

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 169264  
ISSUED TO  
STEPHEN VINCENT MEGNA

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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. Roman*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: Stephen Vincent Megna  
23644 Nameless Rd.  
Leander, TX 78641

During open meeting held in Austin, Texas, on March 20, 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 169264, previously issued to STEPHEN VINCENT MEGNA, 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 20th day of March, 2012.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed January 30, 2012.

Re: Permanent Certificate Number 169264  
Issued to STEPHEN VINCENT MEGNA  
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 21<sup>st</sup> day of March, 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):

Stephen Vincent Megna  
23644 Nameless Rd.  
Leander, TX 78641



BY:

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

**In the Matter of Permanent License** § **BEFORE THE TEXAS**  
**Number 169264, Issued to** §  
**STEPHEN VINCENT MEGNA, Respondent** § **BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, STEPHEN VINCENT MEGNA, is a Vocational Nurse holding license number 169264, 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 May 18, 1982, Respondent plead guilty to the offense of "Possession of Marijuana," a Misdemeanor (committed on February 27, 1982) in the County Criminal Court at Law No. 3 of Harris County, Texas, under cause number 645634. Respondent was sentenced to three (3) days confinement in the Harris County Jail, and ordered to pay a fine.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ART. 4528c, Section 10a(3)&(9), and is a violation of 22 TEX. ADMIN. CODE §231.81(3).

#### **CHARGE II.**

On or about April 15, 2004, Respondent plead no contest to the offense of "Driving While Intoxicated," a Class B Misdemeanor (committed on October 26, 2003) in the County Court at Law No. 1 of Williamson County, Texas, under cause number 03-6074-1. Respondent was sentenced to one hundred eighty (180) days confinement in the Williamson County Jail. The imposition of confinement was suspended and Respondent was placed on probation for a period of twelve (12) months, and ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ART. 30.452(b)(10), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A).

#### **CHARGE III.**

On or about February 22, 2006, Respondent submitted an online renewal application to the Board of Nurse Examiners in which he provided false, deceptive, and/or misleading information, in that he answered "no" to the following question: "Have you been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrest (excluding minor traffic violations) since the last renewal? This includes expunged offenses and

deferred adjudications with or without prejudice of guilt. Please note that DUI's, DWI's, PI's must be reported and are not considered minor traffic violations. (One time minor in possession [MIP] or minor in consumption [MIC] do not need to be disclosed, therefore, you may answer "NO". If you have two or more MIP's or MIC's, you must answer "Yes".)

Respondent failed to disclose that on or about April 15, 2004, he plead no contest to the offense of "Driving While Intoxicated," a Class B Misdemeanor (committed on October 26, 2003) in the County Court at Law #1 of Williamson County, Texas, under cause number 03-6074-1.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(I).

#### CHARGE IV.

On or about May 11, 2006, Respondent plead guilty to the offense of "Theft," a Class A Misdemeanor (committed on January 10, 2006) in the 390th Judicial District Court of Travis County, Texas, under cause number D-1-DC-06201190. Adjudication of guilt was deferred and Respondent was placed on probation for a period of two (2) years. On or about September 25, 2008, Respondent was unsatisfactorily released from probation. Respondent failed to fully complete the terms and conditions of probation, which included, but were not limited to failing to avoid the use of controlled substances by submitting a positive urine specimen for Cocaine on May 29, 2007 and July 31, 2007.

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 V.

On or about February 27, 2008, Respondent submitted an online renewal application to the Texas Board of Nursing in which he provided false, deceptive, and/or misleading information, in that he answered "no" to the following question: "Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal: A. been convicted of a misdemeanor? C. plead nolo contendere, no contest, or guilty? D. received deferred adjudication? E. been placed on community supervision or court- ordered probation, whether or not adjudicated guilty?"

Respondent failed to disclose that on or about May 11, 2006, he plead guilty to the offense of "Theft," a Class A Misdemeanor (committed on January 10, 2006) in the 390th Judicial District Court of Travis County, Texas, under cause number D-1-DC-06201190. Adjudication of guilt was deferred and Respondent was placed on probation for a period of two (2) years.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(I).

## CHARGE VI.

On or about September 25, 2008, Respondent plead guilty to the offense of "Attempted Possession of a Controlled Substance by Fraud Sch I/IV," 3rd Degree Felony (committed on March 13, 2008) in the 390th Judicial District Court of Travis County, Texas, under cause number D-1-DC-08300778. Respondent was sentenced to eight (8) years confinement in the Texas Department of Criminal Justice Institutional Division. The imposition of the confinement was suspended and Respondent was placed on probation for a period of five (5) years, and ordered to pay a fine.

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(10)(E)&(13). Moreover, the above offense mandates revocation of Respondent's license(s) to practice nursing in accordance with Section 53.021 of the 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 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).

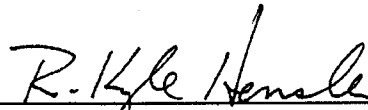
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NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.texas.gov/disciplinaryaction/discp-matrix.html](http://www.bon.texas.gov/disciplinaryaction/discp-matrix.html).

Filed this 30<sup>th</sup> day of January, 2012.

TEXAS BOARD OF NURSING



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D/2011.09.23