IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
REGISTERED NURSE LICENSE	§	AND DISCIPLINARY
	§	
NUMBER 697422 AND	§	COMMITTEE
	§	
VOCATIONAL NURSE LICENSE	§	OF THE TEXAS
	§	
NUMBER 174887	§	BOARD OF NURSING
	§	
ISSUED TO	§	
	§	
BRANDON ALLEN RAY	§	

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: Brandon Allen Ray
5055 Les Chateaux Dr.
Dallas, TX 75235

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 professional and 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 § 213.2(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 Registered License Number 697422 and Vocational License Number 174887, previously issued to BRANDON ALLEN RAY, to practice professional and vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Registered License Number 697422 and Vocational License Number 174887, previously issued to BRANDON ALLEN RAY, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice professional and vocational nursing in the State of Texas.

Entered this 9th day of November, 2010.

TEXAS BOARD OF NURSING

BY: _____

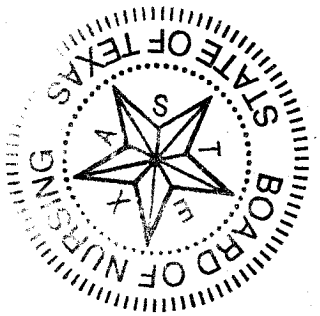
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Registered License Number 697422
and Vocational License Number 174887
Issued to BRANDON ALLEN RAY
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 9th 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):

Brandon Allen Ray
1823 Fairway Drive
Sherman, Texas 75090



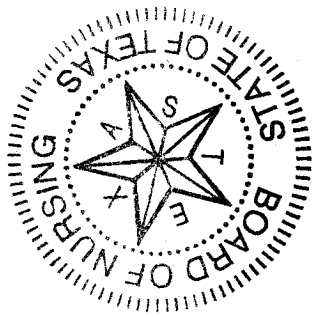
BY: _____
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Registered License Number 697422
and Vocational License Number 174887
Issued to BRANDON ALLEN RAY
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):

Brandon Allen Ray
5055 Les Chateaux Drive
Dallas, Texas 75235



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

In the Matter of Registered Nurse License	§	**BEFORE THE TEXAS**
Number 697422 and Vocational Nurse	§	
License Number 174887, Issued to	§	
BRANDON ALLEN RAY, Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, BRANDON ALLEN RAY, is a Registered Nurse holding license number 697422 which is in current status at the time of this pleading, and a Vocational Nurse holding license number 174887, 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 March 18, 2010, Respondent pled guilty in the United States District Court for the Eastern District of Texas Sherman Division, in Cause Number 4:09-CR-239 to the following:

- COUNT ONE - HEALTH CARE FRAUD, in that Respondent billed Medicaid for services he did not actually provide in the amount of greater than $150,000 but less than $200,000);
- COUNT TWO - CONSPIRACY TO EMBEZZLE HEALTH CARE FUNDS, in that Respondent submitted and caused to be submitted claims to the Medicare/Medicaid programs, which were false and fraudulent, including falsified nursing notes, seizure logs and medication logs; and
- COUNT THREE - THEFT OR EMBEZZLEMENT IN CONNECTION TO HEALTH CARE, in that Respondent willfully executed and attempted to execute a scheme and artifice to defraud a health care benefit program in an amount greater than $150,000 but less than $200,000.

Respondent's conduct was deceiving and defrauded Medicaid and Medicare of monies. Additionally, Respondent's conduct was likely to injure patients in that subsequent caregivers would rely on his documentation to provide ongoing medical care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10) & (13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1),(A), (B), (D) & (M) and §217.12(1)(A) & (B), (4), (6)(A), (C), (G) & (H), and (11)(B).

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).

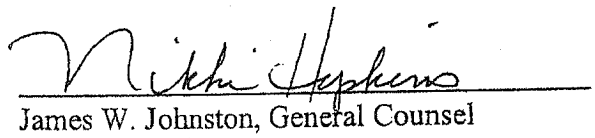
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

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 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 19th day of July, 2010.

TEXAS BOARD OF NURSING



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