IN THE MATTER OF	§	BEFORE THE TEXAS
PERMANENT REGISTERED NURSE	§	BOARD OF NURSING
LICENSE NUMBER 664359	§	ELIGIBILITY AND
ISSUED TO	§	
DENYCE ELAINE FONTAINE	§	DISCIPLINARY COMMITTEE

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: DENYCE ELAINE FONTAINE
203 E. JONES STREET
SHERMAN, TX 75090

During open meeting held in Austin, Texas, on February 12, 2013, the Texas Board of Nursing 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 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(s) to practice 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 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 § 213.16(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 Registered Nurse License Number 664359, previously issued to DENYCE ELAINE FONTAINE, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

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

Entered this 12th day of February, 2013.

TEXAS BOARD OF NURSING

BY: Katherine A. Thomas

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

Attachment: Formal Charge filed November 7, 2012.

Re: Permanent Registered Nurse License Number 664359
Issued to DENYCE ELAINE FONTAINE
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of February, 2013, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested
DENYCE ELAINE FONTAINE
203 E. JONES STREET
SHERMAN, TX 75090

BY: Katherine A. Thomas

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

In the Matter of	§	**BEFORE THE TEXAS**
Permanent Registered Nurse	§	
License Number 664359	§	
Issued to DENYCE ELAINE FONTAINE,	§	
Respondent	§	**BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DENYCE ELAINE FONTAINE, is a Registered Nurse holding License Number 664359 which is in current 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 21, 2011, Respondent failed to comply with the Agreed Order issued to her on December 20, 2010, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to comply with Stipulation Number One (1) of the Agreed Order which states:

" RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete a course in Texas nursing jurisprudence and ethics..."

A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated December 20, 2010, is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(B)(1) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(11) (B).

CHARGE II.

On or about December 21, 2011, Respondent failed to comply with the Agreed Order issued to Respondent on December 20, 2010, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to comply with Stipulation Number Two (2) of the Agreed Order which states:

" RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete a course in medication administration..."

A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated December 20, 2010, is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(B)(1) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(11) (B).

CHARGE III.

On or about December 21, 2011, Respondent failed to comply with the Agreed Order issued to Respondent on December 20, 2010, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to comply with Stipulation Number Three (3) of the Agreed Order which states:

" RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete the course 'Sharpening Critical Thinking Skills,'..."

A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated December 20, 2010, is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(B)(1) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(11) (B).

CHARGE IV.

On or about June 27, 2012, while employed at Angels of Care Pediatric Home Health, Howe, Texas, Respondent physically abused Patient MK5001351 in that Respondent was pinching, throwing, and jerking him around. Respondent's conduct exposed the patient to unnecessary risk of physical and/or emotional harm.

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(1)(B),(4),(6)(C),(6)(F).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. 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.texas.gov.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses, which can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated December 20, 2010.

Filed this 7th day of November, 2012.

TEXAS BOARD OF NURSING

R. Kyle Hensley

James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
Jena Abel, Assistant General Counsel
State Bar No. 24036103
Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924
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State Bar No. 24079751
Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847
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State Bar No. 24052269
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State Bar No. 00785533
TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6811
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated December 20, 2010.

D/2012.06.19