

DOCKET NO. 507-99-2402

IN THE MATTER OF	§	BEFORE THE
	§	
PERMANENT CERTIFICATE	§	
NUMBER 535484	§	
	§	BOARD OF NURSE EXAMINERS
ISSUED TO	§	
LISA BRANDON	§	
	§	FOR THE STATE OF TEXAS

ORDER OF THE BOARD

TO: LISA BRANDON
8025 Dusty Way
Fort Worth, Texas 76123

During open meeting at 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 the Certificate Number 535484 previously issued to LISA BRANDON to practice professional nursing in the State of Texas is hereby REVOKED. Respondent shall comply in all respects with the Nursing

Practice Act, TEX. REV. CIV. STAT. ANN., as amended, art. 4513 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE § 211.01 *et seq.* and this Order.

IT IS FURTHER ORDERED that Permanent Certificate Number 535484, previously issued to LISA BRANDON, upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

Entered this 14th day of March, 2000.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

BY: 
Katherine A. Thomas, M.N., R.N.
Executive Director on behalf of said Board

DOCKET NO. 507-99-2402

IN THE MATTER OF	§	BEFORE THE STATE OFFICE
PERMANENT CERTIFICATE	§	
NUMBER 535484 ISSUED TO	§	OF
LISA BRANDON	§	
	§	ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

The Staff of the Board of Nurse Examiners (the Board) brought this case seeking disciplinary action against Lisa Brandon (Respondent). The Staff requested that Respondent's permanent certificate be revoked. This proposal recommends a default judgment be entered against Respondent and Respondent's permanent certificate be revoked as requested by the Staff.

I. Background

On December 15, 1999, a hearing was convened before Stephen J. Pacey, Administrative Law Judge (ALJ), at the hearings facility of the State Office of Administrative Hearings in the Stephen F. Austin Building in Austin, Texas. The Staff was represented by James W. Johnston. Respondent did not appear and was not represented at the hearing.

The details of jurisdiction and notice are set out in the Findings of Fact and Conclusions of Law.

II. Recommendation

The ALJ recommends that a default judgment be entered and that Respondent's permanent certificate be revoked based on the Findings of Fact and Conclusions of Law presented below which outline three felony convictions.

III. Findings of Fact

1. Respondent, a nurse licensed by the State of Texas, holds permanent certificate number 535484.
2. The Board filed formal charges against Respondent on March 23, 1998.
3. On March 31, 1998, the Board mailed a copy of the charges to Respondent by certified mail, return receipt requested, at her address of record: 8025 Dusty Way, Fort Worth, Texas 76123. The certified letter was returned unclaimed. The Board rules allow the notice to be mailed to the address of record, and mandate that the Board must be notified within ten days of a licensee's change of address.

4. On November 22, 1999, the Board mailed notice of the hearing to Respondent by certified mail, return receipt requested, at her address of record. The certified letter was returned unclaimed.
5. The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the matters asserted.
6. The notice of hearing contained the following language in capital letters in 12-point boldface type:

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.

7. Respondent did not appear and was not represented at the hearing.
8. The Staff filed a motion for default judgment.
9. The formal charges, which were set forth in the notice of hearing, contained the following allegations.

CHARGE I.

On or about March 8, 1996, Respondent confessed to the 213th District court of Tarrant County, Texas that she was guilty of a third degree felony offense. On or about the 5th day of October, 1994, Respondent did then and there intentionally or knowingly possess and attempt to possess a controlled substance, to wit: Hydrocodone from Pam Norris by misrepresentation, fraud, deception, or subterfuge through the use of a fraudulent, oral or telephonically communicated prescription. Respondent's conduct was likely to deceive, defraud and injure patients and the public and is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act).

CHARGE II.

On or about October 4, 1996, Respondent confessed to the 213th District court of Tarrant County, Texas that she was guilty of a third degree felony offense. On or about the 3rd day of July, 1996, Respondent did then and there intentionally or knowingly possess and attempt to possess a controlled substance, to wit: Not more

than 15 Milligrams of Dihydrocodeinone, or any of its salts, per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts from Marie Luginyh by misrepresentation, fraud, deception, or subterfuge through the use of a fraudulent, oral or telephonically communicated prescription. Respondent's conduct was likely to deceive, defraud and injure patients and the public and is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act).

CHARGE III.

On or about October 4, 1996, Respondent confessed to the 213th District Court of Tarrant County, Texas that she was guilty of a third degree felony offense. On or about the 8th day of June, 1996, Respondent did then and there intentionally or knowingly possess and attempt to possess a controlled substance, to wit: Not more than 15 Milligrams of Dihydrocodeinone, or any of its salts, per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts from Jason Pool by misrepresentation, fraud, deception, or subterfuge through the use of a fraudulent, oral or telephonically communicated prescription. Respondent's conduct was likely to deceive, defraud and injure patients and the public and is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act).

IV. Conclusions of Law

1. The Board has jurisdiction over this matter pursuant to TEX. OCC. CODE §301.452.
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, pursuant to TEX. GOV'T CODE ANN. Ch. 2003.
3. Proper and timely notice was effected upon Respondent pursuant to the Administrative Procedure Act, TEX. GOV'T CODE ANN. Ch. 2001 and 22 TEX. ADMIN. CODE (TAC) §§213.10 and 213.22.
4. The allegation contained in the Board's formal charges is deemed admitted as true pursuant to 1 TAC §155.55.
5. Respondent's action is grounds for disciplinary action under TEX. REV. CIV. STAT. ANN. art. 4525(b)(9).

6. Respondent's action warrants revocation of her permanent certificate, considering the factors set out in 22 TAC §217.13(1)&(16).
7. Respondent's permanent certificate should be revoked pursuant to TEX. OCC. CODE §301.452(b).

SIGNED this 8 day of February, 2000.



STEPHEN J. PACEY
Administrative Law Judge
State Office of Administrative Hearings