



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. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse           §  
License Number 83630                           §  
issued to PHYLLIS ANN DAVIS               §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 83630, issued to PHYLLIS ANN DAVIS, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice vocational nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from Pasadena School of Vocational Nursing, Pasadena, Texas, on August 16, 1979. Respondent was licenced to practice Vocational Nursing in the State of Texas on October 16, 1979.
4. Respondent's nursing employment history is unknown.
5. On or about January 8, 1984, Respondent was arrested for the misdemeanor offense of Driving While Intoxicated in Pasadena, Texas. On January 31, 1984, Respondent was convicted and placed on probation for two (2) years.

6. On or about January 25, 1988, Respondent was arrested for the misdemeanor offense of Driving While Intoxicated in Pasadena, Texas. On February 1, 1988, Respondent was convicted and sentenced to three (3) days confinement.
7. On November 15, 2006, Respondent submitted an online Renewal Document for Licensed Vocational Nurses to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question which reads: *"Have you ever been convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, or received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests whether or not on appeal (excluding minor Class C traffic violation)? This includes expunged offenses and deferred adjudication with or without a finding of guilt. Please note that DUIs DWIs and Pis must be reported and are not considered minor traffic violations. One time minor in possession [MIP] or minor in consumption [MIC]" does not need to be disclosed; therefore, you may answer "No" if you have two ore more MIPs or MICs, you must answer "Yes." You may answer "No" if you have previously disclosed a criminal matter otherwise responsive to this question in a renewal and/or licensure form."*

Respondent failed to disclose that on or about January 29, 2006, Respondent was convicted of the misdemeanor offense of Driving While Intoxicated and placed on probation for one (1) year and ordered to pay a fine.

8. In response to Finding of Fact Number Seven (7), Respondent states that on January 29, 2006, she was charged with driving while intoxicated. Respondent is currently on probation with all her fines paid and her community service completed. Respondent states she was out with a friend and on her way home they had a flat tire. A police officer stopped to help, and she was asked if she had been drinking. Respondent replied "yes" and was arrested.
9. On March 2, 2010, Respondent submitted a statement to the Board voluntarily surrendering the right to practice vocational nursing in Texas. A copy of Respondent's statement, dated March 2, 2010, is attached and incorporated herein, by reference, as part of this Order.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 301.452(b)(2)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE§217.12(6)(I).

4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 83630, heretofore issued to PHYLLIS ANN DAVIS, to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title of "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and 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.

Effective this 17<sup>th</sup> day of November, 2010.

TEXAS BOARD OF NURSING



By:



Katherine A. Thomas, MN, RN  
Executive Director on behalf  
of said Board