IN THE MATTER OF	§	BEFORE THE TEXAS
PERMANENT CERTIFICATE	§	
NUMBER 139021	§	
ISSUED TO ALICE MARIE SOWELLS	§	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

NUNC PRO TUNC ORDER OF THE BOARD

TO: Alice Marie Sowells
2518 Marble Falls Street
Spring, TX 77373

During open meeting held in Austin, Texas, the Texas Board of Nursing (Board) finds that an Order of the Board was mistakenly ratified and entered for Alice Marie Sowells. The Order, which was heard and ratified by the Board on August 17, 2010, mistakenly reflects an effective date of August 18, 2010. This date is incorrect. Upon notice and hearing, administrative agencies, like the Courts, have the power to enter nunc pro tunc orders where it can be seen by reference to a record that what was intended to be entered, but was omitted by inadvertence or mistake, can be corrected upon satisfactory proof of its rendition provided that no intervening rights will be prejudiced. *Railroad Comm'n v. McClain*, 356 S.W.2d 330, 334 (Tex. App.--Austin 1962, no writ) (citing *Frankfort Ky. Nat. Gas Co. v. City of Frankfort*, 276 Ky. 199, 123 S.W.2d 270, 272).

The Executive Director, as agent of the Texas Board of Nursing, after review and due consideration of the record and the facts therein, invalidates the Order of the Board for Alice Marie Sowells that is dated August 18, 2010, and submits and enters the corrected Order of the Board, with the effective date of August 17, 2010. No other changes to the Order have been made. Ms. Sowells received due process regarding her nursing license; therefore, her rights have not been prejudiced.

NOW, THEREFORE, IT IS ORDERED that the corrected Order of the Board is hereby approved and entered on the dates set forth below.

Order effective August 17, 2010.

Entered this 30th day of August, 2010.

TEXAS BOARD OF NURSING

BY: Katherine A. Thomas

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

IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 139021	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
ALICE MARIE SOWELLS	§	BOARD OF NURSING

ORDER OF THE BOARD

TO: Alice Marie Sowells
2518 Marble Falls Street
Spring, Texas 77373

During open meeting held in Austin, Texas, on Tuesday, August 17, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and 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 § 213.2(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 Permanent Certificate Number 139021, previously issued to ALICE MARIE SOWELLS, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 139021, previously issued to ALICE MARIE SOWELLS, 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 vocational nursing in the State of Texas.

Entered this 17th day of August, 2010.

TEXAS BOARD OF NURSING

BY: Katherine A. Thomas

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

Re: Permanent Certificate Number 139021
Issued to ALICE MARIE SOWELLS
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 18 day of August, 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):

Alice Marie Sowells
2518 Marble Falls Street
Spring, Texas 77373

BY: _____
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

July 8, 2010

Via Certified Mail No. 91 7108 2133 3938 1777 2202

Alice Marie Sowells
2518 Marble Falls Street
Spring, Texas 77373

NOTICE OF HEARING

RE: IN THE MATTER OF PERMANENT CERTIFICATE NUMBER 139021
ISSUED TO: ALICE MARIE SOWELLS

Dear Ms. Sowells:

Your case is scheduled to be heard before the Texas Board of Nursing at a Committee Meeting on Tuesday, August 17, 2010, at 8:30 a.m., at 333 Guadalupe, Suite 3-460, Austin, Texas, 78701. At that time, pursuant to BON Rule 213.16, your failure to respond and/or appear regarding the allegation(s) of violation(s) of the Nurse Practice Act and to the Formal Charges filed pursuant to BON Rule 213.15, will result in the allegations against you that are set out in the Formal Charges being deemed as true. In addition, your opportunity for hearing on the formal charges shall be deemed to have been waived. The relief sought in this notice of hearing will be granted by default (TEX. GOVT. CODE § 2001.056).

Pursuant to the Texas Occupations Code §301.453, relief such as revocation, suspension, suspension with probation, reprimand, warning, denial of licensure and/or imposition of administrative penalties (fines), may be imposed by the Board.

Staff has completed a Default Order recommending the sanction of revocation which will be presented to the Board for consideration at its next regularly scheduled business meeting on Tuesday, August 17, 2010, at 8:30 a.m., at 333 Guadalupe, Suite 3-460, Austin, Texas, 78701. **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 FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF SHALL BE GRANTED BY DEFAULT.** If you plan to appear, **no one will be admitted to the Board's office before 8:00 a.m.**

After the Board meets, you will receive formal notification of the decision. Please contact John De La Rosa, Investigator at (512) 305-6873 should you have any questions regarding this matter.

Sincerely,

John De La Rosa
Investigator

Enclosures: Formal Charges with Attachments

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
Beverley Jean Nutall, LVN
Mary Jane Salgado, MEd

In the Matter of Permanent License	§	**BEFORE THE TEXAS**
Number 139021, Issued to	§	
ALICE MARIE SOWELLS, Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ALICE MARIE SOWELLS, is a Vocational Nurse holding license number 139021, 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 December 15, 2006, Respondent entered a plea of "NO CONTEST" and was convicted of THEFT PROP >=$50 <$500 (a Class B Misdemeanor offense committed on December 9, 2006), in the County Court at Law No. 1 of Houston, Texas, under Cause No. 142144401010. As a result of the conviction, Respondent was sentenced to three (3) days confinement and ordered to pay court costs.

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 II.

On or about January 8, 2007, Respondent entered a plea of Guilty and was convicted of CRIMINAL TRESPASS-HABITATION/SHELTER CENTER (a Class B Misdemeanor offense), in the County Criminal Court at Law No. 5 of Houston, Texas, under Cause No. 142680301010. As a result of the conviction, Respondent was sentenced to ten (10) days confinement in the County Jail and ordered to pay court costs.

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(13).

CHARGE III.

On or about November 15, 2007, Respondent entered a plea of "GUILTY" and was convicted of PROSTITUTION (a Class B Misdemeanor offense committed on November 13, 2007), in the County Criminal Court at Law No. 5 of Houston, Texas, under Cause No.149154501010. As a result of the conviction, Respondent was sentenced to fifteen (15) days confinement in the County Jail and ordered to pay court costs.

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 Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder and Fraud, Theft & Deception which can be found at the Board's website, www.bon.state.tx.us.

Filed this 14th day of October, 2009.

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
Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847
John F. Legris, Assistant General Counsel
State Bar No. 00785533
Ronald Lloyd Simpson, Jr., Assistant General Counsel
State Bar No. 24067868
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

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IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 139021	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
ALICE MARIE SOWELLS	§	BOARD OF NURSING

ORDER OF THE BOARD

TO: Alice Marie Sowells
2518 Marble Falls Street
Spring, Texas 77373

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The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

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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 Permanent Certificate Number 139021, previously issued to ALICE MARIE SOWELLS, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 139021, previously issued to ALICE MARIE SOWELLS, 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 vocational nursing in the State of Texas.

Entered this 18 day of August, 2010.

TEXAS BOARD OF NURSING

BY: Katherine A. Thomas

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

Re: Permanent Certificate Number 139021
Issued to ALICE MARIE SOWELLS
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

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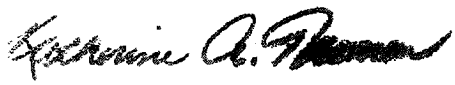
Alice Marie Sowells
2518 Marble Falls Street
Spring, Texas 77373



BY: _____
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
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Executive Director

July 8, 2010

Via Certified Mail No. 91 7108 2133 3938 1777 2202

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ISSUED TO: ALICE MARIE SOWELLS

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After the Board meets, you will receive formal notification of the decision. Please contact John De La Rosa, Investigator at (512) 305-6873 should you have any questions regarding this matter.

Sincerely,

John De La Rosa
Investigator

Enclosures: Formal Charges with Attachments

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 Corpus Christi
Richard Gibbs, LVN Mesquite
Kathy Leader-Horn, LVN Granbury
Josefina Lujan, PhD, RN El Paso
Beverley Jean Nutall, LVN Bryan
Mary Jane Salgado, MEd Eagle Pass

In the Matter of Permanent License	§	**BEFORE THE TEXAS**
Number 139021, Issued to	§	
ALICE MARIE SOWELLS, Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

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CHARGE I.

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CHARGE III.

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Filed this 14th day of October, 2009.

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
Robert Kyle Hensley, Assistant General Counsel
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