

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 133328
ISSUED TO
RONI JANE NICHOLSON

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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: Roni Jane Nicholson
1561 Nickfaldo
El Paso, Texas 79936

During open meeting held in Austin, Texas, on Tuesday, May 8, 2012, the 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 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 § 213.16(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 Certificate Number 133328, previously issued to RONI JANE NICHOLSON, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

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

Entered this 8th day of May, 2012.

TEXAS BOARD OF NURSING

BY:


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


Attachment: Formal Charges filed February 20, 2012.

Re: Permanent Certificate Number 133328
Issued to RONI JANE NICHOLSON
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of May, 2012, 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):

Roni Jane Nicholson
1561 Nickfaldo
El Paso, Texas 79936

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

In the Matter of Permanent License
Number 133328, Issued to
RONI JANE NICHOLSON, 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, RONI JANE NICHOLSON, is a Vocational Nurse holding license number 133328, 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 14, 2007, Respondent's license to practice as a Registered Nurse in the State of Washington was SUSPENDED by the Washington Department of Health, Nursing Care Quality Assurance Commission, Olympia, Washington. A copy of the State of Washington Findings of Fact, Conclusions of Law and Final Order of Default (Failure to Respond), dated February 14, 2007, 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)(8), Texas Occupations Code.

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.

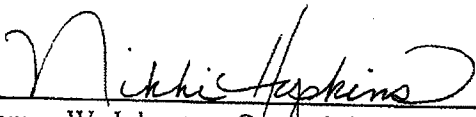
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, for Lying and Falsification, and for Fraud, Theft and Deception, 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 Orders which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: State of Washington Department of Health, Nursing Care Quality Assurance Commission Final Order of Default, dated February 14, 2007.

Filed this 20th day of February, 2012

TEXAS BOARD OF NURSING



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

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

Attachments: Washington Department of Health, Nursing Care Quality Assurance Commission
Final Order of Default, dated February 14, 2007

D/2011.09.23



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Roni J. Erickson
Docket No.: 06-09-A-1021RN
Document: Findings of Fact, Conclusions of Law and Final Order of Default

Regarding your request for information about the above-named practitioner, certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: **NONE**

If you have any questions or need additional information regarding the information that was withheld, please contact:

Customer Service Center
P.O. Box 47865
Olympia, WA 98504-7865
Phone: (360) 236-4700
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Deputy Secretary, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION

In the Matter of

RONI J. ERICKSON
Credential No. RN00134197

Respondent

Docket No. 06-09-A-1021RN

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
FINAL ORDER OF DEFAULT
(Failure to Respond)**

This matter comes before the Health Law Judge, Presiding Officer for final order of default. Based on the record, the Presiding Officer, on designation by the Nursing Care Quality Assurance Commission (Commission) now issues the following:

Section 1: FINDINGS OF FACT

- 1.1 On July 19, 1999, the state of Washington issued Respondent a credential to practice as a Registered Nurse. Respondent's credential is currently expired.
- 1.2 The Department has filed the Declaration of Mary Dale, Health Service Consultant, with attached exhibits.
- 1.3 In or about May through June 2005, Respondent was employed by Multicare Health Systems, in Tacoma, Washington.
- 1.4 In or about June 2005, while on duty as a registered nurse at Tacoma General Hospital, Respondent made the following medication errors:
 - 1.4.1 On or about June 6, 2005, Respondent removed 1.5mg of Dilaudid for Patient A but failed to document that the medication was administered to the patient or that the medication was properly wasted.
 - 1.4.2 On or about June 11, 2005, Respondent removed two Dilaudid syringes from the Pyxis machine then returned the syringes within a short time-frame; these two syringes were tampered with and diluted to one-third of the labeled concentration of Dilaudid.

ORIGINAL

1.5 On or about June 11, 2005, Respondent practiced beyond her scope of authority as a registered nurse when she resumed a Dilaudid drip for Patient B without the doctor of the patient authorizing the medication.

1.6 On or about March 14, 2006, Respondent forged the signature of a medical doctor, for a doctor's note that was to be presented to a criminal court regarding Respondent's participation in a court hearing.

1.7 On or about March 28, 2006, Respondent pleaded guilty to Unlawful Use of Drug Paraphernalia, a violation of RCW 69.50.102 and RCW 69.50.412(1), in the Superior Court of Washington for Pierce County, Cause No. 05-1-05074-0.

1.8 On or about April 27, 2006, and again on May 16, 2006, a Department of Health Investigator contacted Respondent to inquire into the allegation noted in paragraph 1.5. To date, Respondent has failed to cooperate with the investigation.

1.9 On January 11, 2007, the Commission served Respondent with a copy of the following documents at Respondent's last known address:

- A. Statement of Charges;
- B. Notice of Opportunity for Settlement and Hearing;
- C. Answer to Statement of Charges and Request for Settlement and Hearing;

1.10 The Answer to the Statement of Charges was due in the Adjudicative Service Unit office by January 31, 2007.

1.11 To date, the Adjudicative Service Unit has not received an answer to the Statement of Charges. On February 6, 2007, the Adjudicative Service Unit issued a Notice of Failure to Respond.

1.12 The Commission has no reason to believe Respondent is now or was in active military service, or a dependent of a person in active military service at the time the Statement of Charges was served.

Section 2: CONCLUSIONS OF LAW

2.1 The Commission has jurisdiction over Respondent and over the subject matter of this case, RCW 18.130.040.

2.2 Respondent did not file a response to the Statement of Charges within the time allowed. WAC 246-11-270(1)(a)(i) or WAC 246-11-270(3). Respondent is in default and the Commission may issue a final order based on the evidence presented, RCW 18.130.090(1) and RCW 34.05.440.

2.3 Based upon the Findings of Fact, Respondent has engaged in unprofessional conduct in violation of RCW 18.130.180(1), (6), (8)(b), (12) and (13).

2.4 Sufficient grounds exist to take disciplinary action against Respondent's credential. RCW 18.130.160 and 18.130.180.

Section 3: ORDER

The COMMISSION ORDERS:

3.1 Respondent's credential to practice as a Registered Nurse in the state of Washington is **SUSPENDED**.

3.2 Respondent shall immediately return all credentials to the Commission within ten (10) days of receipt of this Order.

3.3 Prior to petitioning for reinstatement of credential, Respondent must provide satisfactory evidence of being clean and sober for at least twenty-four (24) consecutive months immediately preceding any such petition. Evidence of being clean and sober shall include but is not limited to *observed* biological fluid testing, completion of chemical dependency treatment, participation in professional peer support groups and NA/AA, and a recent (within 90 days) chemical dependency evaluation by a commission – approved evaluator. The evaluation shall include:

- A. Respondent's condition or diagnosis;
- B. Conclusions and prognosis;
- C. Recommendations regarding the need for ongoing care and treatment;
- D. Professional opinion regarding Respondent's ability to practice nursing with reasonable skill and safety.

3.4 Respondent shall assume all costs of complying with this Order.

3.5 The effective date of this Order is that date the Adjudicative Service Unit places the signed order into the U.S. mail. Respondent shall not submit any fees or compliance documents until after the effective date of this Order.

Section 4: NOTICE TO PARTIES

This Order is subject to the reporting requirements of RCW 18.130.110, Section 1128E of the Social Security Act, 45 CFR Part 61, and any other applicable interstate/national reporting requirements. If adverse action is taken, it must be reported to the Healthcare Integrity Protection Data Bank.

Either Party may file a petition for reconsideration, RCW 34.05.461(3); 34.05.470. The petition must be filed within ten (10) days of service of this Order with:

Adjudicative Service Unit
PO Box 47879
Olympia, WA 98504-7879

and a copy must be sent to:

State of Washington
Department of Health
Nursing Care Quality Assurance Commission
PO Box 47864
Olympia WA 98504-7864

The petition must state the specific grounds upon which reconsideration is requested and the relief requested. The petition for reconsideration is considered denied twenty (20) days after the petition is filed if the Adjudicative Service Unit has not responded to the petition or served written notice of the date by which action will be taken on the petition.

A petition for judicial review must be filed and served within thirty (30) days after service of this Order. RCW 34.05.542. The procedures are identified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. A petition for reconsideration is not required before seeking judicial review. If a petition for reconsideration is filed, however, the thirty (30) day period will begin to run upon the resolution of that petition, RCW 34.05.470(3).

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The Order remains in effect even if a petition for reconsideration or petition for review is filed. "Filing" means actual receipt of the document by the Adjudicative Service Unit, RCW 34.05.010(6). This Order was "served" upon you on the day it was deposited in the United States mail, RCW 34.05.010(19).

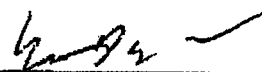
DATED: February 14, 2007.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE
COMMISSION



PRESIDING OFFICER

PRESENTED BY:



MARC DEFREYN, WSBA #28318
DEPARTMENT OF HEALTH STAFF ATTORNEY

2/15/07

DATE

FOR INTERNAL USE ONLY:

PROGRAM NO. 2006-03-0847RN

FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND FINAL ORDER OF DEFAULT (Failure to Respond)
DOCKET NO. 06-08-A-1021RN

PAGE 5 OF 5



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Roni J. Erickson
Docket No.: 06-09-A-1021RN
Document: Statement of Charges

Regarding your request for information about the above-named practitioner, certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld:

The identity of the complainant if the person is a consumer, health care provider, or employee, pursuant to RCW 43.70.075 (Identity of Whistleblower Protected) and/or the identity of a patient, pursuant to RCW 70.02.020 (Medical Records - Health Care Information Access and Disclosure)

If you have any questions or need additional information regarding the information that was withheld, please contact:

Customer Service Center
P.O. Box 47865
Olympia, WA 98504-7865
Phone: (360) 236-4700
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Deputy Secretary, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION

FILED
JAN 11 2007
Adjudicative Clerk Office

In the Matter of

Docket No. 06-09-A-1021RN

RONI J. ERICKSON
Credential No. RN00134197

STATEMENT OF CHARGES

Respondent

The Health Services Consultant, on designation by the Nursing Care Quality Assurance Commission (Commission), makes the allegations below, which are supported by the evidence contained in program file numbers 2005-07-0031RN and 2006-03-0047RN. The patients referred to in this Statement of Charges are identified in the attached Confidential Schedule.

Section 1: ALLEGED FACTS

1.1 Respondent was issued a credential to practice as a registered nurse by the state of Washington in July 1999. Respondent's license is expired.

1.2 In or about May through June 2005, Respondent was employed by MultiCare Health Systems, in Tacoma, Washington.

1.3 In or about June 2005, while on duty as a registered nurse at Tacoma General Hospital, Respondent made the following medication errors:

1.3.1 On or about June 6, 2005, Respondent removed 1.5mg of Dilaudid for Patient A but failed to document that the medication was administered to the patient or that the medication was properly wasted.

1.3.2 On or about June 11, 2005, Respondent removed two Dilaudid syringes from the Pyxis machine then returned the syringes within a short time-frame; these two syringes were tampered with and diluted to one-third of the labeled concentration of Dilaudid.

1.4 On or about June 11, 2005, Respondent practiced beyond her scope of authority as a registered nurse when she resumed a Dilaudid drip for Patient B without the doctor of the patient authorizing the medication.

1.5 On or about March 14, 2006, Respondent forged the signature of a medical doctor, for a doctor's note that was to be presented to a criminal court regarding Respondent's participation in a court hearing.

1.6 On or about March 28, 2006, Respondent pleaded guilty to Unlawful Use of Drug Paraphernalia, a violation of RCW 69.50.102 and RCW 69.50.412(1), in the Superior Court of Washington for Pierce County, Cause No. 05-1-05074-0.

1.7 On or about April 27, 2006, and again on May 16, 2006, a Department of Health Investigator contacted Respondent to inquire into the allegation noted in paragraph 1.5. To date, Respondent has failed to cooperate with the investigation.

Section 2: ALLEGED VIOLATIONS

2.1 Based on the Alleged Facts, Respondent has committed unprofessional conduct in violation of RCW 18.130.180(1), (6), (8)(b), (12) and (13), which provide in part:

RCW 18.130.180 Unprofessional conduct. The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

...

(6) The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing controlled substances for oneself;

...

(8) Failure to cooperate with the disciplining authority by

...

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority;

(12) Practice beyond the scope of practice as defined by law or rule;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

2.2 The above violations provide grounds for imposing sanctions under RCW 18.130.160.

Section 3: NOTICE TO RESPONDENT

The charges in this document affect the public health, safety and welfare. The Health Services Consultant of the Commission directs that a notice be issued and served on Respondent as provided by law, giving Respondent the opportunity to defend against these charges. If Respondent fails to defend against these charges, Respondent shall be subject to discipline pursuant to RCW 18.130.180 and the imposition of sanctions under RCW 18.130.160.

DATED: January 11, 2007.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE
COMMISSION


MARY DALE
HEALTH SERVICES CONSULTANT


STEVEN SKELTON, WSBA # 36749
ASSISTANT ATTORNEY GENERAL

FOR INTERNAL USE ONLY:

PROGRAM NOS. 2008-03-0047RN & 2005-07-0031RN

STATEMENT OF CHARGES
DOCKET NO. 06-09-A-1021RN

PAGE 3 OF 4

SOC - REV. 07-06

CONFIDENTIAL SCHEDULE

This information is confidential and is NOT to be released without the consent of the individual or individuals named herein. RCW 42.56.240(1)

Patient A [REDACTED]

Patient B [REDACTED]