

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 154831
ISSUED TO
TOI RENEE BROOKS

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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 P. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Toi Renee Brooks
112 Booker Palm
San Antonio, Texas 78218

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.

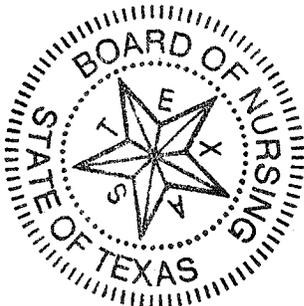
All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 154831, previously issued to Toi Renne Brooks, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 154831, previously issued to Toi Renee Brooks, 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 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

CERTIFICATE OF SERVICE

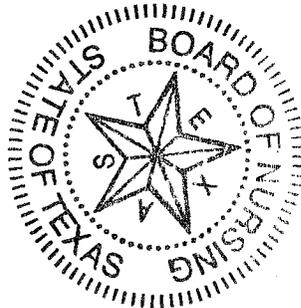
I hereby certify that on the 19th day of August, 2010, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Toi Renee Brooks
112 Booker Palm
San Antonio, Texas 78218

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

June 21, 2010

Via Certified Mail No. 91 7108 2133 3938 1934 6878

Toi Renee Brooks
112 Booker Palm
San Antonio, Texas 778218

NOTICE OF HEARING

RE: IN THE MATTER OF PERMANENT CERTIFICATE NUMBER 154831
ISSUED TO: TOI RENEE BROOKS

Dear Ms. Brooks:

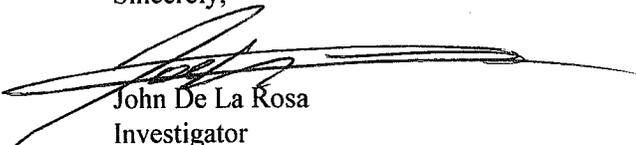
Your case is scheduled to be heard before the Texas Board of Nursing at a Committee Meeting on Tuesday, August 17, 2010, at 8:30 a.m., at 333 Guadalupe, Suite 3-460, Austin, Texas, 78701. At that time, pursuant to BON Rule 213.16, your failure to respond and/or appear regarding the allegation(s) of violation(s) 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 at 512-305-6873 should you have any questions regarding this matter.

Sincerely,



John De La Rosa
Investigator

Members of the Board

Enclosures: Formal Charges with Attachments

- | | | | | | |
|---|-----------------------------------|------------------------------------|------------------------------------|------------------------------------|---|
| 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
Bryai | Mary Jane Salgado, MEd
Eagle Pass |



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

April 28, 2010

Certified Mail No. 91 7108 2133 3938 1934 6548
Return Receipt Requested

Toi Renee Brooks
112 Booker Palm
San Antonio, Texas 78218

Dear Ms. Brooks:

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 John De La Rosa, 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 John De La Rosa, Investigator, Enforcement Division, at the above address, or at (512) 305-6873.

Sincerely,

Katherine A. Thomas, MN, RN
Executive Director

KAT/jd

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
Blaise Dora Garcia, PhD, RN	Richard Gibbs, LVN	Kathy Leader-Horn, LVN	Josefina Luian, PhD, RN	Beverley Jean Nutall, LVN	Mary Jane Salgado, MEd

In the Matter of Permanent License § **BEFORE THE TEXAS**
Number 154831, Issued to §
TOI RENEE BROOKS, Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TOI RENEE BROOKS, is a Vocational Nurse holding license number 154831, 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 February 5, 2001, Respondent entered a plea of Nolo Contendere to THEFT UNDER \$50 (a Class B Misdemeanor offense committed on March 26, 2000), in the County Court at Law No. 6 of Bexar County, Texas, under Cause No. 773532. As a result, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of one (1) day.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(3)(B).

CHARGE II.

On or about April 4, 2005, Respondent entered a plea of No Contest to THEFT \$20-\$500 BY CHECK (a Class B Misdemeanor offense committed on October 21, 2001), in the County Court at Law No. 2 of Bexar County, Texas, under Cause No. 851476. As a result, the proceeding against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of twelve (12) months and Respondent was ordered to pay court costs.

On or about April 3, 2006, an Order Modifying Conditions of Probation was entered in the County Court at Law No. 2 of Bexar County, Texas, under Cause No. 851476. The Order extended Respondent's term of probation from April 4, 2006 to October 4, 2006.

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 III.

On or about September 14, 2006, Respondent entered a plea of Not Guilty and was convicted of ROBBERY (a 2nd Degree Felony offense committed on October 8, 2005), in the 226th District Court of Bexar County, Texas, under Cause No. 2006CR1199. As a result of the conviction, Respondent was sentenced to confinement in the Texas Department of Criminal Justice Institutional Division for a period of five (5) years. Additionally, Respondent was ordered to pay court costs and restitution in the amount of one thousand three hundred sixteen dollars and twenty-two cents (\$1,316.22).

On or about March 13, 2007, Respondent's sentence was modified, in the 226th District Court of Bexar County, Texas, under Cause No. 2006CR1199. As a result of the modification, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of ten (10) years 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).

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.

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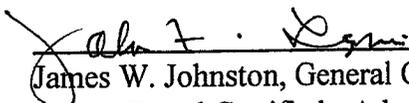
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NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with for Fraud, Theft & Deception, which 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 29th day of April, 2010.

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

TEXAS BOARD OF NURSING
333 GUADALUPE, SUITE 3-460
AUSTIN, TEXAS 78701

D-JD

CERTIFIED MAIL

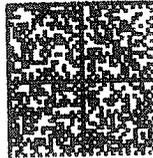
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Toi Renee Brooks
112 Booker Palm
San Antonio, Texas 78218

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78701@3944



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