

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 83663  
ISSUED TO  
MARY CHARLENE PHILLIPS

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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: Mary Charlene Phillips  
2322 Beckman Drive  
Huffman, Texas 77336

During open meeting held in Austin, Texas, on Tuesday, February 14, 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.

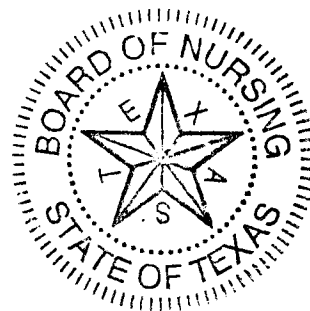
All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 83663, previously issued to MARY CHARLENE PHILLIPS, 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 14<sup>th</sup> day of February, 2012.

TEXAS BOARD OF NURSING



BY:

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

Re: Permanent Certificate Number 83663  
Issued to MARY CHARLENE PHILLIPS  
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

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

Mary Charlene Phillips  
2322 Beckman Drive  
Huffman, Texas 77336



BY:

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



## Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701  
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.texas.gov

Katherine A. Thomas, MN, RN  
Executive Director

October 27, 2011

Certified Mail No. 91 7199 9991 7030 1265 6318  
Return Receipt Requested

Mary Charlene Phillips  
2322 Beckman Drive  
Huffman, Texas 77336

Dear Ms. Phillips:

Enclosed are Formal Charges which have been filed against you alleging one or more violations of Section 301.452(b) of the Nursing Practice Act, Texas Occupations Code. Within three weeks of the date of this letter, you must file a written answer to each charge admitting or denying each allegation. If you intend to deny only part of an allegation, you must specify so much of it as is true and deny only the remainder. Your answer shall also include any other matter, whether of law or fact, upon which you intend to rely for your defense. Please send your written answer to the attention of John De La Rosa, Investigator. You may obtain legal counsel at your own expense.

**FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY LEGAL REPRESENTATIVE, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF WILL BE GRANTED BY DEFAULT.**

Please be advised that should you fail to file a written answer, the case will proceed on a default basis and it will be staff's recommendation that a default order be entered revoking your license(s) and/or nurse licensure compact privilege(s) to practice nursing in the State of Texas.

The results of any default order or formal disposition (Board Order) are public information. Results of informal and formal dispositions will appear in the Board's newsletter under the heading of "Disciplinary Action."

Should you desire to discuss this matter, you may contact John De La Rosa, Investigator, Enforcement Division, at the above address, or at (512) 305-6873.

Sincerely,

Katherine A. Thomas, MN, RN  
Executive Director

KAT/jd

Enclosure: Formal Charges

09/99-DA

### Members of the Board

Kristin Benton, MSN, RN  
Austin, President

Deborah Bell, CLU, ChFC Abilene	Patricia Clapp, BA Dallas	Tamara Cowen, MSN, RN Harlingen	Sheri Crosby, JD, SPHR Dallas	Marilyn Davis, BSN, RN, MPA Sugar Land	Richard Gibbs, LVN Mesquite
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In the Matter of Permanent License § BEFORE THE TEXAS  
Number 83663, Issued to §  
MARY CHARLENE PHILLIPS, Respondent § BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MARY CHARLENE PHILLIPS, is a Vocational Nurse holding license number 83663, 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 October 6, 1983, Respondent pled Guilty and was convicted of ASSAULT (a misdemeanor offense committed on December 7, 1982), in the 258<sup>th</sup> Judicial District Court of Trinity County, Texas, under Cause No. 6808. As a result of the conviction, Respondent was sentenced to confinement in the Trinity County Jail for a period of twelve (12) months; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of twelve (12) months. Additionally, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ART. 4528c, Sec.10(a)(9)(eff 9/1/81), and is a violation of 22 TEX. ADMIN. CODE §231.81(6)(eff 9/1/81).

#### CHARGE II.

On or about January 25, 1993, Respondent pled Guilty and was convicted of THEFT BY CHECK (a Class B misdemeanor offense committed on May 16, 1991) in the County Court at Law of Guadalupe County, Texas, under Cause No. 92-1283. As a result of the conviction, Respondent was placed on probation for a period of twelve (12) months. Additionally, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ART. 4528c, Sec.10(a)(9)(eff 9/1/85), and is a violation of 22 TEX. ADMIN. CODE §239.11(22)(H)(eff 1/1/93).

### CHARGE III.

On or about June 10, 1993, Respondent pled No Contest and was convicted of POSSESSION OF MARIJUANA (a misdemeanor offense committed on October 26, 1992), in the County Court at Law of Comal County, Texas, under Cause No. 93CR-199. As a result of the conviction, Respondent was sentenced to confinement in the Comal County Jail for a period of thirty (30) days; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of six (6) months. Additionally, Respondent was ordered to pay a fine, court costs and restitution in the amount of one hundred forty (140) dollars.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ART. 4528c, Sec.10(a)(9)(eff 9/1/85), and is a violation of 22 TEX. ADMIN. CODE §239.11(22)(N)(eff 1/1/93).

### CHARGE IV.

On or about March 30, 2000, Respondent pled Guilty to POSSESSION CONTROLLED SUBSTANCE; NAMELY COCAINE < 1G (a State Jail Felony offense committed on March 29, 2000), in the 339th District Court of Harris County, Texas, under Cause No. 840355. As a result, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of four (4) years. Additionally, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(10)(eff 9/1/99), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(eff 9/1/99).

### CHARGE V.

On or about July 28, 2003, Respondent pled Guilty and was convicted of DRIVING WHILE INTOXICATED (a Class B misdemeanor offense committed on February 23, 2003), in the County Court at Law of Houston County, Texas, under Cause No. 03-04-00123. As a result of the conviction, Respondent was sentenced to confinement in the Houston County Jail for a period of one hundred twenty (120) days; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of one (1) year. Additionally, Respondent was ordered to pay a fine and court costs.

On or about February 7, 2005, the probation granted to Respondent, under Cause No. 03-04-00123, was revoked, in the County Court at Law of Houston County, Texas. As a result, Respondent was sentenced to confinement in the Houston County Jail for a period of one hundred twenty (120) days. Additionally, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(10)(eff 9/1/01), Texas Occupations Code, and 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(eff 9/28/04), and 22 TEX. ADMIN. CODE §217.12(13).

### **CHARGE VI.**

On or about July 11, 2005, Respondent pled Guilty and was convicted of THEFT BY CHECK (a Class B misdemeanor offense committed between March 17, 2005 - April 17, 2005), in the County Court at Law of Houston, Texas, under Cause No. 05-05-00193. As a result of the conviction, Respondent was sentenced to confinement in the Houston County Jail for a period of one hundred eighty (180) days; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of fifteen (15) months. Additionally, Respondent was ordered to pay a fine and court costs.

On or about January 7, 2008, the probation granted to Respondent, under Cause No. 05-05-00193, was revoked, in the County Court at Law of Houston County, Texas. As a result, Respondent was sentenced to confinement in the Houston County Jail for a period of one hundred eighty (180) days. Additionally, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

### **CHARGE VII.**

On or about July 11, 2005, Respondent pled Guilty and was convicted of THEFT BY CHECK (a Class A misdemeanor offense committed between April 9, 2005 - April 18, 2005), in the County Court at Law of Houston, Texas, under Cause No. 05-06-00235. As a result of the conviction, Respondent was sentenced to confinement in the Houston County Jail for a period of one hundred eighty (180) days; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of fifteen (15) months. Additionally, Respondent was ordered to pay a fine and court costs.

On or about January 7, 2008, the probation granted to Respondent, under Cause No. 05-06-00235, was revoked, in the County Court at Law of Houston County, Texas. As a result, Respondent was sentenced to confinement in the Houston County Jail for a period of one hundred eighty (180) days. Additionally, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

### **CHARGE VIII.**

On or about January 7, 2008, Respondent pled Guilty and was convicted of THEFT PROP BY CHECK (a Class B misdemeanor offense committed between November 11, 2005 - November 13, 2005), in the County Court at Law of Houston County, Texas, under Cause No. 06-06-00303. As a result of the conviction, Respondent was sentenced to confinement in the Houston County Jail for a period of one hundred eighty (180) days.

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(13).

## CHARGE IX.

On or about September 3, 2008, Respondent pled Guilty and was convicted of THEFT BY CHECK (a Class B misdemeanor offense committed on December 10, 2005), in the County Court of Anderson County, Texas, under Cause No. 53120. As a result of the conviction, Respondent was sentenced to confinement in the Anderson County Jail for a period of one hundred eighty (180) days; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of twenty-four (24) months. Additionally, Respondent was ordered to pay a fine and court costs.

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(13).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license 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.state.tx.us](http://www.bon.state.tx.us).

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, and for Theft & Deception, which can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

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NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.state.tx.us/disciplinaryaction/discp-matrix.html](http://www.bon.state.tx.us/disciplinaryaction/discp-matrix.html).

Filed this 26<sup>th</sup> day of October, 2011.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
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D/2010.12.28