



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.
Stephanie P. Thomas
Executive Director of the Board

IN THE MATTER OF PERMANENT
VOCATIONAL NURSE
LICENSE NUMBER 322680
ISSUED TO
ASHLEY RENEE DEBATE,
RESPONDENT

§ BEFORE THE TEXAS
§ BOARD OF NURSING
§ ELIGIBILITY AND
§ DISCIPLINARY COMMITTEE

ORDER OF THE BOARD

TO: ASHLEY RENEE DEBATE
PO BOX 197
DEVINE, TX 78016

During open meeting held in Austin, Texas, on March 13, 2018, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee 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(s) to practice 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 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 § 213.16(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 Vocational Nurse License Number 322680, previously issued to ASHLEY RENEE DEBATE, to practice nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 13th day of March, 2018.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed January 22, 2018.

d17r(lvn)(2016.05.11)

Re: Permanent Vocational Nurse License Number 322680
Issued to ASHLEY RENEE DEBATE
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of March, 2018, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

ASHLEY RENEE DEBATE
PO BOX 197
DEVINE, TX 78016

Via USPS First Class Mail

ASHLEY RENEE DEBATE
100 LC MARTIN DR
APT# 304
DEVINE, TX 78016

BY:



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

In the Matter of § **BEFORE THE TEXAS**
Permanent Vocational Nurse §
License Number 322680 §
Issued to ASHLEY RENEE DEBATE, §
Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ASHLEY RENEE DEBATE, is a Vocational Nurse holding License Number 322680, 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 May 14, 2015, while employed as a Licensed Vocational Nurse and assigned as a Charge Nurse with Devine Health and Rehabilitation, Devine, Texas, Respondent misappropriated approximately six (6) Tylenol #3 pills belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients thereof of the cost of the medications.

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(1)(A),(1)(B),(4),(6)(G),(8),(10)(E)&(11)(B).

CHARGE II.

On or about May 14, 2015, while employed as a Licensed Vocational Nurse and assigned as a Charge Nurse with Devine Health and Rehabilitation, Devine, Texas, Respondent engaged in the intemperate use of Tylenol #3 in that she produced a specimen for a for cause drug screen that resulted positive for opiates. Unlawful possession of Tylenol #3 is prohibited by Chapter 481 (Controlled Substances Act) of the Texas Health & Safety Code. The use of Tylenol #3 by a Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a 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 a 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(4),(5),(10)(A),(10)(D)&(11)(B).

CHARGE III.

On or about October 26, 2016, Respondent entered a plea of Guilty to DRUG DIVERSION, a State Jail Felony offense committed on May 14, 2015, in the 38th Judicial District Court of Medina County, Texas, under Cause No. 16-06-12023-CR. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on community supervision for a period of four (4) years and ordered to pay a fine and court costs. Furthermore, upon testing positive on a reliable drug test, Respondent was ordered into the 38th Judicial District Community Correctional Facility (C.C.F.) for a period of not less than six months (6) and no more than twenty-four (24) months, in lieu of incarceration in the Texas Department of Criminal Justice - State Jail Division. Upon successful completion of the 38th C.C.F. program, Respondent was ordered to attend and successfully complete outpatient treatment, participate in the Treatment Alternative Restitution Program (TARP), and continue to comply with the conditions of her community supervision. On or about December 12, 2017, the 38th Judicial District Court of Medina County found that Respondent violated one or more terms of community supervision. As a result, Respondent was required to serve a term of confinement and treatment in a substance abuse treatment facility for no less than ninety days and no more than one year.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33 and TEX. OCC. CODE Ch. 53.

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.texas.gov.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on adopted Disciplinary Guidelines for Criminal Conduct; on adopted Disciplinary Sanction Policies for Substance Use Disorders and Other Alcohol and Drug Related Conduct; and related to Behavior Involving Fraud, Theft, and Deception, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

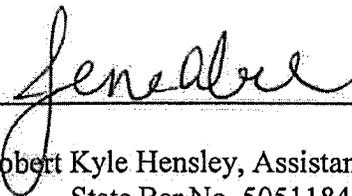
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CONTINUED ON NEXT PAGE.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

Filed this 22nd day of January, 2018.

TEXAS BOARD OF NURSING



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