

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 234834
ISSUED TO
BONNIE KAY DELAVAN

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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.
Patricia A. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Bonnie Kay Delavan
7815 Galaway Bay
San Antonio, Texas 78240

During open meeting held in Austin, Texas, on Tuesday, May 10, 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 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 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 234834, previously issued to BONNIE KAY DELAVAN, to practice professional 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 professional nursing in the State of Texas.

Entered this 10th day of May, 2011.

TEXAS BOARD OF NURSING

BY:



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

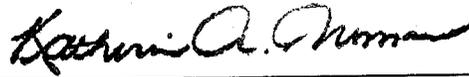
Attachment: Formal Charge filed March 14, 2011.

CERTIFICATE OF SERVICE

I hereby certify that on the ~~10th~~ day of May, 20 11, 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):

Bonnie Kay Delavan
7815 Galaway Bay
San Antonio, Texas 78240

BY:



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

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 234834, Issued to §
BONNIE KAY DELAVAN, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, BONNIE KAY DELAVAN, a/k/a BONICE BECKWITH DELAVAN, is a Registered holding license number 234834, 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 27, 2004, Respondent entered a plea of Nolo Contendere and was convicted of FORGERY COMM INST/CHECK (a State Jail Felony offense committed on January 14, 2003), in the 187th District Court of Bexar County, Texas, under Cause No. 2003CR3281. As a result of the conviction, Respondent was sentenced to confinement in the Texas Department Criminal Justice for a period of nine (9) months. Additionally, Respondent was ordered to pay a fine, court costs and restitution in the amount of eight thousand seven hundred ninety dollars (\$8,790.00).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10)(effective 9/1/2003), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§213.27-213.28 & 217.12(effective 11/1/2003).

CHARGE II.

On or about April 23, 2008, Respondent entered a plea of Nolo Contendere and was convicted of ATTEMPT TO OBTAIN DRUGS BY FRAUD SCH III/IV (a State Jail Felony offense committed on March 15, 2006), in the 144th District Court of Bexar County, Texas, under Cause No. 2006CR3762. As a result of the conviction, Respondent was sentenced to confinement in the Texas Department Criminal Justice for a period of four (4) years. However, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of four (4) years. Additionally, Respondent was ordered to pay a fine, and court costs. During sentencing in Cause Number 2006CR3762, Respondent admitted his guilt in two (2) unadjudicated offenses- Cause Number 984081, FALSE REPORT TO POLICE OFFICER (a Class B misdemeanor offense committed on October 3, 2006), and Cause Number 984082, POSSESSION OF A CONTROLLED SUBSTANCE PG3<28G (a Class A misdemeanor offense committed on October 3, 2006). The court took each into account in determining the sentence in Cause Number 2006CR3762.

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(11)(B)&(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 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 Fraud, Theft & Deception, 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 14th day of March, 20 11.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel

Board Certified - Administrative Law

Texas Board of Legal Specialization

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