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.
Executive Director of the Board

DOCKET NUMBER 507-12-4731

IN THE MATTER OF	§	**BEFORE THE STATE OFFICE**
PERMANENT CERTIFICATE	§	
NUMBER 533245	§	**OF**
ISSUED TO	§	
PATRICIA ANNE SALAZAR	§	**ADMINISTRATIVE HEARINGS**

OPINION AND ORDER OF THE BOARD

TO: PATRICIA ANNE SALAZAR
18842 MORRIS ST #B
PEARLAND, TX 77584

STEPHEN J. PACEY
ADMINISTRATIVE LAW JUDGE
300 WEST 15TH STREET
AUSTIN, TEXAS 78701

At the regularly scheduled public meeting on July 19-20, 2012, the Texas Board of Nursing (Board) considered the following items: (1) Order Number 1, *Dismissing Case From SOAH Docket*, issued by the Administrative Law Judge (ALJ) in the above cited matter; (2) Staff's recommendation that the Board revoke the Respondent's registered nursing license by default; and (3) Respondent's recommendation to the Board regarding the above cited matter, if any.

On April 26, 2012, the ALJ convened a hearing on the merits in this matter. Staff of the Board was present for the hearing. However, the Respondent was not present at the hearing, and no one appeared on her behalf. During the hearing on April 26, 2012, Staff introduced evidence into the record demonstrating that Respondent had been sent a Notice of Hearing by first class certified mail return receipt requested to her last known address of record[1] maintained by the Board in accordance with 22 Tex. Admin. Code §213.10(a). The ALJ found that Staff's notice was adequate, granted Staff's Motion for Default, and issued Order No. 1, dismissing the case from the docket of the State Office of Administrative Hearings (SOAH) and remanding it to the Board for informal disposition on a default basis in accordance with the Government Code §2001.056.

The Board, after review and due consideration of Order Number 1, *Dismissing Case from SOAH Docket*, issued by the Administrative Law Judge (ALJ) in the above cited matter, finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with the Government Code §2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Occupations Code Chapter 301 (Nursing Practice Act) for retention of Respondent's license to practice professional nursing in the State of Texas. The Board further finds that the Formal Charges were properly initiated and filed in accordance with the Occupations Code §301.458. The Board further finds that proper and timely notice regarding the

[1] The particular address was provided by the Respondent to the Board in a letter dated November 22, 2010. See Order No. 1 and State's Exhibits 4 and 5.

violations alleged in the Formal Charges was given to Respondent in accordance with the requirements of the Government Code §2001.051 and §2001.052 and 1 Tex. Admin. Code §155.501. The Board further finds that the Respondent failed to appear in accordance with 22 Tex. Admin. Code Chapter 213 and 1 Tex. Admin. Code §155.501. As a result of the Respondent's failure to appear, the Board has determined that the factual allegations listed in the Notice of Hearing and Formal Charges are to be deemed admitted and the Board is authorized to enter a default order against the Respondent pursuant to the Government Code §2001.056 and 22 Tex. Admin. Code §213.16. Further, the Board has determined that it is entitled to revoke the Respondent's registered nursing license pursuant to 22 Tex. Admin. Code §213.33(m).

Therefore, the Board hereby adopts the factual allegations, which have been deemed admitted, and the conclusions of law contained in the Formal Charges, which are attached hereto and incorporated herein by reference for all purposes, and 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 in accordance with the Government Code Chapter 2001 and 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.

IT IS, THEREFORE, ORDERED THAT Permanent Certificate Number 533245, previously issued to PATRICIA ANNE SALAZAR, 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 multi-state privileges, if any, to practice nursing in the State of Texas.

Entered this 19th day of July, 2012.

TEXAS BOARD OF NURSING

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR FOR THE BOARD

Attachment: Proposal for Decision; Docket No. 507-12-4731 (May 15, 2012).

I certify this to be a true copy of the records on file with the Texas Board of Nursing.
Date: 7/24/12
Signed:

In the Matter of Permanent License	§	BEFORE THE TEXAS
Number 533245, Issued to	§	
PATRICIA ANNE SALAZAR, Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, PATRICIA ANNE SALAZAR, is a Registered Nurse holding license number 533245, 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 23, 2006 through September 31, 2008, while employed with Memorial Hermann Healthcare System, Houston, Texas, Respondent practiced as a Registered Nurse without a valid license. Board records indicate Respondent's license expired on December 31, 2006 and was not renewed until October 8, 2008. Respondent's conduct deceived residents, their families, fellow care givers, and the public in that they believed Respondent's nursing practice was in compliance with all Board Rules and Regulations.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10) and Section 301.251, Texas Occupations Code (effective September 1, 2005), and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(H) & (11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to 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 Section 301.461, Texas Occupations Code. 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.

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NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on the Adopted Disciplinary Sanction Policy for Lying and Falsification, which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

Filed this 23rd day of July, 2010.

TEXAS BOARD OF NURSING

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SOAH DOCKET NO. 507-12-4731

IN THE MATTER OF	§	BEFORE THE STATE OFFICE
	§	
PERMANENT CERTIFICATE	§	
	§	OF
NUMBER 533245 ISSUED TO	§	
	§	
PATRICIA SALAZAR	§	ADMINISTRATIVE HEARINGS

ORDER NO. 1
DISMISSING CASE FROM SOAH DOCKET

This matter came to be heard on April 26, 2012, before Administrative Law Judge (ALJ) Stephen J. Pacey. Staff Attorney John F. Legris appeared on behalf of the Enforcement Section of the Texas Department of Licensing and Regulation (Department/Staff). Respondent Patricia Salazar did not appear and was not represented at the hearing. On February 27, 2012, the Notice of Hearing was sent certified mail, return receipt requested, [1] to Respondent's address of record, which had been provided by Respondent. [2] According to 22 Tex. Admin. Code § 213.10, notice to Respondent's last known address is effective and service is complete upon mailing The ALJ found there was adequate notice and granted Staff's Motion for Default.

Therefore, it is **ORDERED** that this matter is **DISMISSED** from the State Office of Administrative Hearings (SOAH) docket on a default basis in accordance with 1 TEX. ADMIN. CODE § 155.501(d).[3] The file is being returned to the Department for informal disposition on a default basis in accordance with TEX. GOV'T CODE § 2001.056.

SIGNED May 15, 2012.

STEPHEN J. PACEY
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

[1] Staff's Exhibit 4.
[2] Staff's Exhibit 5
[3] The ALJ only reviewed the adequacy of the notice and not the sufficiency of the factual allegations.