

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 137186  
ISSUED TO  
MARK GARRETT WILLIAMS

§  
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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: Mark Garrett Williams  
9422 Valley Ridge  
San Antonio, Texas 78250

During open meeting held in Austin, Texas, on Tuesday, December 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 137186, previously issued to MARK GARRETT WILLIAMS, 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 December, 2011.

TEXAS BOARD OF NURSING

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

Attachment: Formal Charge filed October 3, 2011.

Re: Permanent Certificate Number 137186  
Issued to MARK GARRETT WILLIAMS  
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

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

Mark Garrett Williams  
9422 Valley Ridge  
San Antonio, Texas 78250



BY:

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

In the Matter of Permanent License § BEFORE THE TEXAS  
Number 137186, Issued to §  
MARK GARRETT WILLIAMS, Respondent § BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MARK GARRETT WILLIAMS, is a Vocational Nurse holding license number 137186, which is in suspended 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 April 18, 1994, Respondent was convicted of BEING INTOXICATED WHILE OPERATING A MOTOR VEHICLE IN A PUBLIC PLACE (a misdemeanor offense committed on June 9, 2002), in the County Court at Law, Bexar County, Texas, under Cause No. 93CR3850.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ART. 4528c, Sec. (10)(a)(9)(eff. date 9/1/1993), and is a violation of 22 TEX. ADMIN. CODE §239.11(8)(M)(eff. date 9/1/1993).

#### CHARGE II.

On or about January 28, 1999, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE LICENSE INVALID (a Class B misdemeanor offense committed on December 16, 1998), in the County Court At Law #8, Bexar County, Texas, under Cause No. 713260. As a result of the conviction, Respondent was sentenced to confinement in the Bexar County Adult Detention Center for a period of thirty (30) days. 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. date 9/1/1997), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(eff. date 3/1/1998).

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CONTINUED ON NEXT PAGE.

### CHARGE III.

On or about August 26, 2003, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE INTOXICATED, 2ND OFFENSE (a misdemeanor offense committed on June 9, 2002), in the County Court At Law, Medina County, Texas, under Cause No. 20549. As a result of the conviction, Respondent was sentenced to confinement in the Medina County Jail for a period of sixty (60) days; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of three hundred sixty-five (365) days. Additionally, Respondent was ordered to pay a fine and court costs. 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.

The above action constitutes grounds for disciplinary action in accordance with Section 302.402(a)(10)(eff. date 9/1/2001), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(eff. date 12/1/2002).

### CHARGE IV.

On or about August 28, 2006, Respondent entered a plea of Nolo Contendere and was convicted of DRIVING WHILE INTOXICATED-3D/MORE (a 3rd degree felony offense committed on April 7, 2005), in the 187th District Court, Bexar County, Texas, under Cause No. 2005CR8030. As a result of the conviction, Respondent was sentenced to confinement in the Texas Department of Criminal Justice-Institutional Division 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 301.452(b)(3)&(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 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).

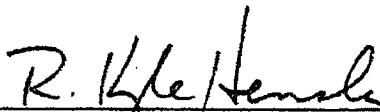
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can 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).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated December 6, 1994 and Order of the Board dated December 5, 1995.

Filed this 3<sup>rd</sup> day of October, 2011.

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: Agreed Board Order dated December 6, 1994  
Order of the Board dated December 5, 1995

D/2010.12.283

00137186

BOARD OF VOCATIONAL NURSE EXAMINERS	•	STATE OF TEXAS
VS	•	
MARK GARRETT WILLIAMS	•	COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of Vocational Nurse License number 137186 held by MARK GARRETT WILLIAMS, hereinafter called Respondent.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Respondent of its intent to take disciplinary action with respect to said license held by Respondent, as a result of a complaint and subsequent investigation. Said investigation produced evidence indicating that Respondent has been convicted of a crime of the grade of felony or a crime of a lesser grade which involves moral turpitude, in violation of Article 4528c, Section 10 (a) (3), Revised Civil Statutes of Texas, in the following manner:

- a. On or about March 21, 1994 Respondent was convicted of the felony offense of Driving While Intoxicated 3rd, in the 290th District Court of Bexar County, Texas, under Cause No. 93088850. As a result of said conviction, Respondent was placed on probation for a period of four (4) years.

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AGREED BOARD ORDER  
RE: MARK GARRETT WILLIAMS, LSN #137186  
PAGE 2

By their signature on this order, Respondent neither admits nor denies the truth of the matters previously set out in this Order with respect to the above mentioned investigation. By Respondent's signature on this Order, Respondent acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

By Respondent's signature on this order, Respondent does hereby waive the right to a formal complaint, Notice of Hearing and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED that license number 137186, heretofore issued to MARK GARRETT WILLIAMS to practice vocational nursing in the State of Texas be, and the same is hereby suspended, with said suspension stayed and placed on probation for a period of eighteen (18) months.



00137185

AGREEMENT  
RE: MARY WARENE WILLIAMS, MD. #1010  
PAGE 1

The probation of said Respondent is subject to the following stipulations, to wit:

1. That if Respondent's place of employment, name, address or telephone number changes, Respondent is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said notification shall be in the form of a written letter as per #1.
2. That Respondent shall comply with Federal, State, and local laws, and all the provisions of the Vocational Nurse Act and Rules and Regulations of the Board.
3. That by copy of this Board Order, Respondent shall provide notice of Board disciplinary action to his/her existing employer(s) throughout the term of probation.
4. That Respondent shall cause his/her existing employer(s) to submit satisfactory reports directly to the Board office on a quarterly basis throughout the term of probation.
5. That any period(s) of unemployment must be documented in writing by Respondent and submitted to the Board office, as provided in Stipulation No. 4.
6. That Respondent shall attend weekly meetings of Alcoholics Anonymous (A.A.), or Narcotics Anonymous (N.A.A.), and shall cause his/her program sponsor to submit satisfactory reports directly to the Board office on a monthly basis for the first six (6) months of probation. Thereafter, and throughout the remainder of said probation, Respondent shall cause his/her program sponsor to submit satisfactory reports directly to the Board office on a quarterly basis.
7. That Respondent shall and hereby agrees to remain free of alcohol and all unprescribed controlled substances. Any controlled or legend medication must be prescribed by a physician knowledgeable about the disease of addiction, as well as Respondent's history, and it is incumbent upon Respondent to insure such physician knowledge. In all such cases, the prescribed drugs must be verified in writing to the Board by the prescribing physician.
8. That Respondent shall submit to random periodic blood alcohol and urine drug screen(s) upon demand of the Board staff throughout the term of probation. Said screen(s) shall be properly monitored with adherence to chain of custody procedures. The results of said screen(s) shall be submitted directly to the Board office by the laboratory. The expense of said screen(s) shall be borne by Respondent.
9. Respondent shall provide the Board a telephone number by which Respondent may be contacted between the hours of 8:00 a.m. and 5:00 p.m. on weekdays. Respondent must maintain with the Board, during the term of this probation, a current telephone number in order for the Board to request random blood alcohol and urine drug screens, as provided in Stipulation No. 8.

00137186

AGREED ORDER  
RE: MARK GARRETT WILLIAMS, LHM #10180  
PAGE 4

10. That Respondent shall cause his/her probation officer to submit satisfactory reports directly to the Board office on a quarterly basis throughout the term of probation.

11. That if Respondent is discharged from court ordered probation prior to the completion of this probationary term, Respondent shall cause his/her probation officer to submit a final satisfactory report directly to the Board office.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.

Dated this the 31<sup>st</sup> day of November, 1994.

M. G. Williams  
Signature of Respondent

4422 VALLEY RIDGE  
Current Address

San Antonio TX 78250  
City, State and Zip

210 1521-5920  
Area Code and Telephone Number

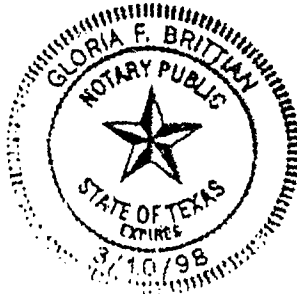
The State of Texas  
County of BEXAR

Before me, the undersigned authority, on this day personally appeared MARK GARRETT WILLIAMS, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

00137185

AGREED AND SIGNED  
RE: MARK HAPPEL WILLIAMS, DNR #11106  
PAGE 5

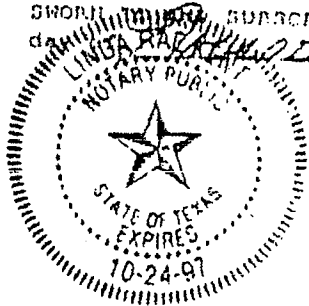
SWORN TO AND SUBSCRIBED before me on this the 21<sup>st</sup> day of November,  
19 94.



Gloria F. Brittan  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS  
My Commission Expires 3/10/98

Marjorie A Bronk, RN  
Marjorie A Bronk, RN  
Agent for the Board of  
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 30<sup>th</sup>  
day of November, 19 94.



Linda R. [Name]  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

00197186

AMERICAN BOARD OF VETERINARY MEDICINE  
RE: MARY GARRETT WILLIAMS, DVM #12196  
PAGE 6

ENFORCEMENT OF THE BOARD  
To The Agreed Board Order  
in the matter of Vocational Nurse  
License No. 12196  
Issued to MARY GARRETT WILLIAMS

At its regularly called session, on the 6th day of December, 1994, came on to be considered the indicated Agreed Board Order pertaining to Mark Garrett Williams. The Board having reviewed the contents of said Order, the Order should be, and is hereby, endorsed as an Order of the Board, and made an official act of the Board of Vocational Nurse Examiners for the State of Texas.

Said order is rendered on this the 6th day of December, 1994.

Melvin Lee Gray, Jr.  
Grant Stewart, DVM  
James L. ...  
David Wood - DVM  
Robert Williams  
Susan S. Cherry  
Thomas A. ...  
Alvin ...

V. L. ...  
Paul M. Robinson  
Tim ...  
Mrs. ...  
Patricia M. ...  
Carrie M. ...

00137186

BOARD ORDER  
RE: MARK GARRETT WILLIAMS, LNW #137186  
PAGE: 7

CERTIFICATE OF SERVICE

I hereby certify that on the 9<sup>th</sup> day of November, 1944,  
a true and correct copy of the foregoing order was served by placement in the  
U.S. Mail, first class, and addressed to the following person(s):

MARK WILLIAMS  
9422 VALLEY RIDGE  
SAN ANTONIO, TX 78250

Marjorie A. Bronk, RN  
Marjorie A. Bronk, RN  
Executive Director  
Agent for the Board of Vocational Nurse Examiners

00137186

BOARD ORDER

RE: MARK GARRETT WILLIAMS, LVN #137186

CERTIFICATE OF SERVICE

I hereby certify that on the 8<sup>th</sup> day of December, 1995,  
a true and correct copy of the foregoing Order was served by placement in the  
U.S. Mail, first class, and addressed to the following person(s):

Mark Garrett Williams  
6433 Borderbrook, #2113  
San Antonio, Texas 78238

Marjorie A. Brock, R.N.  
Marjorie A. Brock, R.N.  
Executive Director  
Agent for the Board of Vocational Nurse Examiners

00137188

BOARD OF VOCATIONAL NURSE EXAMINERS : STATE OF TEXAS  
VS. :  
MARK GARRETT WILLIAMS : COUNTY OF TRAVIS

COMPLAINT

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Jana D. Walp, who after being by me duly sworn, did depose and say:

As an Investigator for the Board of Vocational Nurse Examiners, I, Jana D. Walp, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against MARK GARRETT WILLIAMS, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 127186, hereinafter called Respondent.

I.

a. On December 6, 1994, the Board of Vocational Nurse Examiners endorsed an Agreed Board Order. Respondent's license to practice Vocational Nursing in the State of Texas was suspended, suspension stayed and placed on probation for a period of eighteen (18) months.

b. Said Order stipulated, that Respondent shall comply with Federal, State, and local laws, and all the provisions of the Vocational Nurse Act and Rules and Regulation of the Board.

c. Said Order stipulated, in part, that Respondent cause his nursing employer(s) to submit satisfactory reports to the Board Office on a quarterly basis throughout the term of his probation. That any period(s) of unemployment be documented in writing by Respondent and submitted to the Board Office on a quarterly basis throughout the term of probation. It was further stipulated that if place of employment, name, address or telephone

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COMPLAINT  
RE: MARK GARRETT WILLIAMS, LNW #127186  
PAGE 2

number changed, Respondent was to notify the Board Office immediately, or no later than ten (10) days after said change had occurred.

d. Said Order also stipulated, in part, that Respondent attend weekly meetings of Alcoholics Anonymous (A.A.) or Narcotics Anonymous (N.A.) and shall cause his program sponsor to submit satisfactory reports directly to the Board Office on a monthly basis for the first six (6) months of probation. Thereafter, and throughout the remainder of his probation, Respondent was to cause his program sponsor to submit satisfactory reports directly to the Board Office on a quarterly basis.

e. Said Order stipulated, in part, that Respondent shall and hereby agrees to remain free of alcohol and all unprescribed controlled substances. Any controlled or legend medication must be prescribed by a physician knowledgeable about the disease of addiction, as well as his history, and it is incumbent upon Respondent to insure such physician knowledge. In all such cases, the prescribed drugs must be verified in writing to the Board by the prescribing physician.

f. Further, said Order stipulated that Respondent shall cause his probation officer to submit satisfactory reports directly to the Board office on a quarterly basis throughout the term of probation.

g. Respondent has failed to cause his A.A. or N.A. program sponsor to submit satisfactory, required, monthly reports to the Board Office on or before the due dates of January 6, 1995, February 6, 1995, March 6, 1995, April 6, 1995, May 6, 1995, and June 6, 1995. Further, Respondent has failed to show proof of attendance of required, weekly A.A. or N.A. meetings, as per his Board Order.

h. Respondent has failed to cause his probation officer to submit a satisfactory, required, quarterly report to the Board Office on or before the due date of June 6, 1995.

i. By said conduct, Respondent has violated the terms of his probation.

II.

Respondent has violated the Vocational Nurse Act or rule, regulation or order issued under the Act, contrary to Article 4528c, Section 10 (a)

(1), Revised Civil Statutes of Texas.



COMPLAINT  
RE: MARK GARRETT WILLIAMS, LWH #137186  
PAGE 2

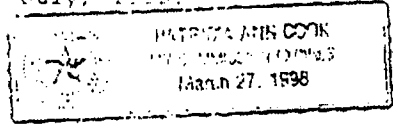
III.

The foregoing acts constitute grounds for the Board of Vocational Nurse Examiners to take disciplinary action as provided under Article 4526c, Revised Civil Statutes of Texas, 1951, as amended.

WHEREFORE, PREMISES CONSIDERED, I, Jana D. Walp, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against MARK GARRETT WILLIAMS, LWH #137186, in accordance with the provisions of the laws of the State of Texas.

Jana D. Walp  
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME by the said Jana D. Walp, on this the 14<sup>th</sup> day of July, 1995.



Patricia Ann Cook  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

Filed with the Board of Vocational Nurse Examiners on the 14<sup>th</sup> day of July, 1995.

Marjorie A. Brank  
Marjorie A. Brank, R.N.  
Executive Director  
Board of Vocational Nurse Examiners

DOCKET NO. 511-95-1018

IN THE MATTER OF	§	BEFORE THE
	§	
MARK GARRETT WILLIAMS, L.V.N.	§	STATE OFFICE OF
	§	
LICENSE NO. 137186	§	ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

The staff of the Board of Vocational Nurse Examiners (the Staff) initiated this action seeking disciplinary action against a licensee for violating an Agreed Board Order. The licensee did not attend the hearing. The Staff recommended that the subject license be suspended for a two year period. The Administrative Law Judge agrees with Staff's recommendation.

**I. Procedural History**

This case was initiated on July 14, 1995, when the Staff filed a sworn Complaint against Mark Garret Williams (the Respondent) alleging that the Respondent had violated an Order of the Board of Vocational Nurse Examiners (Board). The Staff alleged that the Respondent's actions were in violation of TEX. REV. CIV. STAT. ANN. art. 4528c, §10 (Vernon Supp. 1995) and warranted disciplinary action against the Respondent's license.

The hearing commenced on September 27, 1995, in the Clements Building, 300 West 15th Street, Austin, Texas, before Nancy N. Lynch, Administrative Law Judge, State Office of Administrative Hearings. After the taking of evidence, the hearing concluded the same day. The Staff was represented by Roxanne Caperton, Assistant Attorney General of Texas. The Respondent did not appear and was not represented at the hearing.

**II. Jurisdiction and Notice**

The Board of Vocational Nurse Examiners has jurisdiction over this matter pursuant to TEX. REV. CIV. STAT. ANN. art. 4528c, §10 (Vernon Supp. 1995). The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this proceeding, including the authority to issue a proposal for decision with proposed findings of fact and conclusions of law pursuant to TEX. GOV'T CODE ANN., Chapter 2003 (Vernon Supp. 1995).

Notice was properly effected in compliance with 22 TEX. ADMIN. CODE §239.23 and the Administrative Procedure Act, TEX. GOV'T CODE ANN., §2001.052 (Vernon Supp. 1995).

**III. Discussion**

On December 6, 1994, the Board endorsed an Agreed Board Order in which the Respondent's license to practice vocational nursing in the State of Texas was suspended, the suspension stayed, and Respondent was placed on probation for a

period of eighteen (18) months. The Respondent signed the Agreed Order and accepted its conditions and stipulations. That disciplinary action was based on Respondent's felony conviction of driving while intoxicated.

The December 6, 1995, Agreed Order required Respondent to attend weekly meetings of Alcoholics Anonymous (A.A.), or Narcotics Anonymous (N.A.) and to cause his program sponsor to submit satisfactory reports directly to the Board Office on a monthly basis for the first six (6) months of probation, and on a quarterly basis thereafter. Respondent failed to do so on several occasions, as further described in the findings of fact below.

The December 6, 1994, Agreed Order also required Respondent to cause his probation officer to submit satisfactory reports directly to the Board office on a quarterly basis throughout the term of probation. Respondent failed to comply with this requirement regarding the June 6, 1995, quarterly report.

The evidence shows that Respondent has violated the above-described provisions of the December 6, 1995, Agreed Order. Accordingly, he is subject to disciplinary action pursuant to TEX. REV. CIV. STAT. ANN. art. 4528c, §10(a)(1) (Vernon Supp. 1995), including suspension or revocation of his license. Respondent failed to appear at the hearing.

For these reasons, the ALJ agrees with the Staff's recommendation that the Board suspend Respondent's license for a period of two years.

#### PROPOSED FINDINGS OF FACT

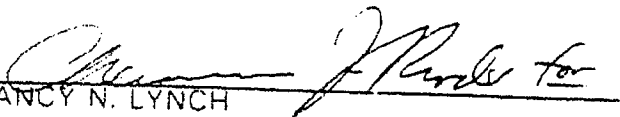
1. Mark Garret Williams (the Respondent), is a vocational nurse licensed by the State of Texas and holds license number 137186.
2. On July 14, 1995, the Staff filed a sworn Complaint against Mark Garret Williams (the Respondent) with the Board of Vocational Nurse Examiners for the State of Texas alleging that the Respondent had violated an Order of the Board.
3. Notice of the hearing was given to Respondent by letter dated August 28, 1995, by certified mail sent to his record address.
4. The Respondent was not present or represented by counsel at the hearing.
5. On December 6, 1994, the Board endorsed an Agreed Board Order in which Respondent's license to practice vocational nursing in the State of Texas was suspended, the suspension was stayed, and the Respondent was placed on probation for a period of eighteen (18) months.
6. Respondent signed the Agreed Board Order and accepted its conditions and stipulations on November 21, 1994.
7. That Agreed Order stipulated, in part, that Respondent attend weekly meetings of Alcoholics Anonymous (A.A.), or Narcotics Anonymous (N.A.) and cause his program sponsor to submit satisfactory reports to the Board office on a monthly basis for the first six (6) months of probation, and quarterly thereafter for the remainder of his probation.

8. Respondent has failed to cause his A.A. or N.A. program sponsor to submit satisfactory monthly reports to the Board office on or before the due dates of January 6, 1995; February 6, 1995; March 6, 1995; April 6, 1995; May 6, 1995; and June 6, 1995, as required by the Agreed Order.
9. Respondent has failed to submit proof of attendance at weekly A.A. or N.A. meetings as required by the Agreed Order.
10. The December 6, 1994, Agreed Order required Respondent to cause his probation officer to submit satisfactory reports directly to the Board office on a quarterly basis throughout the term of probation.
11. Respondent has failed to cause his probation officer to submit a satisfactory report on or before the due date of June 6, 1995, as required by the Agreed Order.

PROPOSED CONCLUSIONS OF LAW

1. The Board of Vocational Nurse Examiners has jurisdiction over this matter pursuant to TEX. REV. CIV. STAT. ANN. art. 4528c, §10 (Vernon Supp. 1995).
2. Proper and timely notice of the hearing was effected upon Respondent pursuant to TEX. GOV'T CODE ANN., Chapter 2001 (Vernon Supp. 1995) and 22 TEX. ADMIN. CODE §239.23.
3. A sworn complaint against the Respondent was filed with the Board of Vocational Nurse Examiners for the State of Texas in accordance with TEX. REV. CIV. STAT. ANN. art. 4528c, §10(d).
4. Based upon Findings of Fact Nos. 7 - 11, the Respondent has violated the terms of an Order issued by the Board, and the Board is authorized to suspend his license under TEX. REV. CIV. STAT. ANN. art. 4528c §10(a)(1).
6. Based upon Findings of Fact Nos. 7 - 11 and Conclusion of Law No. 5, the Board should suspend Respondent's license for a period of two years.

SIGNED this 2 day of November, 1995.

  
 \_\_\_\_\_  
 NANCY N. LYNCH  
 ADMINISTRATIVE LAW JUDGE  
 STATE OFFICE OF ADMINISTRATIVE HEARINGS

00137186

DOCKET NO. 511-95-1018

IN THE MATTER OF PERMANENT	§	BEFORE THE BOARD OF
LICENSE NUMBER 137186	§	VOCATIONAL NURSE EXAMINERS
ISSUED TO	§	IN AND FOR
MARK GARRETT WILLIAMS	§	THE STATE OF TEXAS

ORDER OF THE BOARD

TO: MARK GARRETT WILLIAMS  
6933 Borderbrook, Apt. #2113  
San Antonio, Texas 78238

During open meeting at Austin, Texas, the Board of Vocational Nurse Examiners finds that after proper and timely notice was given, the above-styled case was heard by an Administrative Law Judge who made and filed a proposal for decision containing the Administrative Law Judge's findings of fact and conclusions of law. The proposal for decision was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein.

The Board of Vocational Nurse Examiners, after review and due consideration of the proposal for decision, and exceptions and replies filed, if any, adopts the findings of fact and conclusions of law of the Administrative Law Judge as if fully set out and separately stated herein. All proposed findings of fact and conclusions of law not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that License Number 137186 heretofore issued to MARK GARRETT WILLIAMS to practice vocational nursing in the State of Texas be, and the same is hereby, suspended for a period of two years.

Passed and approved at the regular meeting of the Board of Vocational Nurse  
Examiners in and for the State of Texas at Austin, Texas, on the 5<sup>th</sup> day of  
June, 1995.

R. Alton Williams

James E. Perry

William G. Smith

James H. Smith

James Wendt - Spivey, L.N.

Melba Lee - Spivey, L.N.

Paul M. Refurison

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John G. Lewis

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