

DOCKET NUMBER 507-10-3136

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 714842
ISSUED TO
JOAN RENE HAMPTON

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§
§

BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

OPINION AND ORDER OF THE BOARD

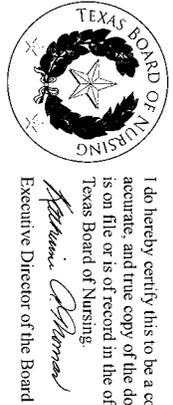
TO: JOAN RENE HAMPTON
220 SOUTH 2nd STREET
WACO, TX 76701

SHARON CLONINGER
ADMINISTRATIVE LAW JUDGE
300 WEST 15TH STREET
AUSTIN, TEXAS 78701

At the regularly scheduled public meeting on October 21-22, 2010, the Texas Board of Nursing (Board) considered the following items: (1) The Proposal for Decision (PFD) regarding the above cited matter; (2) Staff's recommendation that the Board adopt the PFD regarding the registered nursing license of Joan Rene Hampton without changes; and (3) Respondent's recommendation to the Board regarding the PFD and order, if any.

The Board finds that after proper and timely notice was given, the above styled case was heard by an Administrative Law Judge (ALJ) who made and filed a PFD containing the ALJ's findings of facts and conclusions of law. The PFD was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein. No exceptions were filed by any party.

The Board, after review and due consideration of the PFD, Staff's recommendations, and Respondent's presentation during the open meeting, if any, adopts all of the findings of fact and conclusions of law of the ALJ contained in the PFD as if fully set out and separately stated herein. All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.



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.
Sharon Cloninger
Executive Director of the Board

IT IS, THEREFORE, ORDERED THAT Permanent Certificate Number 714842, previously issued to JOAN RENE HAMPTON, to practice nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 714842, previously issued to JOAN RENE HAMPTON, 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 multi-state privilege, if any, to practice nursing in the State of Texas.

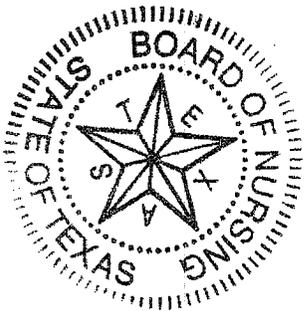
Entered this 2nd day of October, 2010.

TEXAS BOARD OF NURSING

Katherine A. Thomas

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR FOR THE BOARD

Attachment: Proposal for Decision; Docket No. 507-10-3136 (June 23, 2010).



I certify this to be a true copy of the records on file with the Texas Board of Nursing.

Date:

10-26-10

Signed:

Barbara Darling

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

June 23, 2010

Katherine A. Thomas, M.N., R.N.
Executive Director
Texas Board of Nursing
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701

VIA INTER-AGENCY

RE: Docket No. 507-10-3136; In the Matter of Permanent Certificate No. 714842 Issued to: Joan Rene Hampton

Dear Ms. Thomas:

Please find enclosed a Proposal for Decision in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 TEX. ADMIN. CODE § 155.507(c), a SOAH rule which may be found at www.soah.state.tx.us.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Cloninger".

Sharon Cloninger
Administrative Law Judge

SC/lh

Enclosures

XC: Jena Abel, TBN, 333 Guadalupe, Tower III, Ste. 460, Austin, TX 78701 - **VIA INTER-AGENCY**
Dina Flores, Legal Assistant TBN, 333 Guadalupe, Tower III, Ste. 460, Austin, TX 78701 - (with 1 CD & Certified Evidentiary Record) - **VIA INTER-AGENCY**
Joan Rene Hampton, 220 South 2nd Street, Waco, TX 76701 - **VIA REGULAR MAIL**

SOAH DOCKET NO. 507-10-3136

IN THE MATTER OF PERMANENT § BEFORE THE STATE OFFICE
CERTIFICATE NO. 714842 § OF
ISSUED TO JOAN RENE HAMPTON § ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

The staff (Staff) of the Texas Board of Nursing (Board) brought this action seeking revocation of the nurse's license of Joan Rene Hampton (Respondent). Staff alleges that Respondent is subject to discipline under several provisions of the Nursing Practice Act¹ and the Board's rules.² The Administrative Law Judge (ALJ) recommends that Respondent's license be revoked.

The hearing on the merits was held on June 10, 2010, before ALJ Sharon Cloninger at the State Office of Administrative Hearings, William P. Clements State Office Building, 300 West 15th Street, Fourth Floor, Austin, Texas. Jena Abel, Assistant General Counsel, represented Staff. Respondent did not appear. Staff moved for default. In support of its motion, Staff offered proof that proper notice of the hearing had been provided. Staff further offered testimony in support of its recommended sanction.³ The ALJ grants Staff's motion for default. Accordingly, Staff's allegations are deemed admitted as true.⁴

I. FINDINGS OF FACT

1. Joan Rene Hampton (Respondent) holds permanent nurse license number 714842 issued by the Texas Board of Nursing (Board).

¹ TEX. OCC. CODE ANN. ch. 301.

² 22 TEX. ADMIN. CODE chs. 211-227.

³ Denise Benbow, RN, a nursing practice consultant with the Board, testified that revocation is the appropriate remedy in this case.

⁴ 1 TEX. ADMIN. CODE § 155.501.

2. On April 5, 2010, Board staff (Staff) sent Respondent its Second Amended Formal Charges against her via certified mail to her address on file with the Board: 220 South 2nd Street, Apt. 3B2, Waco, Texas 76701. The letter was not claimed by Respondent and was returned to the Board.
3. On April 5, 2010, Staff sent Respondent its notice of hearing on the Second Amended Formal Charges by certified mail to her address on file with the Board. The certified letter was returned to the Board as unclaimed.
4. The hearing notice contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short plain statement of the matters asserted.
5. The hearing notice stated, in at least 12-point bold-faced font, that "Failure to Appear at the hearing in person or by legal representative, regardless of whether an appearance has been entered, will result in the allegations contained in the second amended formal charges being admitted as true and the proposed recommendation of Staff shall be granted by default."
6. The hearing on the merits was convened June 10, 2010, at the State Office of Administrative Hearings, William P. Clements State Office Building, 300 West 15th Street, Fourth Floor, Austin, Texas. Board staff was represented by Jena Abel, Assistant General Counsel. Respondent did not appear at the hearing either in person or through counsel.
7. Staff offered evidence demonstrating jurisdiction, proper notice, and the appropriateness of the revocation of Respondent's license, and moved for default.
8. Staff's motion for default was granted.
9. The allegations in the hearing notice are deemed admitted as true.
10. On January 1, 2005, Respondent submitted an Endorsement Application to the Board on which she falsely documented that she holds a Master's Degree in Nursing.
11. Respondent has not been issued a Master of Science in Nursing from the University of Missouri, Columbia, Missouri, as she claimed on the Endorsement Application.
12. Respondent's Endorsement Application was likely to deceive the Board regarding her credentials and could have affected its decision to issue a license.
13. On May 2, 2007, Respondent submitted an Online License Renewal to the Board on which she falsely documented she holds a Master's Degree in Nursing.

14. Respondent does not hold a Master of Science in Nursing from any accredited, recognized nursing master's program.
15. On July 3, 2008, while using her Multi-state Licensure Compact Privilege (multi-state privilege) associated with the nurse license issued to her by the Board, Respondent applied for employment with Bonner General Hospital (Bonner), Sandpoint, Idaho, and falsely stated that she held a Master's Degree in Nursing from the University of Missouri, Columbia, Missouri, and a Baccalaureate Degree in Nursing from South Dakota State University, Brookings, South Dakota.
16. From July 3, 2008, through April 17, 2009, while using her multi-state privilege and while employed with Bonner, Respondent held herself out as having a Master's Degree in Nursing and misrepresented her credentials by using business cards that identified her as "Joan Hampton, RNC, MSN."
17. On December 3, 2008, while using her multi-state privilege and while employed with Bonner, Respondent submitted an application for employment and a resume to the Bonner for the in-house Chief Nursing Officer position.
18. Respondent falsely stated on her Chief Nursing Officer application that she held a Master's Degree in Nursing from the University of Missouri and a Baccalaureate Degree in Nursing from South Dakota State University.
19. Bonner staff subsequently submitted a request for degree verification from the National Student Clearinghouse which confirmed that Respondent does not hold degrees from the University of Missouri or South Dakota State University.

II. CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter. TEX. OCC. CODE ANN. ch. 301.
2. The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this matter, including the authority to issue a proposal for decision with findings of fact and conclusions of law. TEX. GOV'T CODE ANN. ch. 2003.
3. Respondent is required to notify the Board of any change to her address of record within 10 days of moving. 22 TEX. ADMIN. CODE § 217.7.
4. Proper and timely notice of the hearing was provided. TEX. GOV'T CODE ANN. ch. 2001; 22 TEX. ADMIN. CODE § 213.10; and 1 TEX. ADMIN. CODE § 155.401.
5. Because of Respondent's failure to appear at the hearing despite being provided proper notice, default is appropriate and the allegations in Staff's Notice of Hearing are deemed admitted. 1 TEX. ADMIN. CODE § 155.501.

6. Based on the above Findings of Fact, Respondent subject to disciplinary action by the Board under TEX. OCC. CODE ANN. § 301.452(b)(10) for her unprofessional or dishonorable conduct that is likely to deceive, defraud, or injure a patient or the public.
7. Based on the above Findings of Fact, Respondent violated 22 TEX. ADMIN. CODE § 217.12(6)(H) and (6)(I).
8. The Board is authorized to revoke Respondent's license. TEX. OCC. CODE ANN. § 301.453.
9. Revocation of Respondent's nursing license is an appropriate sanction under the Board's Disciplinary Matrix. 22 TEX. ADMIN. CODE § 213.33.

III. RECOMMENDATION

The Board should revoke Respondent's license to practice nursing.

SIGNED June 23, 2010.



SHARON CLONINGER
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS