

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 608357
ISSUED TO
JEANNIE LUCILLE FRANK

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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 P. Roman
Executive Director of the Board

ORDER OF THE BOARD

TO: Jeannie Lucille Frank
5055 NE Elliott Cir., #130
Corvallis, Oregon 97330

During open meeting held in Austin, Texas, on February 8, 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 608357, previously issued to JEANNIE LUCILLE FRANK, to practice professional 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 8th day of February, 2011.

TEXAS BOARD OF NURSING

BY: 

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

Attachment: Formal Charge filed October 6, 2010.

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of February, 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):

Jeannie Lucille Frank
5055 NE Elliott Cir., #130
Corvallis, Oregon 97330

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

October 11, 2010

Certified Mail No. 91 7108 2133 3938 2192 9753
Return Receipt Requested

Jeannie Lucille Frank
5055 NE Elliott Cir. #130
Corvallis, Oregon 97330

Dear Ms. Frank:

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 James S. Smelser, 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 James S. Smelser, Investigator, Enforcement Division, at the above address, or at (512) 305-6831.

Sincerely,

Katherine A. Thomas, MN, RN
Executive Director

KAT/jss

Enclosure: Formal Charges

09/99-DA

Members of the Board

Linda Rounds, PhD, FNP, RN
Galveston, President

Deborah Bell, CLU, ChFC Kristin Benton, MSN, RN Patricia Clapp, BA Tamara Cowen, MN, RN Sheri Crosby, JD, SPHR Marilyn Davis, BSN, RN, MPA
Ablene Austin Dallas Harlingen Dallas Sugar Land
Blanca Rosa Garcia, PhD, RN Richard Gibbs, LVN Kathy Leader-Horn, LVN Josefina Lujan, PhD, RN Beverley Jean Nutall, LVN Mary Jane Salgado, MEd

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 608357, Issued to §
JEANNIE LUCILLE FRANK, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JEANNIE LUCILLE FRANK, is a Registered Nurse holding license number 608357, 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 14, 2010, while holding a license as a Registered Nurse (Delinquent) in the State of Texas, Respondent was issued a Final Order, Case No. 10-383, by the Board of Nursing of the State of Oregon wherein Respondent's license to practice professional nursing, 079011282RN, in the State of Oregon was issued a Stipulation For Voluntary Surrender. A copy of the April 14, 2010 Final Order from the Board of Nursing of the State of Oregon is attached and incorporated, by reference, as part of this Charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), 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 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.

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.

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: Final Order from the Board of Nursing of the State of Oregon dated April 14, 2010.

Filed this 16th day of October, 20 10.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel

Board Certified - Administrative Law

Texas Board of Legal Specialization

State Bar No. 10838300

Jena Renee Koslan 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: Final Order from the Board of Nursing of the State of Oregon dated April 14, 2010.

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**BEFORE THE BOARD OF NURSING
OF THE STATE OF OREGON**

In the Matter of)	FINAL ORDER
Jeannie Frank, RN)	
)	
)	
License No: 079011282RN)	Case No. 10-383

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, certifying, regulating and disciplining certain health care providers, including Registered Nurses, in the State of Oregon. Jeannie Frank is a Registered Nurse in the State of Oregon.

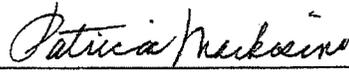
This Matter was considered by the Board on April 14, 2010. Licensee did not appear personally. The issue for the Board was whether to approve the Stipulation for Voluntary Surrender of Registered Nurse License signed by Licensee on March 11, 2010, and so dispense with this Matter pursuant to ORS 183.417(3).

Upon review of the Stipulation and the agency file in this Matter, the Board finds that reasonable factual and legal grounds exist to support approval of the Stipulation. It is hereby

ORDERED that the Stipulation signed by Licensee on March 11, 2010 be accepted and by this reference incorporated herein, and it is further

ORDERED that the Board accept the Stipulation for Voluntary Surrender of the Registered Nurse License of Jeannie Frank and the Stipulation be adopted.

DATED this 14 day of April 2010.



Patricia Markesino, RN
Board President

**BEFORE THE BOARD OF NURSING
OF THE STATE OF OREGON**

In the Matter of)	
Jeannie Frank, RN)	STIPULATION FOR
License No. 079011282RN)	VOLUNTARY SURRENDER OF
)	REGISTERED NURSE
)	LICENSE
)	
)	Case No. 10-383

The Oregon State Board of Nursing (Board) is the state agency responsible for the licensure and regulation of Registered Nurses in the State of Oregon. Jeannie Frank, hereinafter referred to as "Licensee" is a Registered Nurse in the State of Oregon.

Licensee was licensed by examination as a Registered Nurse in the State of Oregon on August 30, 1983.

Licensee came to the attention of the Board on March 26, 2008 when it was reported that she appeared impaired while working as a Registered Nurse. Licensee reported that she suffered from several health conditions and was currently taking prescribed medications as part of her treatment regime.

On May 12, 2008, Licensee underwent a chemical dependency evaluation by a Board approved evaluator. Licensee was assigned no diagnosis related to chemical dependency or abuse, and received no recommendations for treatment.

On August 26, 2008, Licensee agreed to enter the Nurse Monitoring Program (NMP) due to her health conditions. Licensee has been unable to work, and has obtained disability status relating to her diagnoses.

On February 25, 2010, Licensee requested to voluntarily surrender her Registered Nurse License, as she was unable to comply with the terms and conditions of her NMP contract due to her inability to work.

By the above actions, Licensee is subject to ORS 678.111 (1) (f) and OAR 851-045-0070 (7) (e):

678.111 Causes for denial, revocation, suspension of license or probation, reprimand or censure of licensee

In the manner prescribed in ORS Chapter 183 for a contested case:

- (1) Issuance of the license to practice nursing, whether by examination or by endorsement, of any person may be refused or the license may be revoked or suspended or the licensee may be placed on probation for a period specified

by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

(f) Conduct derogatory to the standards of nursing.

OAR 851-045-0070 Conduct Derogatory to the Standard of Nursing Defined: Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

(7) Conduct related to the licensee's relationship with the Board:

(e) Failing to comply with the terms and conditions of Nurse Monitoring Program agreements.

Licensee has respectively requested to voluntary surrender her license to practice as a Registered Nurse.

THEREFORE, the following will be proposed to the Oregon State Board of Nursing and is agreed to by the Licensee:

That the Voluntary Surrender of the Registered Nurse license of Jeannie Frank be accepted. That Jeannie Frank shall not petition the Board for reinstatement of her Registered Nurse License for a period of three years. If, at a future date, she wishes to reinstate her Registered Nurse license, Jeannie Frank shall appear before the Board to request reinstatement of her license and provide evidence to the Board of her ability to safely practice the duties of a Registered Nurse. Should the Board reinstate the Registered Nurse license of Jeannie Frank, she would be subject to whatever terms and conditions the Board may impose.

Licensee understands this Stipulation will be submitted to the Board of Nursing at their next scheduled meeting for approval and is subject to the Board's adoption and confirmation. Jeannie Frank understands that if approved, the Board will issue a Final Order adopting this Stipulation.

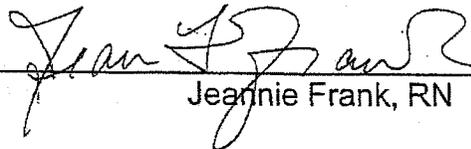
Licensee understands that, by entering into this Stipulation, she waives any and all rights to notice and an administrative hearing under ORS 183.310 to 183.550, and to appeal or otherwise challenge this Stipulation or the Final Order adopting it.

Licensee understands that this Stipulation will become a public record when the Board issues a Final Order adopting it.

Licensee states no promises, representations, duress or coercion have been used to induce her to sign this Stipulation.

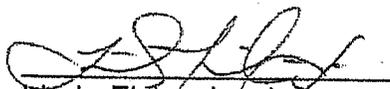
Licensee has fully read this Stipulation and understands it completely.

Dated this 11 day of March, 2010



Jeannie Frank, RN

FOR THE OREGON STATE BOARD OF NURSING

 _____ Linda Fisher-Lewis Program Manager Investigation Department	<u>2/17/10</u> Date
 _____ Michelle Standridge, RN, BSN Nurse Investigator Investigation Department	<u>3/17/10</u> Date