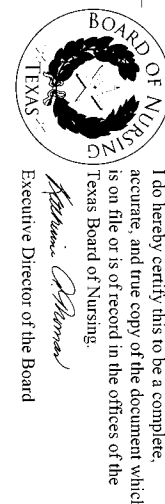


IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 160146  
ISSUED TO  
MARY ELIZABETH BROWN

§  
§  
§  
§  
§  
§  
§

BEFORE THE ELIGIBILITY  
AND DISCIPLINARY  
COMMITTEE  
OF THE TEXAS  
BOARD OF NURSING



**ORDER OF THE BOARD**

TO: Mary Elizabeth Brown  
103 N 3rd St.  
Haskell, TX 79521

During open meeting held in Austin, Texas, on Tuesday, September 13, 2011, 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 160146, previously issued to MARY ELIZABETH BROWN, 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 13<sup>th</sup> day of September, 2011.

TEXAS BOARD OF NURSING

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

Attachment: Formal Charge filed July 18, 2011.

Re: Permanent Certificate Number 160146  
Issued to MARY ELIZABETH BROWN  
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 15<sup>th</sup> day of September, 2011, 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 Elizabeth Brown  
103 N 3rd St.  
Haskell, TX 79521



BY: \_\_\_\_\_

KATHERINE A. THOMAS, MN, RN  
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.state.tx.us

Katherine A. Thomas, MN, RN  
Executive Director

July 18, 2011

Certified Mail No. 91 7199 9991 7030 3881 9704

Return Receipt Requested

Mary Elizabeth Brown

103 N 3rd St.

Haskell, Texas 79521

Dear Ms. Brown:

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 Terry Washington, 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 Terry Washington, Investigator, Enforcement Division, at the above address, or at (512) 305-6852.

Sincerely,

Katherine A. Thomas, MN, RN  
Executive Director

KAT/tw

Enclosure: Formal Charges

09/99-DA

### Members of the Board

Linda Rounds, PhD, FNP, RN  
Galveston, President

Deborah Bell, CLU, ChFC Ablene	Kristin Benton, MSN, RN Austin	Patricia Clapp, BA Dallas	Tamara Cowen, MN, RN Harlingen	Sheri Crosby, JD, SPHR Dallas	Marilyn Davis, BSN, RN, MPA Sugar Land
Blanca Rosa Garcia, PhD, RN	Richard Gibbs, LVN	Kathy Leader-Horn, LVN	Josefina Lujan, PhD, RN	Beverley Jean Nutall, LVN	Mary Jane Salgado, MEd

In the Matter of Permanent License	§	BEFORE THE TEXAS
Number 160146, Issued to	§	
MARY ELIZABETH BROWN, Respondent	§	BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MARY ELIZABETH BROWN, is a Vocational Nurse holding license number 160146, which is in delinquent status at the time of this pleading.

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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 December 15, 2003, Respondent entered a plea of No Contest and was convicted of ISSUANCE OF A BAD CHECK (a Class C misdemeanor offense committed on June 24, 2003), in the County Court At Law No. 1, Taylor County, Texas, under Cause No. 111016. As a result of the conviction, 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. date 9/1/2003), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(eff. date 9/1/2003).

#### CHARGE II.

On or about July 11, 2007, Respondent entered a plea of Guilty to POSSESSION OF A CONTROLLED SUBSTANCE PG1, METHAMPHETAMINE (UNDER 1 GRAM) (a State Jail Felony offense committed on April 4, 2006), in the 39th District Court, Haskell County, Texas, under Cause No. 6187. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of three (3) years. Additionally, Respondent was ordered to pay restitution in the amount of one hundred forty dollars (\$140) along with a fine and court costs.

On or about July 3, 2008, Respondent entered a plea of True to a Motion to Adjudicate and was convicted of POSSESSION OF A CONTROLLED SUBSTANCE PG1, METHAMPHETAMINE (UNDER 1 GRAM)(a State Jail Felony offense committed on April 4, 2006), in the 39th District Court, Haskell County, Texas, under Cause No. 6187. As a result of the conviction, Respondent was sentenced to confinement in the State Jail Division, Texas Department of Criminal Justice for a period of fourteen (14) 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)(3)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(13). Moreover, the above offense mandates revocation of Respondent's license to practice nursing in accordance with Chapter 53.021 of the Texas Occupations Code.

### CHARGE III.

On or about June 5, 2008, Respondent entered a plea of Guilty and was convicted of DELIVERY OF CONTROLLED SUBSTANCE (a State Jail Felony offense committed on October 24, 2006), in the 259th District Court, Jones County, Texas, under Cause No. 10102. As a result of the conviction, Respondent was sentenced to confinement in the Institutional Division, Texas Department of Criminal Justice for a period of six (6) years. Additionally, Respondent was ordered to pay 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). Moreover, the above offense mandates revocation of Respondent's license to practice nursing in accordance with Chapter 53.021 of the Texas Occupations Code.

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 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.state.tx.us](http://www.bon.state.tx.us).

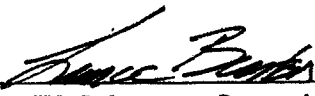
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NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

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 18<sup>th</sup> day of July, 20 11.

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

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