

DOCKET NUMBER 507-03-0966

IN THE MATTER OF	§	BEFORE THE STATE OFFICE
PERMANENT CERTIFICATE	§	
NUMBER 535021	§	OF
ISSUED TO	§	
DEIDRE D. WATSON	§	ADMINISTRATIVE HEARINGS

ORDER OF THE BOARD

TO: Deidre D. Watson
3422 Goodhope Street
Houston, Texas 77021

During open meeting held in Austin, Texas, the Board of Nurse Examiners finds that after proper and timely notice was given, the above-styled case was heard by an Administrative Law Judge who made and filed a proposal for decision containing the Administrative Law Judge's findings of fact and conclusions of law. The proposal for decision was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein.

The Board of Nurse Examiners, after review and due consideration of the proposal for decision, and exceptions and replies filed, if any, adopts the findings of fact and conclusions of law of the Administrative Law Judge 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.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 535021, previously issued to DEIDRE D. WATSON, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 535021, previously issued to DEIDRE D. WATSON, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 25th day of April, 2003.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

BY:


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

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**IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 535021
ISSUED TO
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**BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS**

PROPOSAL FOR DECISION

The Staff of the Board of Nurse Examiners (Staff) brought this case seeking revocation of the license of Deidre D. Watson (Respondent) because of her criminal convictions for Class B misdemeanor theft and felony possession of cocaine. Based on Respondent's failure to appear at the hearing, Staff's request for a default proposal for decision (PFD) recommending license revocation was granted.

**I.
PROCEDURAL HISTORY**

The hearing convened February 13, 2003, before Administrative Law Judge (ALJ) Barbara C. Marquardt on the 4th floor of the William P. Clements Building, 300 West 15th Street, Austin, Texas. General Counsel James Johnston represented Staff. Respondent failed to appear and was not represented at the hearing. The record closed on the same day.

By order dated February 14, 2003, notice explaining Respondent's right to file a motion seeking reopening of the hearing under 1 TEX. ADMIN. CODE §155.55(e) was sent to Respondent. Respondent did not file such a motion.

**II.
DISCUSSION**

Because this hearing proceeded on a default basis, the charges against Respondent were deemed admitted. Staff offered into evidence documentation proving receipt of proper notice as well as documents related to the level of sanctions appropriate in this case. Furthermore, the ALJ took official notice of the Board's policies on sanctions for offenses involving theft and chemical dependency. These matters are addressed in the Findings of Fact and Conclusions of Law.

**III.
FINDINGS OF FACT**

1. Deidre D. Watson (Respondent), a nurse licensed by the State of Texas, holds permanent certificate number 535021.

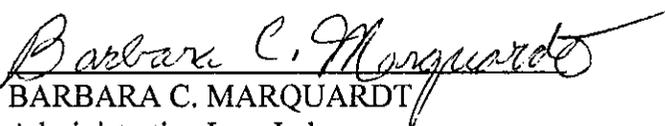
2. Proper notice of this proceeding was sent to Respondent.
 - a. On January 4, 2002, the Staff sent an investigatory letter to her, and she received it on January 10, 2002.
 - b. On July 16, 2002, the Staff sent formal charges to her, and she received them on July 25, 2002.
 - c. On December 18, 2002, the Staff sent a notice of hearing to her, and she received it on December 30, 2002.
 - (1) The notice included: a statement of the time, place and nature of the hearing, and Respondent's right to appear and present evidence; a statement of the legal authority and jurisdiction under which the hearing would be conducted; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the matters asserted.
 - (2) Also contained in the notice was a disclosure, in at least 12-point, bold-face type, of the fact that upon failure of Respondent to appear at the hearing, the factual allegations in the notice would be deemed as true, and the relief sought would be granted by default.
 - d. Respondent mailed answers to the Staff's allegations on January 18 and April 25, 2002, and on August 15, 2002, and on January 6, 2003.
3. The hearing convened on February 13, 2003, on the 4th floor of the William P. Clements Building, 300 West 15th Street, Austin, Texas.
 - a. Respondent failed to appear and was not represented at the hearing, and General Counsel James Johnston moved for a default.
 - b. By order dated February 14, 2003, a notice explaining Respondent's right to file a motion seeking reopening of the hearing was mailed to her address of record. Respondent did not file such a motion.
4. On or about December 20, 2000, Respondent was convicted of Class B misdemeanor theft (Cause No. 1033009) by the Harris County Court at Law No. 3 in Houston, Texas. She was sentenced to ten days confinement in the Harris County Jail.
5. On or about February 21, 2001, Respondent was convicted of a State Jail Felony, possession of cocaine in the amount of less than one gram (Cause No. 869511) by the 208th District Court of Harris County in Houston, Texas. She was sentenced to 180 days of confinement in the Harris County Jail.
6. On February 19, 2002, Respondent took a Substance Abuse Subtle Screening Inventory (SASSI-3), and it found a high probability she had a substance dependence disorder.

7. On July 26, 2002, the Texas Board of Nurse Examiners (Board) adopted a policy statement concerning sanctions for registered nurses with chemical dependency. Pertinent to this case, the Board stated if a nurse is imprisoned following a felony conviction involving drugs, the Board "shall revoke the nurse's license."

**IV.
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 all matters relating to the conduct of a hearing in this proceeding, including the preparation of a proposal for decision with findings of fact and conclusions of law. TEX. GOV'T CODE ANN. ch. 2003
3. The Board provided notice of the hearing as required by the Administrative Procedure Act, TEX. GOV'T CODE ANN. §§2001.051 and 2001.052, and by 1 TEX. ADMIN. CODE §155.55.
4. Respondent's convictions referenced in Findings 4 and 5 are violations of TEX. OCC. CODE ANN. §301.452(b)(3).
5. Revocation of Respondent's license is proper under TEX. OCC. CODE ANN. §301.453 (6).

SIGNED this 6TH day of March, 2003.


BARBARA C. MARQUARDT
Administrative Law Judge
State Office of Administrative Hearings

State Office of Administrative Hearings



Shelia Bailey Taylor
Chief Administrative Law Judge

March 6, 2003

Katherine A. Thomas, M.N., R.N.
Executive Director
Board of Nurse Examiners for the State of Texas
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701

HAND DELIVERY

RE: Docket No. 507-03-0966 DEIDRE D. WATSON

Dear Ms. Thomas:

Enclosed please find a Proposal for Decision in the above-referenced cause for the consideration of the Board of Nurse Examiners for the State of Texas. A copy of the proposal is being sent to Joy E. Sparks, Board Of Nurse Examiners, and to Deidre D. Watson, Respondent in this matter. For reasons discussed in the proposal, I recommend license revocation be granted.

Pursuant to the Administrative Procedure Act, each party has the right to file exceptions to the proposal, accompanied by supporting briefs. Exceptions, replies to the exceptions, and supporting briefs must be filed with the Board according to the agency's rules, with a copy to the State Office of Administrative Hearings. A party filing exceptions, replies, and briefs must serve a copy on the other party hereto.

Sincerely,

A handwritten signature in cursive script that reads "Barbara C. Marquardt".

Barbara C. Marquardt
Administrative Law Judge

BCM/bb
Enclosures

XC: Docket Clerk, State Office of Administrative Hearings - **VIA HAND DELIVERY**
Joy E. Sparks, Board of Nurse Examiners, Board of Nurse Examiners for the State of Texas, 333 Guadalupe, Ste 3-460,
Austin, TX 78701 - **VIA HAND DELIVERY**
Deidre D. Watson, Respondent, 3433 Goodhope, Houston, TX 77021 - **VIA REGULAR MAIL**