

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 146655  
ISSUED TO  
ALESHIA DELAINE MCCURRY

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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.  
*Arlene P. Thomas*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: Aleshia Delaine McCurry  
4604 Courtside  
McKinney, Texas 75070

During open meeting held in Austin, Texas, on Tuesday June 14, 2011, the 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 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 § 213.16(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 146655, previously issued to ALESHIA DELAINE MCCURRY, to practice vocational 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 vocational nursing in the State of Texas.

Entered this 14th day of June, 2011.



TEXAS BOARD OF NURSING

BY:

*Katherine A. Thomas*

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

Attachment: Formal Charge filed April 8, 2011.

CERTIFICATE OF SERVICE

I hereby certify that on the 16 day of June, 2011, 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):

Aleshia Delaine McCurry  
4604 Courtside  
McKinney, Texas 75070



BY:

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



## Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701  
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.state.tx.us

**Katherine A. Thomas, MN, RN**  
*Executive Director*

April 8, 2011

Certified Mail No. 91 7108 2133 3939 3530 4927

Return Receipt Requested

Aleshia Delaine McCurry  
4604 Courtside  
McKinney, Texas 75070

Dear Ms. McCurry:

Enclosed are Formal Charges which have been filed against you alleging one or more violations of Section 301.452(b) of the Nursing Practice Act, Texas Occupations Code. Within three weeks of the date of this letter, you must file a written answer to each charge admitting or denying each allegation. If you intend to deny only part of an allegation, you must specify so much of it as is true and deny only the remainder. Your answer shall also include any other matter, whether of law or fact, upon which you intend to rely for your defense. Please send your written answer to the attention of Tamika Rose, Investigator. You may obtain legal counsel at your own expense.

**FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY LEGAL REPRESENTATIVE, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF WILL BE GRANTED BY DEFAULT.**

Please be advised that should you fail to file a written answer, the case will proceed on a default basis and it will be staff's recommendation that a default order be entered revoking your license(s) and/or nurse licensure compact privilege(s) to practice nursing in the State of Texas.

The results of any default order or formal disposition (Board Order) are public information. Results of informal and formal dispositions will appear in the Board's newsletter under the heading of "Disciplinary Action."

Should you desire to discuss this matter, you may contact Tamika Rose, Investigator, Enforcement Division, at the above address, or at (512) 305-6812.

Sincerely,

Katherine A. Thomas, MN, RN  
Executive Director

KAT/TR/

Enclosure: Formal Charges

09/99-DA

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### Members of the Board

**Linda Rounds, PhD, FNP, RN**  
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**Kristin Benton, MSN, RN**  
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Corpus Christi

**Richard Gibbs, LVN**  
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**Kathy Leader-Horn, LVN**  
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**Josefina Lojan, PhD, RN**  
El Paso

**Beverley Jean Nuttall, LVN**  
Brvan

**Mary Jane Salgado, MEd**  
Keele Pass

**In the Matter of Permanent License** § **BEFORE THE TEXAS**  
**Number 146655, Issued to** §  
**ALESHIA DELAINE MCCURRY, Respondent** § **BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ALESHIA DELAINE MCCURRY, is a Vocational Nurse holding license number 146655, 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 April 30, 2007, Respondent entered a plea of Guilty to POSSESSION OF CS PG 3<28G (a Class A misdemeanor offense committed on July 14, 2006), in the County Court at Law No. 6 of Collin County, Texas, under Cause No. 006-88510-06. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of nine (9) months. Additionally, Respondent was ordered to pay a fine and court costs.

On or about April 30, 2007, the unadjudicated offense of POSSESSION OF MARIJUANA < 2 OZ (a Class B misdemeanor offense committed on July 14, 2006), filed under Cause No. 006-8711-06, in the County Court at Law No. 6 of Collins County, Texas, was dismissed in accordance with Section 12.45 of the Texas Penal Code, and taken into consideration in the punishment phase of Cause No. 006-88510-06.

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).

#### **CHARGE II.**

On or about November 6, 2008, Respondent entered a plea of Guilty to UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE TO WIT: METHAMPHETAMINE (a State Jail Felony offense committed on January 15, 2008), in the Criminal District Court No. 6 of Dallas County, Texas, under Cause No. F-0823399. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of three (3) years. Additionally, Respondent 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)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

### CHARGE III.

On or about November 20, 2008, Respondent entered a plea of Guilty to POSSESSION OF A CONTROLLED SUBSTANCE, NAMELY: METHAMPHETAMINE IN THE AMOUNT OF LESS THAN ONE (1) GRAM (a State Jail Felony offense committed on September 19, 2008), in the 219th Judicial District Court of Collin County, Texas, under Cause No. 219-82783-08. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of two (2) years. Additionally, Respondent was ordered to pay one hundred and forty dollars (\$140) in restitution, along with a fine and court costs.

On or about May 8, 2009, Respondent's probation granted under Cause No. 219-82783-08 was revoked, a judgment of Guilt was entered, and Respondent was sentenced to confinement in the State Jail Facility of the Texas Department of Criminal Justice for a period of one hundred and eighty (180) days, with one hundred and twenty-six (126) days given as back time credit.

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). Moreover, the above offense mandates revocation of Respondent's license to practice nursing in accordance with Chapter 53.021 of the Texas Occupations Code.

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 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. 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](http://www.bon.state.tx.us).

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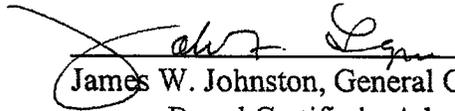
CONTINUED ON NEXT PAGE.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, [www.bon.state.tx.us](http://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](http://www.bon.state.tx.us/disciplinaryaction/discp-matrix.html).

Filed this 8th day of April, 2011.

TEXAS BOARD OF NURSING

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

Jena Abel, Assistant General Counsel  
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel  
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel  
State Bar No. 24052269

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

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