

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 214901  
ISSUED TO  
LEIGHANA CELESTE SAIZ

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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. Roman*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: Leighana Celeste Saiz  
17 Iris Cir  
Longview, Texas 75601

During open meeting held in Austin, Texas, on Tuesday, June 12, 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 214901, previously issued to LEIGHANA CELESTE SAIZ, 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 12th day of June, 2012.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed April 17, 2012.

CERTIFICATE OF SERVICE

I hereby certify that on the 14<sup>th</sup> day of June, 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):

Leighana Celeste Saiz  
17 Iris Cir  
Longview, Texas 75601

BY:



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

In the Matter of Permanent License                   §     BEFORE THE TEXAS  
Number 214901, Issued to                               §  
LEIGHANA CELESTE SAIZ, Respondent               §     BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, LEIGHANA CELESTE SAIZ, is a Vocational Nurse holding license number 214901, 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 January 15, 2009, while employed at Dwight D. Eisenhower Army Medical Center, Fort Gordon, Georgia, and while utilizing her license to practice vocational nursing in the State of Texas, Respondent admitted to the intemperate use of Morphine and Percocet. Unlawful possession of Morphine and Percocet is prohibited by Chapter 481 of the Texas Health & Safety Code (Controlled Substances Act). The use of Morphine and Percocet by a Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms or changes in the patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(9)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12 (4),(5)&(11)(B).

#### CHARGE II.

On or about January 15, 2009, while employed at Dwight D. Eisenhower Army Medical Center, Fort Gordon, Georgia, and while utilizing her license to practice vocational nursing in the State of Texas, Respondent was convicted by Summary Court Martial for stealing/using Morphine and Percocet from Dwight D. Eisenhower Army Medical Center, Fort Gordon, Georgia. As a result, she was sentenced to forfeiture of one thousand dollars (\$1000.00) pay and confinement for two (2) days. A copy of the January 15, 2009, Record of Trial by Summary Court-Martial, Department of the Army Report of Result of Trial and Confinement Order 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)(3)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(13).

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 and TEX. OCC. CODE Ch. 53. 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).

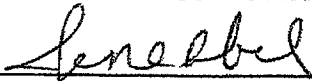
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

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](http://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](http://www.bon.texas.gov/disciplinaryaction/discp-matrix.html).

Filed this 17<sup>th</sup> day of April, 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  
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John R. Griffith, Assistant General Counsel  
State Bar No. 24079751

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

Attachment: January 15, 2009, Record of Trial by Summary Court-Martial, Department of the Army Report of Result of Trial and Confinement Order

## RECORD OF TRIAL BY SUMMARY COURT-MARTIAL

1a. NAME OF ACCUSED <i>(Last, First, MI)</i> SAIZ, Leighana C.	b. GRADE OR RANK E-4	c. UNIT OR ORGANIZATION OF ACCUSED B Co, Troop Cmd, DDEAMC, Fort Gordon, Georgia 30905	d. SSN
2a. NAME OF CONVENING AUTHORITY <i>(Last, First, MI)</i> BRADSHAW, Donald M.	b. RANK O-7	c. POSITION Commander	d. ORGANIZATION OF CONVENING AUTHORITY DDEAMC, Fort Gordon, Georgia 30905
3a. NAME OF SUMMARY COURT-MARTIAL <i>(If SCM was accuser, so state.)</i> CARDIN, Paul	b. RANK O-4	c. UNIT OR ORGANIZATION OF SUMMARY COURT-MARTIAL DDEAMC, Fort Gordon, Georgia 30905	

*(Check appropriate answer)*

	YES	NO
4. At a preliminary proceeding held on <u>15 January</u> <u>2009</u> , the summary court-martial gave the accused a copy of the charge sheet.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. At that preliminary proceeding the summary court-martial informed the accused of the following:		
a. The fact that the charge(s) had been referred to a summary court-martial for trial and the date of referral.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The identity of the convening authority.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The name(s) of the accuser(s).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The general nature of the charge(s).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The accused's right to object to trial by summary court-martial.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The accused's right to inspect the allied papers and immediately available personnel records.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The names of the witnesses who could be called to testify and any documents or physical evidence which the summary court-martial expected to introduce into evidence.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The accused's right to cross-examine witnesses and have the summary court-martial cross-examine on behalf of the accused.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The accused's right to call witnesses and produce evidence with the assistance of the summary court-martial if necessary.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. That during the trial the summary court-martial would not consider any matters, including statements previously made by the accused to the summary court-martial, unless admitted in accordance with the Military Rules of Evidence.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The accused's right to testify on the merits or to remain silent, with the assurance that no adverse inference would be drawn by the summary court-martial from such silence.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
l. If any findings of guilty were announced, the accused's right to remain silent, to make an unsworn statement, oral or written or both, and to testify and to introduce evidence in exenuation or mitigation.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
m. The maximum sentence which could be adjudged if the accused was found guilty of the offense(s) alleged.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
n. The accused's right to plead guilty or not guilty.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

6. At the trial proceeding held on 15 January 2009, the accused, after being given a reasonable time to decide,  did  did not object to trial by summary court-martial.  
*(Note: The SCM may ask the accused to initial this entry at the time the election is made.)*

ICS  
*(Initial)*

7a. The accused  was  was not represented by counsel. *(If the accused was represented by counsel, complete b, c, and d below.)*

b. NAME OF COUNSEL <i>(Last, First, MI)</i>	c. RANK <i>(If any)</i>
d. COUNSEL QUALIFICATIONS	

Soldier

DEPARTMENT OF THE ARMY REPORT OF RESULT OF TRIAL

For use of this form, see AR 27-10: the proponent agency is TJAG

TO: Commander, Headquarters, United States Army Signal Center and Fort Gordon, Fort Gordon, Georgia 30905

1. Notification under R.C.M. 1101 and AR 27-10, paragraph 5-29 is hereby given in the case of United States vs. SPC SAIZ, Leighana C., 464-43-2933, B Company, Troop Command, DDEAMC, Fort Gordon, Georgia 30905.

2. Trial by Summary Court-Martial on 15 January 2009, at Fort Gordon, Georgia.

3. Summary of offenses, pleas, and findings:

<u>CH</u> THE	<u>ART</u> 121	<u>SPEC</u> The	<u>GIST OF THE OFFENSES</u>	<u>PLEA</u>	<u>FINDINGS</u>
			Between 1 August 2008 and 22 August 2008, stole pharmaceuticals and pharmaceutical supplies, military property, of a value of about \$239.18, the property of the United States Army.	G	G

4. Sentence: forfeiture of \$1,000 pay per month for one month and confinement for 2 days

5. Date Sentence adjudged: 15 January 2009.

6. Contents of pretrial agreement concerning sentence, if any: None.

7. Number of days of presentence confinement, if any: None.

8. Number of days of judge ordered administrative credit for illegal pre-sentence confinement or restriction found tantamount to confinement, if any: N/A.

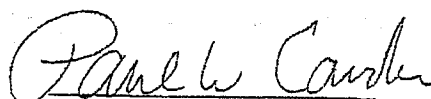
9. Total presentence confinement credit toward post-trial confinement: None

10. Name(s) and SSN(s) of companion accused or co-accused, if any: None.

11. DNA processing IAW 10 U.S.C. § 1565 is  is  not  required.

12. Conviction(s)  does  does  not require sex offender registration IAW 42 U.S.C. § 14071.

CP:  
 CDR, B Co. Troop Command  
 CDR, DDEAMC  
 CDR, USASC & FG  
 MILPO - Records and Finance  
 1 - SJA  
 1 - TC  
 1 - PMO

  
 PAUL CARDIN  
 MAJ, SC  
 Summary Court-Martial Officer

## CONFINEMENT ORDER

**1. PERSON TO BE CONFINED**

<b>a. NAME (Last, First, Middle)</b> SAIZ, Leighana C.	<b>b. SSN</b>	<b>2. DATE (YYYYMMDD)</b> 20090115
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<b>c. BRANCH OF SERVICE</b> Army	<b>d. GRADE</b> E-4	<b>e. MILITARY ORGANIZATION (From):</b> B Co, Troop Cmd, DDEAMC, Fort Gordon, Georgia 30905
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**TYPE OF CONFINEMENT**

<b>3.a. PRE-TRIAL</b> <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	<b>b. RESULT OF NJP</b> <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES
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**c. RESULT OF COURT MARTIAL:**     NO     YES

**TYPE:**     SCM     SPCM     GCM     VACATED SUSPENSION

**d. DNA PROCESSING**     IS     IS NOT REQUIRED UNDER 10 U.S.C. 1565.

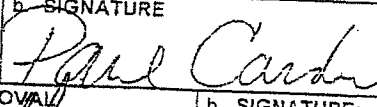

**4. OFFENSES/CHARGES OF UCMJ ARTICLES VIOLATED:**  
Article 121, Larceny

**5. SENTENCE ADJUDGED:**  
forfeiture of \$1,000 pay per month for one month and confinement for 2 days

**b. ADJUDGED DATE (YYYYMMDD):**  
20090115

**6. IF THE SENTENCE IS DEFERRED, THE DATE DEFERMENT IS TERMINATED:**

**7. PERSON DIRECTING CONFINEMENT**

<b>a. TYPED NAME, GRADE AND TITLE:</b> CARDIN, Paul MAJ, Summary Court-Martial Officer	<b>b. SIGNATURE</b> 	<b>c. DATE (YYYYMMDD)</b> 20090115	<b>d. TIME</b> 1438
<b>8.a. NAME, GRADE, TITLE OF LEGAL REVIEW AND APPROVAL</b> HENDRICKSON, ERIK CPT, Trial Counsel	<b>b. SIGNATURE:</b> 	<b>c. DATE (YYYYMMDD)</b> 20090115	

**MEDICAL CERTIFICATE**

**9a. The above named inmate was examined by me at \_\_\_\_\_ on \_\_\_\_\_ and found to be**     Fit     Unfit  
(Time) (YYYYMMDD)  
 for confinement. I certify that from this examination the execution of the foregoing sentence to confinement  
 will     will not produce serious injury to the inmate's health.

**b. The following irregularities were noted during the examination (If none, so state):**

**c. HIV Test administered on (YYYYMMDD):** \_\_\_\_\_

**d. Pregnancy test administered on (YYYYMMDD):** \_\_\_\_\_  N/A

**10. EXAMINER**

<b>a. TYPED NAME, GRADE AND TITLE:</b>	<b>b. SIGNATURE</b>	<b>c. DATE (YYYYMMDD)</b>	<b>d. TIME</b>
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**RECEIPT FOR INMATE**

**11.a. THE INMATE NAMED ABOVE HAS BEEN RECEIVED FOR CONFINEMENT AT:**

ON \_\_\_\_\_ AND TIME: \_\_\_\_\_ (Facility Name and Location)  
(YYYYMMDD) (Time)

<b>b. PERSON RECEIPTING FOR INMATE TYPED NAME, GRADE AND TITLE:</b>	<b>c. SIGNATURE:</b>	<b>d. DATE (YYYYMMDD)</b>	<b>e. TIME</b>
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