IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 148146	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
TONYA RENEE BARRICK	§	BOARD OF NURSING

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

ORDER OF THE BOARD

TO: Tonya Renee Barrick
2000 S. Main Street
Big Spring, TX 79720

During open meeting held in Austin, Texas, on 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 148146, previously issued to TONYA RENEE BARRICK, 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, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: First Amended Formal Charge filed April 11, 2011.

Re: Permanent Certificate Number 148146
Issued to TONYA RENEE BARRICK
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 15th 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):

Tonya Renee Barrick
2000 S. Main Street
Big Spring, TX 79720

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

In the Matter of Permanent License	§	**BEFORE THE TEXAS**
Number 148146, Issued to	§	
TONYA RENEE BARRICK, Respondent	§	**BOARD OF NURSING**

FIRST AMENDED FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TONYA RENEE BARRICK, is a Vocational Nurse holding license number 148146, 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 January 24, 2007, Respondent was convicted of "POSSESSION OF A CONTROLLED SUBSTANCE" (a State Jail felony offense committed on April 29, 2006) in the 251 District Court of Potter County, Texas, under Cause No. 53629-C. Respondent was sentenced to confinement in a State Jail Facility for a term of two (2) years. However, the imposition of the sentence of confinement was suspended and Respondent was placed on community supervision for a period of four (4) years.

On or about June 27, 2007, Respondent was issued an Order Revoking Community Supervision and Reformation and Imposition of Sentence was entered in the 251 District Court of Potter County, Texas, under Cause No. 53629-C. Respondent was sentenced to confinement in a State Jail Facility for a term of eighteen (18) months.

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(11)(B)&(13).

CHARGE II.

On or about January 24, 2007, Respondent was convicted of "FORGERY OF A FINANCIAL INSTRUMENT" (a State Jail felony offense committed on April 29, 2006) in the 251 District Court of Potter County, Texas, under Cause No. 53286-C. Respondent was sentenced to confinement in a State Jail Facility for a term of two (2) years. However, the imposition of the sentence of confinement was suspended and Respondent was placed on community supervision for a period of four (4) years.

On or about June 27, 2007, Respondent was issued an Order Revoking Community Supervision and Reformation and Imposition of Sentence was entered in the 251 District Court of Potter County, Texas, under Cause No. 53286-C. Respondent was sentenced to confinement in a State Jail Facility for a term of eighteen (18) months.

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).

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.

NOTICE IS GIVEN that to the extent applicable, based on the First Amended 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, for Lying and Falsification, and for Fraud, Theft & Deception, which can be found at the Board's website, www.bon.state.tx.us.

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

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CONTINUED ON NEXT PAGE.

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

Filed this 11th day of April, 2011.

TEXAS BOARD OF NURSING

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

Attachments: Order of the Board dated June 10, 2002.

D/2010.12.28

BOARD OF VOCATIONAL NURSE EXAMINERS	§	STATE OF TEXAS
VS	§	
TANYA RENEE BARRICK	§	COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the matter of vocational nurse license number 148146, held by TANYA RENEE BARRICK hereinafter called Respondent.

A sworn Complaint has been filed and served on the Respondent, which alleges violations of the Texas Occupations Code, Chapter 302, and grounds to take disciplinary action against Respondent.

An informal conference was held on April 2, 2002, at the office of the Board of Vocational Nurse Examiners. The conference was conducted by Terrie L. Hairston, R.N., C.H.E., Hearing Officer, assisted by Cathy Parrot, LVN, member of the Board of Vocational Nurse Examiners. Respondent was present and was not represented by counsel.

The conference was attended by Lynda G. Pringle, Investigator for the Board, and Ms. Melissa Juarez, Assistant Attorney General. By their notarized signature on this Order, Respondent does hereby waive the right to Notice of Formal Hearing and a Formal Hearing of the Complaint before the Board, and to judicial review of this disciplinary action after this Order is ratified by the Board.

After reviewing the Complaint and information provided at the informal conference, Respondent agrees to the entry of an Order dispensing with the need for further proceedings on the Complaint. By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the allegations stated in the Complaint. By Respondent's signature on this Order, Respondent acknowledges that they have read and understood this Order and have approved it for consideration by the Board. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED, subject to ratification by the Board of Vocational Nurse Examiners that License Number 148146, heretofore issued to TANYA RENEE BARRICK, to practice vocational nursing in the State of Texas be, and the same is hereby **SEVERELY REPRIMANDED**, and required to successfully complete the required forty (40) contact hours of Mandatory continuing Education (C.E.) as defined in board Rule 237.14 and submit documentation of successful completion of the C.E. requirements to the Board office within thirty (30) days of the ratification of this Order.

IT IS FURTHER ORDERED that Respondent pay an administrative fine in the amount of one-thousand five hundred dollars ($1500.00), said fine shall be in the form of a cashier's check or money order, payable to the Board of Vocational Examiners. Said fine shall be paid in monthly installments of $100.00, due on the 30th of each month, commencing the month following the date of the Boards ratification of this Order, and

continuing thereafter until the full amount of the fine has been paid. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners", 333 Guadalupe, Suite 3-400, Austin, TX 78701.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until ratified by a majority of the Board present and voting, at its next regularly called session.

Dated this the 2nd day of April, 2002.

Tanya R. Barrick
Signature of Respondent

8382 Hwy 87 N
Current Address

San Angelo, Texas 76901
City, State and Zip

915 / 658-8860
Area Code and Telephone Number

The State of Texas
County of TRAVIS

Before me, the undersigned authority, on this day personally appeared TANYA RENEE BARRICK who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me this the 2nd day of April, 2002.

Kirby W. Hattox
Notary Public, State of Texas
My Commission Expires
OCTOBER 03, 2004

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires _____

Terrie L. Hairston, R.N., C.H.E.,
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 3rd day of June, 2002.

SANDY GARDNER
Notary Public, State of Texas
My Commission Expires
April 13, 2003

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 4/13/03

WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Board Order, notarized on the 2nd day of April, 2002 by TANYA RENEE BARRICK, license number 148146 and that Said Order is Final.

Effective this 10th day of June, 2002.

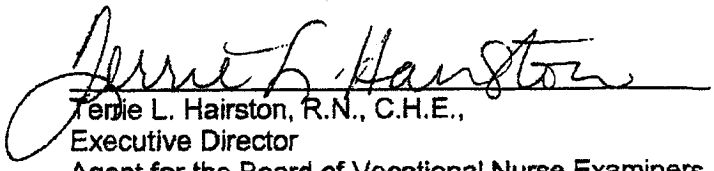
Terrie L. Hairston

Terrie L. Hairston, R.N., C.H.E.,
Executive Director
On Behalf of Said Board

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of June, 2002, a true and correct copy of the foregoing **BOARD ORDER** was served by placement in the U.S. Mail first class mail, and addressed to the following person(s):

TANYA RENEE BARRICK
8382 HIGHWAY 87 NORTH
SAN ANGELO, TEXAS 76901



Terrie L. Hairston, R.N., C.H.E.,
Executive Director
Agent for the Board of Vocational Nurse Examiners

BOARD OF VOCATIONAL NURSE EXAMINERS	*	STATE OF TEXAS
VS.	*	
TONYA RENEE BARRICK	*	COUNTY OF TRAVIS

COMPLAINT

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Lynda G. Pringle, who after being by me duly sworn, did depose and say:

As an Investigator for the Board of Vocational Nurse Examiners, I, Lynda G. Pringle, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against TONYA RENEE BARRICK, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 148146, hereinafter called Respondent.

I.

a. Respondent's license to practice vocational nursing in the state of Texas expired on or about October 31, 1996 and became delinquent on or after November 1, 1996.

b. On or about June 18, 2001, Respondent submitted an application for licensure renewal to the Board office. Said application was to renew Respondent's delinquent license.

II.

a. Respondent was employed as a Licensed Vocational Nurse with Coleman County Medical Center in Coleman, Texas to include the dates from about February 14, 1997 through about November 1, 1998.

b. While so employed with said facility, Respondent practiced vocational nursing while her vocational nursing license remained in a delinquent status.

III.

a. Respondent was employed as a Licensed Vocational Nurse with SCCI in San Angelo, Texas to include the dates from about January 28, 1999 through about August 16, 1999.

b. While so employed with said facility, Respondent practiced vocational nursing while her vocational nursing license remained in a delinquent status.

c. Additionally, Respondent fraudulently provided her employer with a license number which was not assigned to her by the Board of Vocational Nurse Examiners. Respondent's license number is 148146, however, Respondent furnished license number 146148 for verification purposes. Respondent provided information which was false and deceptive in connection with the practice of vocational nursing so that her employer would not be aware of the delinquency of Respondent's license.

IV.

a. Respondent was employed as a Licensed Vocational Nurse with Big Spring Care Center in Big Spring, Texas to include the dates from about August 17, 1999 through about October 23, 1999.

b. While so employed with said facility, Respondent practiced vocational nursing while her vocational nursing license remained in a delinquent status.

V.

a. Respondent was employed as a Licensed Vocational Nurse with Crockett County Care Center in Ozona, Texas to include the dates from about August 17, 2000 through about January 1, 2001.

b. While so employed with said facility, Respondent practiced vocational nursing while her vocational nursing license remained in a delinquent status.

c. Additionally, Respondent fraudulently provided her employer with a license number which was not assigned to her by the Board of Vocational Nurse Examiners. Respondent's license number is 148146, however, Respondent furnished license number 146148 for verification purposes. Respondent provided information which was false and deceptive in connection with the practice of vocational nursing so that her employer would not be aware of the delinquency of Respondent's license.

VI.

a. On or about January 30, 2001, the Board of Vocational Nurse Examiners received a Computerized Criminal History report from the Texas Department of Public Safety showing that Respondent had been convicted of several misdemeanors.

b. On or about September 20, 1996, Respondent was convicted of the Misdemeanor Offense of: DRIVING WHILE INTOXICATED, in the County Court of Winkler County, Texas, under Cause Number 12,676. As a result of said conviction, Respondent was placed on probation for a period of one (1) year.

c. On or about February 10, 1997, Respondent violated the terms of her probation by failing to pay court fines, failing to report to her Probation Officer and failing to notify the Probation Department of her change in address. The Court subsequently extended Respondent's probation for a period of one (1) year from the date of the expiration of the original probation term.

d. On or about March 5, 1998, Respondent again violated the terms of her probation by failing to report to her Probation Officer, failing to complete an Alcohol Offender Program, failing to complete Community Service Restitution as ordered by the Court and failing to pay Court ordered fees. On June 22, 1998, the Court revoked Respondent's probation and sentenced Respondent to thirty (30) days incarceration.

e. Respondent has been convicted of a crime, which the Board considers to be directly related to the duties and responsibilities of a Licensed Vocational Nurse. Said conviction is inconsistent with the basic duties and responsibilities inherent in the occupation of vocational nursing in that said occupation requires knowledge and familiarity of drugs, and compliance with drug laws.

VII.

a. On or about January 28, 1998, Respondent was convicted of the Misdemeanor Offense of: THEFT BY CHECK, in the County Court at Law No. 2 of Ector County, Texas, under Cause Number 97-3048. As a result of said conviction, Respondent was issued a one-hundred dollar ($100.00) fine.

b. On or about February 15, 2000, Respondent was convicted of the Misdemeanor Offense of: DRIVING WHILE LICENSE SUSPENDED, in the County Court of Howard County, Texas, under Cause Number 47,812. As a result of said conviction, Respondent was sentenced to probation for a period of six (6) months.

c. Respondent has been convicted of crimes, which the Board considers to be directly related to the duties and responsibilities of a Licensed Vocational Nurse. Said convictions are inconsistent with the basic duties and responsibilities inherent in the occupation of vocational nursing in that said occupation requires the maintenance of accurate and complete records, and safeguarding personal property of the patient, client, and employer.

d. On or about June 18, 2001, Respondent submitted an application for renewal to the Board office and falsely checked "no" in response to item (15): "Were you convicted of a felony or misdemeanor other than a minor traffic violation since your last renewal?" Furthermore, Respondent falsely checked "not applicable" in response to item 15(c): "Have you previously notified the Board of any and all convictions?"

VIII.

The foregoing acts constitute unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public, in violation of the Texas Occupations Code, Chapter 302, Section 302.402 (a) (10) and Rule 239.11 of the Rules and Regulations of the Board of Vocational Nurse Examiners, Title 22, Texas Administrative Code. Rule 239.11, provides in pertinent part: that "Unprofessional Conduct" shall include, but not be limited to:

(8) providing information which was false, deceptive, or misleading in connection with the practice of vocational nursing or failing to answer specific questions that would have affected the decision to license, employ, certify or otherwise utilize a vocational nurse;

(9) practicing vocational nursing in this state without a current Texas license;

(27) failing to conform to the minimal standards of acceptable prevailing practice, regardless of whether or not actual injury to any person was sustained;

(29) being convicted of a crime that relates to the practice of vocational nursing;

(iii) offenses involving fraud, dishonesty or deceit;

(iv) offenses related to drugs/alcohol.

IX.

Respondent has been convicted of a crime of the grade of a misdemeanor that relates to the practice of vocational nursing, in violation of the Texas Occupations Code, Chapter 302, Section 302.402 (a) (3) (B).

X.

Section 302.351 (f) of the Texas Occupations Code, states that, "A person who practices vocational nursing after the expiration of the person's license under this chapter is an illegal practitioner whose license may be revoked or suspended".

XI.

The foregoing acts constitute grounds for the Board of Vocational Nurse Examiners to take disciplinary action as provided under the Texas Occupations Code, Chapter 302, Licensed Vocational Nurse, Section 302.403 and Section 302.451, relief such as revocation, suspension, suspension with probation, reprimand, warning, denial of licensure and/or imposition of administrative penalties (fines), may be recommended by the Board. Pursuant to Board Rule 239.19 the Board may assess penalties (fines), in the minimum amount of two hundred fifty dollars ($250.00), not to exceed two thousand dollars ($2,000.00).

WHEREFORE, PREMISES CONSIDERED, I, Lynda G. Pringle, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against TONYA RENEE BARRICK, LVN #148146, in accordance with the provisions of the laws of the State of Texas.

Lynda G Pringle
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME by the said Lynda G. Pringle, on this the day 28th February 2002.

SANDY GARDNER
Notary Public, State of Texas
My Commission Expires
April 13, 2003

Sandy Gardner
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 4/13/03

Filed with the Board of Vocational Nurse Examiners on the 28th day of February 2002.

Kirby W. Hattox, Supervisor
Enforcement Division
Board of Vocational Nurse Examiners