

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 166084
ISSUED TO
JOLIE MICHELE LYTLE

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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 R. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Jolie Michele Lytle
4410 Desert View
San Antonio, TX 78217-3632

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 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 166084, previously issued to JOLIE MICHELE LYTLE, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 166084, previously issued to JOLIE MICHELE LYTLE, 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

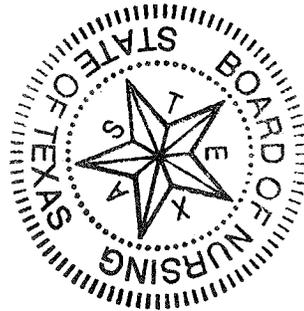
BY: 
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

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):

Jolie Michele Lytle
4410 Desert View
San Antonio, TX 78217-3632

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



**In the Matter of Permanent License
Number 166084, Issued to
JOLIE MICHELE LYTLE, Respondent**

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**BEFORE THE TEXAS
BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JOLIE MICHELE LYTLE, is a Vocational Nurse holding license number 166084, 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 July 19, 1996, Respondent entered a plea of Nolo Contendere/Guilty to THEFT \$1,500 - \$20,000 (a State Jail felony offense committed beginning December 5, 1994, through July 11, 1995), in the 226th Judicial District Court of Bexar County, Texas, under Cause No. 96-CR-0812. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of four (4) years. Additionally, Respondent was ordered to pay restitution and court costs. Respondent's probation was terminated unsatisfactorily on December 17, 2001, for the reason: "The defendant had been a fugitive and had a balance \$3,985.50."

The above action constitutes grounds for disciplinary action in accordance with Article 4528(c), sec. 10(a)(9), TEX. REV. CIV. STAT. ANN.(eff. date 09/01/1995).

CHARGE II.

On or about May 1, 2002, Respondent entered a plea of Nolo Contendere/Guilty to CREDIT/DEBIT CARD ABUSE (a State Jail felony offense committed on April 23, 2001), in the 226th District Court, Bexar County, Texas, under Cause No. 2001CR3146. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on shock probation for a period of two (2) years. Respondent was to participate in the Bexar County Treatment Alternative to Incarceration Program. Additionally, Respondent was ordered to pay restitution in the amount of four hundred eighty-five dollars (\$485), along with a fine and court costs.

On or about July 3, 2003, Respondent's probation granted under Cause No. 2001CR3146 was revoked and Respondent was sentenced to confinement in the State Jail Division of the Texas Department of Criminal Justice for a period of six (6) months.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(10), Texas Occupations Code(eff. date 09/01/2001). Moreover, the above offense mandates revocation of Respondent's license to practice nursing in accordance with Chapter 53.021 of the Texas Occupations Code.

CHARGE III.

On or about July 3, 2003, Respondent entered a plea of Guilty and was convicted of FORG COMM INST/CHECK (a State Jail felony offense committed on May 16, 2003), in the 226th District Court of Bexar County, Texas, under Cause No.2003CR5226W. As a result of the conviction, Respondent was sentenced to confinement in the State Jail Division of the Texas Department of Criminal Justice for a period of six (6) months. Additionally, Respondent was ordered to pay court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(3)&(10), Texas Occupations Code(eff. date 09/01/2001), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(eff. through 1/31/2004). Moreover, the above offense mandates revocation of Respondent's license to practice nursing in accordance with Chapter 53.021 of the Texas Occupations Code.

CHARGE IV.

On or about July 3, 2003, Respondent entered a plea of Guilty and was convicted of FORG COMM INST/CHECK (a State Jail felony offense committed on May 16, 2003), in the 226th District Court of Bexar County, Texas, under Cause No.2003CR5227W. As a result of the conviction, Respondent was sentenced to confinement in the State Jail Division of the Texas Department of Criminal Justice for a period of six (6) months. Additionally, Respondent was ordered to pay court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(3)&(10), Texas Occupations Code(eff. date 09/01/2001), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(eff. through 1/31/2004). Moreover, the above offense mandates revocation of Respondent's license to practice nursing in accordance with Chapter 53.021 of the Texas Occupations Code.

CHARGE V.

On or about August 17, 2005, Respondent entered a plea of Nolo Contendere and was convicted of TAMPER GOV RECORD (a 3rd Degree felony offense committed on July 27, 2005), in the 186th District Court of Bexar County, Texas, under Cause No. 2005CR6234W. As a result of the conviction, Respondent was sentenced to confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of two (2) years. Additionally, Respondent was 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 (eff. date 09/01/2003), and is a violation of 22 TEX. ADMIN. CODE §217.12(13)(eff. after 09/28/2004). Moreover, the above offense mandates revocation of Respondent's license to practice nursing in accordance with Chapter 53.021 of the Texas Occupations Code.

CHARGE VI.

On or about September 2, 2005, Respondent entered a plea of Nolo Contendere and was convicted of THEFT \$20-\$500 - CHECK (a Class B misdemeanor offense committed on March 15, 2003), in the County Court at Law Number 12, Bexar County, Texas, under Cause No. 892256. As a result of the conviction, Respondent was sentenced to confinement in the Bexar County Adult Detention Center for a period of six (6) months. Additionally, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code (eff. date 09/01/2005), and is a violation of 22 TEX. ADMIN. CODE §217.12(13)(eff. after 09/28/2004).

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 § 301.461, TEX. OCC. CODE ANN. 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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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 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 4th day of March, 2010.

TEXAS BOARD OF NURSING



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