IN THE MATTER OF	§	BEFORE THE
PERMANENT CERTIFICATE	§	
NUMBER **37852**	§	TEXAS BOARD
ISSUED TO	§	
LINDA MARY SHIFLET	§	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: Linda Mary Shiflet
15803 Jove Street
Houston, TX 77060-4415

On this day, the Texas Board of Nursing, hereinafter referred to as the "Board", considered the Staff's Motion for Rehearing filed in the above-styled matter. The Eligibility and Disciplinary Committee of the Board mistakenly approved an order on December 14, 2010, revoking vocational nurse license number 37852 issued to Linda Mary Shiflet. Staff filed a Motion for Rehearing and after review and due consideration of the filed Motion, the Executive Director of the Board **GRANTS** Staff's Motion for Rehearing. The Default Order issued December 14, 2010, revoking vocational nurse license number 37852, is set aside.

Entered this 14th day of December, 2010.

TEXAS BOARD OF NURSING

BY: _____
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR

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

December 14, 2010

Certified Mail No. 91 7108 2133 3934 2619 4006
Return Receipt Requested

Linda Mary Shiflet
197 Wickshire Lane #21
Jasper, Texas 75951

Dear Ms. Shiflet:

Enclosed, please find an Order of the Board issued on December 14, 2010.

The results of any disciplinary action are public information. Dispositions will appear in the Board's quarterly newsletter. The information will also be forwarded to the National Council State Boards of Nursing, Inc., the Healthcare Integrity and Protection Data Bank (HIPDB), and the National Practitioner Data Bank (NPDB)

THIS IS A FINAL ORDER OF THE BOARD. READ THE ORDER CAREFULLY. CONTACT THIS OFFICE AT (512) 305-6838 IF YOU HAVE ANY QUESTIONS OR DO NOT UNDERSTAND ANY PART OF THE ORDER.

You have a right to seek judicial review of this Order under the authority of Texas Occupations Code, Section 301.555 and Texas Government Code, Section 2001.171.

Sincerely,

Katherine A. Thomas, MN, RN
Executive Director

KAT/jd

Enclosures: Order of the Board

02/2010-G1

Members of the Board

Linda Rounds, PhD, FNP, RN
Galveston, *President*

Deborah Bell, CLU, ChFC Abilene
Kristin Benton, MSN, RN Austin
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Sheri Crosby, JD, SPHR Dallas
Marilyn Davis, BSN, RN, MPA Sugar Land
Blanca Rosa Garcia, PhD, RN Corpus Christi
Richard Gibbs, LVN Mesquite
Kathy Leader-Horn, LVN Granbury
Josefina Lujan, PhD, RN El Paso
Beverley Jean Nutall, LVN Bryan
Mary Jane Salgado, MEd Eagle Pass

IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 37852	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
LINDA MARY SHIFLET	§	BOARD OF NURSING

ORDER OF THE BOARD

TO: Linda Mary Shiflet
197 Wickshire Lane #21
Jasper, Texas 75951

During open meeting held in Austin, Texas, on Tuesday, December 14, 2010, 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 37852, previously issued to LINDA MARY SHIFLET, 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 December, 2010.

TEXAS BOARD OF NURSING

BY: _____

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

Re: Permanent Certificate Number 37852
Issued to LINDA MARY SHIFLET
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of December, 2010, 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):

Linda Mary Shiflet
197 Wickshire Lane #21
Jasper, Texas 75951

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

In the Matter of Permanent License Number 37852, Issued to LINDA MARY SHIFLET, Respondent	§ § §	**BEFORE THE TEXAS BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, LINDA MARY SHIFLET, is a Vocational Nurse holding license number 37852, 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 March 25, 1994, Respondent entered a plea of Guilty to THEFT >=$750 BUT <$20K OR LIVESTOCK <$20K (a 3rd Degree Felony offense committed on September 24, 1991), in the 221st Judicial District Court of Montgomery County, Texas, under Cause No.920600497CRB. As a result, the proceeding 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 order to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. 4528c, sec (10)(a) (9) (eff. 9/1/93), and is a violation of 22 Tex. Admin. Code §239.11 (28) (eff. 9/1/93).

CHARGE II.

On or about May 25, 2004, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (a Misdemeanor offense committed on January 23, 2004), in the County Court of Hardin County, Texas, under Cause No. 50233. As a result of the conviction, Respondent was sentenced to confinement in the Hardin County Jail for a period of one hundred eighty (180) days; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of eighteen (18) months. Additionally, Respondent was ordered to pay a fine and court cost.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code (eff. 2/1/04), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(iv) (eff. 9/1/03).

CHARGE III.

On or about March 30, 2010, Respondent entered a plea of Guilty/Nolo Contendere and was convicted of DRIVING WHILE INTOXICATED 2nd (a Misdemeanor offense committed on December 21, 2008), in the County Court of Madison County, Texas, under Cause No. 09067. As a result of the conviction, 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)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

CHARGE IV.

On or about April 15, 2010, Respondent submitted a License Renewal Form to the Texas Board of Nursing, in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

> "Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:
>
> A. been convicted of a misdemeanor?
> B. been convicted of a felony?
> C. pled nolo contendere, no contest, or guilty?
> D. received deferred adjudication?
> E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
> F. been sentenced to serve jail or prison time? court-ordered confinement?
> G. been granted pre-trial diversion?
> H. been arrested or any pending criminal charges?
> I. been cited or charged with any violation of the law?
> J. been subject of a court-martial; Article 15 violation, or received any form of military judgment/punishment/action?"

Respondent failed to disclose, that on or about March 30, 2010, Respondent entered a plea of Guilty/ Nolo Contendere and was convicted of DRIVING WHILE INTOXICATED 2nd (a Misdemeanor offense committed on December 21, 2008), in the County Court of Madison County, Texas, under Cause No. 09067. As a result of the conviction, 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)(2)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(I).

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 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 Lying and Falsification, 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 4th day of October, 2010.

TEXAS BOARD OF NURSING

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Board Certified - Administrative Law
Texas Board of Legal Specialization
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