IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 187599	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
JULIE AMELIA SMITH	§	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: Julie Amelia Smith
318 Tenaha St.
Center, TX 75935

During open meeting held in Austin, Texas, on 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 187599, previously issued to JULIE AMELIA SMITH, 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: _____

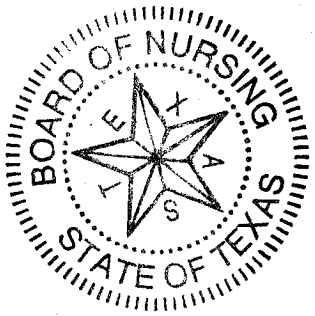
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 187599
Issued to JULIE AMELIA SMITH
DEFAULT ORDER -REVOKE

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):

Julie Amelia Smith
318 Tenaha St.
Center, TX 75935



BY: Katherine A. Thomas

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

In the Matter of Permanent License	§	**BEFORE THE TEXAS**
Number 187599, Issued to	§	
JULIE AMELIA SMITH, Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JULIE AMELIA SMITH, is a Vocational Nurse holding license number 187599, 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 March 24, 2006, Respondent plead guilty to POSS CS Namely Methamphetamine < 1G (a State Jail Felony offense committed on February 20, 2006), in the 351st District Court of Harris County, Houston, Texas, under Cause No. 1058547. The proceedings against Respondent were deferred without entering an adjudication of guilt, and she was placed on probation for a period of three (3) years. Additionally, she was ordered to pay a fine and court costs.

On July 14, 2006, the terms of the conditions of community supervision were amended ordering Respondent to incarceration in the Harris County Jail for a period of one hundred eighty days (180) to complete the New Choices Program, and to participate in the Harris County Community Supervision and Corrections Department (HCCS&CD) Change Through Intervention (CTI) Program any time she is assessed and when it is deemed appropriate.

On January 11, 2007, the terms of the conditions of community supervision were amended concerning her participation in the CTI Program.

On November 20, 2007, the terms of the conditions of community supervision were amended ordering Respondent to incarceration in the Harris County Jail for a period of eleven (11) days.

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(13).

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CHARGE II.

On or about May 10, 2006, Respondent submitted a License Renewal Form for Licensed Vocational Nurses 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 been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrest (excluding minor traffic violations) since your last renewal? This includes expunged offenses and deferred adjudications with or without prejudice or guilt . . ." Respondent failed to disclose that on or about March 24, 2006, she plead guilty to POSS CS Namely Methamphetamine < 1G, in the 351st Judicial District Court of Harris County, Houston, Texas, under Cause No. 1058547.

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(6)(I).

CHARGE III.

On or about July 14, 2006, Respondent plead guilty to POSS CS Namely Methamphetamine 1G - 4G (a 3rd Degree Felony offense committed on July 6, 2006), in the 351st Judicial District Court of Harris County, Houston, Texas, under Cause No. 1075591. The proceedings against Respondent were deferred without entering an adjudication of guilt, and she was placed on probation for a period of four (4) years. Additionally, she was ordered to pay court costs.

On January 11, 2007, the terms of the conditions of community supervision were amended concerning her participation in the HCCS&CD Change Through Intervention (CTI) Program.

On November 20, 2007, the terms of the conditions of community supervision were amended ordering Respondent to incarceration in the Harris County Jail for a period of eleven (11) days.

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(13).

CHARGE IV.

On or about February 29, 2008, Respondent was issued a Judgment Adjudicating Guilt entered in the 351st District Court of Harris County, Houston, Texas, under Cause No. 1058547, for the State Jail felony offense of POSSESSION OF METHAMPHETAMINE < 1 GRAM after the Respondent violated the terms of her community supervision. As a result of her conviction, Respondent was sentenced to confinement in the Texas Department of Criminal Justice Institutional Division for a period of nine (9) months.

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 §213.28(k) and §217.12(13).

CHARGE V.

On or about February 29, 2008, Respondent was issued a Judgment Adjudicating Guilt entered in the 351st District Court of Harris County, Houston, Texas, under Cause No. 1058547, for the 3rd Degree felony offense of POSS CONTROLLED SUBSTANCE NAMELY METHAMPHETAMINE 1 - 4 GRAMS after the Respondent violated the terms of her community supervision. As a result of her conviction, Respondent was sentenced to confinement in the Texas Department of Criminal Justice Institutional Division for a period of three (3) years.

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 §213.28(k) and §217.12(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 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, and for Fraud, Theft & Deception, which can be found at the Board's website, www.bon.state.tx.us.

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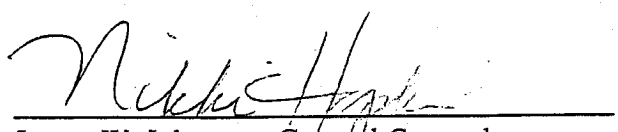
NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

Filed this 17th day of August, 2010.

TEXAS BOARD OF NURSING



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