

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 118590
ISSUED TO
BELINDA MATA

§
§
§
§
§
§
§

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. Roman
Executive Director of the Board

ORDER OF THE BOARD

TO: Belinda Mata
Po Box 15
Combes, Texas 78535

During open meeting held in Austin, Texas, on Tuesday November 9, 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

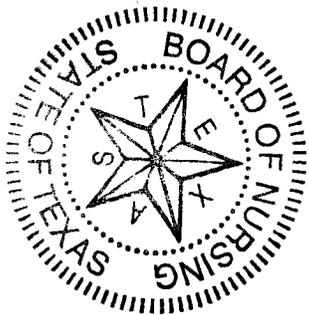
proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity 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 118590, previously issued to BELINDA MATA, 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 9th day of November, 2010.



TEXAS BOARD OF NURSING

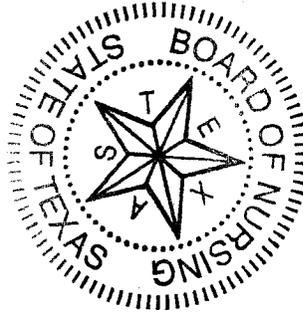
BY:

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

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of November, 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):

Belinda Mata
Po Box 15
Combes, Texas 78535



BY:

Katherine A. Thomas

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

August 6, 2010

Certified Mail No. 91 7108 2133 3938 0675 5704
Return Receipt Requested

Belinda Mata
Po Box 15
Combes, Texas 78535

Dear Ms. Mata:

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 Tamika Rose, 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 or multistate privilege to practice professional 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 Tamika Rose, Investigator, Enforcement Division, at the above address, or at (512) 305-6812.

Sincerely,

Katherine A. Thomas, MN, RN
Executive Director

KAT/TR/

Enclosure: Formal Charges

09/99-DA

Members of the Board

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

Deborah Bell, CLU, ChFC Abilene	Kristin Benton, MSN, RN Austin	Patricia Clapp, BA Dallas	Tamara Cowen, MN, RN Harlingen	Sheri Crosby, JD, SPHR Dallas	Marilyn Davis, BSN, RN, MPA 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
Number 118590, Issued to
BELINDA MATA, Respondent**

§ **BEFORE THE TEXAS**
§
§ **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, BELINDA MATA, a/k/a BELINDA PEREZ CASTILLO is a Vocational Nurse holding license number 118590, 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 August 2, 1999, Respondent entered a plea of Guilty and was convicted of HARASSMENT (a Class B Misdemeanor offense committed on November 20, 1997) in the County Court at Law No. 2 of Cameron County, Texas, under Cause Number 98CCR292B. As a result of the conviction, Respondent was sentenced to confinement in the Cameron County Jail for a period of six (6) months; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of twenty (24) months. Additionally, Respondent was ordered to pay a fine and court costs.

On or about August 17, 2001, the Court in Cause Number 98CCR0292B found that Respondent violated the terms of her probation by committing an offense against the laws of Texas (see Charge II) and entered an order revoking Respondent's probation and extending her probation for a of six (6) months including probation fees.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ANN, 4528c sec 10(a)(9)(effective 9/1/1997), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A), (effective 3/1/1999).

CHARGE II.

On or about August 2, 1999, Respondent entered a plea of Guilty and was convicted of CRIMINAL MISCHIEF (a Class A Misdemeanor offense committed on March 29, 1999) in the County Court at Law No. 2 of Cameron County, Texas, under Cause Number 99CCR1802B. As a result of the conviction, Respondent was sentenced to confinement in the Cameron County Jail for a period of twelve (12) months; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of twenty (24) months. Additionally, Respondent was ordered to pay court costs.

On or about August 17, 2001, the Court in Cause Number 98CCR0292B found that Respondent violated the terms of her probation by committing an offense against the laws of Texas (see Charge

II) and entered an order revoking Respondent's probation and extending her probation for a of six (6) months including probation fees.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ANN, 4528c sec 10(a)(9)(effective 9/1/1997), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A), (effective 3/1/1999).

CHARGE III.

On or about August 2, 1999, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (a Class A Misdemeanor offense committed on March 29, 1999) in the County Court at Law No. 2 of Cameron County, Texas, under Cause Number 99CCR1805. As a result of the conviction, Respondent was sentenced to confinement in the Cameron County Jail for a period of twelve (12) months; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of twenty (24) months. Additionally, Respondent was ordered to pay court costs.

On or about August 17, 2001, the Court in Cause Number 98CCR0292B found that Respondent violated the terms of her probation by committing an offense against the laws of Texas (see Charge II) and entered an order revoking Respondent's probation and extending her probation for a of six (6) months including probation fees.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ANN, 4528c sec 10(a)(9)(effective 9/1/1997), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A), (effective 3/1/1999).

CHARGE IV.

On or about November 2, 1999, Respondent entered a plea of Not Guilty and was convicted of DRIVING WHILE INTOXICATED (a Class A Misdemeanor offense committed on August 15, 1999), in the County Court at Law No 2, Cameron County, Texas, under Cause Number 99-CCR-5429-B. As a result of the conviction, Respondent was sentenced to confinement in the Cameron County Jail for a period of six (6) months; however, the imposition of sentence of confinement was suspended, and Respondent was placed on probation for a period of eighteen (18) months, during which she was required to attend the H.O.P.E. Program for three (3) months.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(9)&(10), Texas Occupation Code, (effective 9/1/1999), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A), (effective 3/1/1999).

CHARGE V.

On or about August 22, 2007, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (TWO OR MORE PRIORS) (a 3rd Degree Felony offense committed on July 13, 2006), in the 103rd Judicial District Court of Cameron County, Texas, under Cause Number 06-CR2639D. As a result of the conviction, Respondent was sentenced to confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of five (5) years; however, the imposition of sentence of confinement was suspended, and Respondent was placed on

probation for a period of seven (7) years. Additionally, Respondent was ordered to participate in the Intensive Supervision Program for one (1) year, including participation in the Secure Continuous remote Alcohol Monitor program. Finally, 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)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(13).

CHARGE VI.

On or about August 30, 2007, Respondent submitted a License Renewal Form Licensed Vocational Nurse to the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"In the past 5 years, have you been addicted or treated for the use of alcohol or any other drug? (You may answer "no" if you have completed and/or are in compliance with TPAPN)

Respondent failed to disclose that she was ordered to participate in the Intensive Supervision Program for one (1) year, including participation in the Secure Continuous remote Alcohol Monitor program.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2),(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)&(I).

CHARGE VII.

On or about August 30, 2007, Respondent submitted a License Renewal Form Licensed Vocational Nurse to the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"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, 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 violations)? This includes expunged offenses and deferred adjudication with or without a finding of guilt. Please note that DUIs, DWIs, and PI's 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 or 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 August 22, 2007, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED (TWO OR MORE PRIORS) (a 3rd Degree Felony offense committed on July 13, 2006), in the 103rd Judicial District Court of Cameron County, Texas, under Cause Number 06-CR2639D.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2),(9)&(10), Texas Occupations Code, and 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 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.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.
CONTINUED ON NEXT PAGE.

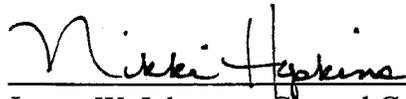
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying and Falsification, 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.

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 3rd day of August, 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: Order of the Board dated June 10, 2002

0999/D