 §
issued to CAROL PATRICIA RIEKSTINS §

REINSTATEMENT
AGREED ORDER

On this day came to be considered by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the Petition for Reinstatement of registered nurse license number 568437, held by CAROL PATRICIA RIEKSTINS, hereinafter referred to as Petitioner.

An informal conference was held on July 16, 2002, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Katherine A. Thomas, MN, RN, Executive Director; E. Joy Sparks, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; Jeanne Nguyen, Administrative Technician; and Carolyn Schooley, RN, Investigator.

FINDINGS OF FACT

1. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.
2. Petitioner received a Baccalaureate Degree in Nursing at The University of Texas, Austin, Texas, in December 1990. Petitioner was licensed to practice professional nursing in the State of Texas on March 18, 1991.
3. Petitioner's professional employment history included:

1990 -1996

GN/Staff Nurse
Seton Medical Center
Austin, Texas

Petitioner's professional employment history continued:

1996 - 1997	Sales Clerk EZ Pawn Austin, Texas
1998 - 1999	Substitute Teacher Austin Independent School District Austin, Texas
2000 - present	Nursery Teacher Crestview Baptist Church Austin, Texas

4. Petitioner's license to practice professional nursing in the State of Texas was revoked by the Board of Nurse Examiners for the State of Texas on June 9, 1998. A copy of the Proposal for Decision, and Order of revocation is attached and incorporated by reference as a part of this Order.
5. On or about June 7, 2002, Petitioner submitted a Petition for Reinstatement of license to practice professional nursing in the State of Texas.
6. Petitioner presented the following in support of her petition:
 - 6.1. Letter dated October 22, 2001, submitted by Ashley E. Street, Community Supervision Officer, Community Supervision and Corrections Department of Travis County, Austin, Texas. Ms. Ashley states that Petitioner was placed on community supervision on April 6, 2000, for the offense of Driving While Intoxicated. Petitioner was compliant with all the conditions of probation and due to be discharged in February 2002.
 - 6.2. Copy of Judgment of Probation issued on February 15, 2000, for the offense of Driving While Intoxicated by the County Court of Blanco County, Texas, cause number 4091. Petitioner entered a plea of guilty in the case and was sentenced to twenty-four (24) months probation.
 - 6.3. Letter of reference dated May 23, 2002, submitted by Jacqueline A. Underwood, Austin, Texas. Ms. Underwood states that she has known Petitioner for over fifteen (15) years, on both a professional and personal level. Petitioner has achieved her sobriety and put her life back together. Petitioner has learned a valuable lesson and is determined to be an accomplished nurse performing her duties in a truly competent and professional manner.

- 6.4 Letter of recommendation dated June 4, 2002, submitted by Roxanne Mueller, Director Crestview Baptist Mother's Day Out, Crestview Baptist Church, Austin, Texas. Ms. Mueller states that Petitioner is a pleasure to have working for her. Petitioner is always gentle, loving and caring to the children and always smiles, even on rough days.
 - 6.5 Letter of recommendation dated May 31, 2002, submitted by Dava Watson, Director of Children's and Preschool Ministries, Crestview Baptist Church, Austin, Texas. Ms. Watson verifies that Petitioner has worked as a teacher in the Mother's Day Out Program and as a nursery worker at Crestview Baptist Church for almost three (3) years. Petitioner gives her best at all times and is great with people of all ages. She has a positive attitude and is one of the most kind, compassionate, and generous people Ms. Watson has ever met.
 - 6.6 Copy of certificate verifying Petitioner's successful completion of the Cornerstone Intensive Outpatient Program, Austin, Texas, dated October 28, 2000.
 - 6.7 Copy of certificate verifying Petitioner's successful completion of the Cornerstone Women's Aftercare Treatment Program, Austin, Texas, dated October 30, 2001.
 - 6.8 Verification of successful completion of twenty and a half (20.5) hours of Continuing Education Unit, as required by the Board.
7. Petitioner's date of sobriety as indicated in the Petition for Reinstatement is February 13, 2000.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that the petition of CAROL PATRICIA RIEKSTINS, license number 568437, to practice professional nursing in the state of Texas, be and the same is hereby GRANTED SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies in all respects with the Nursing Practice Act, Texas Occupations Code, 301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et. seq.* and the stipulations contained in this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's multistate licensure privilege, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is encumbered by this Order, Petitioner may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Petitioner wishes to work.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has completed the following pre-licensure conditions and obtained a license to practice professional nursing from the Board.

(2) PETITIONER SHALL apply for a "Six-Month Clinical Permit" for the limited purpose of completing a refresher course. PETITIONER SHALL NOT, in any way, attempt to use this clinical permit for any purpose other than attending this course.

(3) PETITIONER SHALL successfully complete a nursing refresher course prior to returning to the practice of professional nursing in the State of Texas. The refresher course shall include: 1) the role of the professional nurse; 2) a review of the nursing process to include assessment, planning, implementation and evaluation; 3) Pharmacology review; 4) medication administration review for all standard route of administration; 5) documentation, quality assurance and legal implications for nursing practice; and 6) current CPR certification. This course must contain a minimum 24-hour clinical component, providing direct patient care, which is to be supervised by another registered nurse.

(4) Upon completion of the refresher course, PETITIONER SHALL return the clinical permit to the office of the Board, and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required clinical component.

(5) Upon verification of successful completion of the agreed pre-licensure conditions of reinstatement, as set out in this Order, PETITIONER SHALL pay all re-registration fees and be issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to CAROL PATRICIA RIEKSTINS, shall be subject to the following agreed post-licensure stipulations:

(6) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing jurisprudence. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of

practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify PETITIONER's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure.

IT IS FURTHER AGREED, SHOULD PETITIONER PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING, UNDER THE FOLLOWING STIPULATIONS FOR TWO AND ONE HALF (2 1/2) YEARS OF EMPLOYMENT. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DOES NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE, OR WHERE DIRECT PATIENT CARE IS NOT PROVIDED, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(7) PETITIONER SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(8) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, provided to the PETITIONER by the Board, to the Board's office within five (5) days of employment as a professional nurse.

(9) For the first six months of employment as a Registered Nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse. Direct supervision requires

))

another professional nurse to be working on the same unit as PETITIONER and readily available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). The PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(10) For the remaining two (2) years of employment under this Order, PETITIONER SHALL be supervised by a Registered Nurse who is on the premises. The supervising RN is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising RN shall have a minimum of two (2) years experience in the same or similar practice setting to which the PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(11) PETITIONER SHALL NOT practice as a professional nurse on the night shift, rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other than the identified, predetermined unit(s) to which PETITIONER is regularly assigned for one (1) year of employment as a professional nurse.

(12) PETITIONER SHALL NOT practice as a professional nurse in any critical care area for one (1) year of employment as a professional nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(13) PETITIONER SHALL NOT administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of employment as a professional nurse.

(14) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising Registered Nurse to the office of the Board at the end of each three (3) months for two and one half (2 ½) years of employment as a professional nurse.

(15) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription.

(16) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the PETITIONER's place of employment at any time during the stipulation period and require PETITIONER to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board.

(17) PETITIONER SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least; the date of each meeting, the name of each group attended, and the signature and printed name of the chairperson of each group attended by PETITIONER. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order,
PETITIONER SHALL be issued an unencumbered license and multistate licensure privileges, if any,
to practice professional nursing in the State of Texas.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

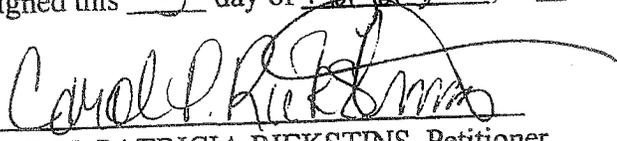
CONTINUED ON NEXT PAGE

PETITIONER'S CERTIFICATION

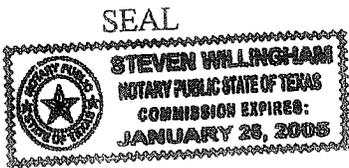
I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

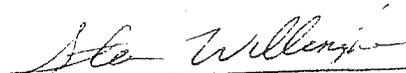
I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 3 day of August, 2002


CAROL PATRICIA RIEKSTINS, Petitioner

Sworn to and subscribed before me this 3rd day of August, 2002.




Notary Public in and for the State of TX

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 3rd day of August, 2002, by CAROL PATRICIA RIEKSTINS, license number 568437, and said Order is final.

Effective this 10th day of September, 2002.



Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board

DOCKET NO. 507-98-0530

IN THE MATTER OF PERMANENT
CERTIFICATE NUMBER 568437

ISSUED TO
CAROL PATRICIA RIEKSTINS

§
§
§
§
§

BEFORE THE
BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

ORDER OF THE BOARD

TO: CAROL PATRICIA RIEKSTINS
4804 Duval Street
Austin, TX 78751

During open meeting at Austin, Texas, the Board of Nurse Examiners finds that after proper and timely notice was given, the above-styled case was heard by an Administrative Law Judge who made and filed a proposal for decision containing the Administrative Law Judge's findings of fact and conclusions of law. The proposal for decision was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein.

The Board of Nurse Examiners, after review and due consideration of the proposal for decision, and exceptions and replies filed, if any, adopts the findings of fact and conclusions of law of the Administrative Law Judge as if fully set out and separately stated herein. 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 the License Number 568437 previously issued to CAROL PATRICIA RIEKSTINS to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS, FURTHER, ORDERED that Permanent Certificate Number 568437 previously issued to CAROL PATRICIA RIEKSTINS, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

Entered this 9th day of June, 1998.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

BY:


Katherine A. Thomas, M.N., R.N.
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

SOAH DOCKET NO. 507-98-0530

IN THE MATTER OF

PERMANENT CERTIFICATE
NUMBER: 568437

ISSUED TO
CAROL PATRICIA RIEKSTINS

§
§
§
§
§
§
§

BEFORE THE

STATE OFFICE OF

ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

The staff of the Board of Nurse Examiners (the Staff) brought this case seeking to revoke the license of Carol Patricia Riekstins (Respondent) to practice professional nursing. The Respondent failed to appear at the hearing either in person or through counsel, and this proposal recommends revocation of the license.

I. BACKGROUND

The hearing convened on April 30, 1998 before Bill Zukauckas, Administrative Law Judge, in the Stephen F. Austin Building, 1700 N. Congress Ave., Suite 1100, Austin, Texas. Penny Puryear Burt, Of Counsel for the Board, represented Staff. Respondent did not appear and was not represented at the hearing.

There are no contested issues of jurisdiction or notice in this proceeding. Those matters are set out in the Findings of Fact and Conclusions of Law. The Administrative Law Judge (ALJ) notes that the Staff did not refer to 1 TEX. ADMIN. CODE Chapter 155 (1998) in the notice of hearing, as required by the State Office of Administrative Hearing's (SOAH's) new procedural rules effective January 2, 1998. Nonetheless, the ALJ believes that this is probably a harmless error and not the reason the Respondent failed to appear at the hearing.

II. RECOMMENDATION

Based upon the following Findings of Fact and Conclusions of Law and in accordance with 1 TEX. ADMIN. CODE § 155.55, the Administrative Law Judge recommends a default judgment revoking Respondent's license to practice professional nursing.

III. FINDINGS OF FACT

1. Carol Patricia Riekstins (Respondent), a nurse licensed by the Board of Nurse Examiners (Board), holds license number 568437, which is in delinquent status.
2. 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 an opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

3. On December 1, 1997, the notice of formal charges, dated November 26, 1997, was properly addressed and sent by certified mail, return receipt requested, to Respondent's last known address. Notice was returned marked "Addressee Unknown."
4. On March 30, 1998, the notice of hearing was properly addressed and sent by certified mail, return receipt requested to Respondent's last known address. (Hearing set for April 30, 1998). Notice was returned marked "Unclaimed."
5. The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the matters asserted.
6. The notice of hearing also contained the following language in capital letters in 10-point or larger boldface type:

FAILURE TO APPEAR AT THE HEARING WILL RESULT IN THE ALLEGATIONS AGAINST YOU IN THE FORMAL CHARGES CONTAINED IN THIS NOTICE OF HEARING BEING ADMITTED AS TRUE.

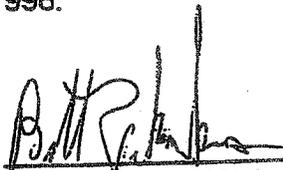
7. Respondent did not appear and was not represented at the hearing on April 30, 1998.
8. The Staff filed a motion for default judgment, together with an affidavit from counsel stating there was legally admissible, credible evidence reasonably available to support the factual allegations against Respondent in the formal charges.
9. In the formal charges against Respondent, Staff alleged: Respondent, on or about August 15, 1996, while employed with Seton Medical Center, Austin, Texas, misappropriated Demerol from the facility. Respondent's conduct defrauded the facility of the cost of the medication.

IV. CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to TEX. REV. CIV. STAT. ANN. art. 4525 (Vernon Supp. 1998).
2. The State Office of Administrative Hearings has jurisdiction over all matters relating to the conduct of a hearing in this proceeding, including the preparation of a proposal for decision with findings of fact and conclusions of law, pursuant to TEX. GOV'T CODE ANN. ch. 2003 (Vernon 1998).

3. Service of proper and timely notice of the hearing was effected upon Respondent pursuant to the Administrative Procedure Act (APA) TEX. GOV'T CODE ANN. ch. 2001 (Vernon 1998).
4. The Board's formal charges, set out in Finding of Fact No. 9, are deemed admitted as true pursuant to 1 TEX. ADMIN. CODE § 155.55 (1998) and 22 TEX. ADMIN. CODE § 213.22 (1997).
5. The Respondent's actions constitute sufficient cause for disciplinary action against license number 568437, pursuant to TEX. REV. CIV. STAT. ANN. art. 4525 (Vernon Supp. 1998) and 22 TEX. ADMIN. CODE § 217.13 (1997).
6. Based on the foregoing, the Board is warranted in revoking Respondent's license to practice professional nursing in Texas.

SIGNED this 18th day of May, 1998.



BILL ZUKAUCKAS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

Re: Permanent Certificate Number 568437
Issued to CAROL PATRICIA RIEKSTINS
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of May, 2008, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via first class mail, and addressed to the following person(s):

Carol Patricia Riekstins
210 Chaparral Road
Austin, Texas 78745

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