

DOCKET NUMBER 507-11-3207

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBERS 616835 and 143172  
ISSUED TO  
WANDA CATHERINE HAWKINS

§ BEFORE THE STATE OFFICE  
§ OF  
§ ADMINISTRATIVE HEARINGS  
§

OPINION AND ORDER OF THE BOARD

TO: WANDA CATHERINE HAWKINS  
2877 FONTAINEBLEAU  
ATLANTA, GA 30331-2719

JOANNE SUMMERHAYS  
ADMINISTRATIVE LAW JUDGE  
300 WEST 15TH STREET  
AUSTIN, TEXAS 78701

At the regularly scheduled public meeting on July 21-22, 2011, the Texas Board of Nursing (Board) considered the following items: (1) The Proposal for Decision (PFD) regarding the above cited matter; (2) Staff's recommendation that the Board adopt the PFD regarding the registered and vocational nursing licenses of Wanda Catherine Hawkins without changes; and (3) Respondent's recommendation to the Board regarding the PFD and order, if any.

The Board finds that after proper and timely notice was given, the above styled case was heard by an Administrative Law Judge (ALJ) who made and filed a PFD containing the ALJ's findings of facts and conclusions of law. The PFD was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein. No exceptions were filed by any party.

The Board, after review and due consideration of the PFD, Staff's recommendations, and Respondent's presentation during the open meeting, if any, adopts all of the findings of fact and conclusions of law of the ALJ contained in the PFD as if fully set out and separately stated herein. All proposed findings of fact and conclusions of law



*Joanne Summerhays*  
Executive Director of the Board

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.

filed by any party not specifically adopted herein are hereby denied.

IT IS, THEREFORE, ORDERED THAT Permanent Certificate Numbers 616835 and 143172, previously issued to WANDA CATHERINE HAWKINS, to practice nursing in the State of Texas be, and the same are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privileges, if any, to practice nursing in the State of Texas.

Entered this 22nd day of July, 2011.

TEXAS BOARD OF NURSING

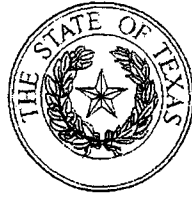


KATHERINE A. THOMAS, MN, RN

EXECUTIVE DIRECTOR FOR THE BOARD

Attachment: Proposal for Decision; Docket No. 507-11-3207 (April 27, 2011).

# State Office of Administrative Hearings



Cathleen Parsley  
Chief Administrative Law Judge

April 27, 2011

Katherine A. Thomas, M.N., R.N.  
Executive Director  
Texas Board of Nursing  
333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701

**VIA INTER-AGENCY**

**RE:** Docket No. 507-11-3207; In the Matter of Permanent Certificate Numbers  
RN 616835 and LVN 143172 Issued to Wanda Catherine Hawkins

Dear Ms. Thomas:

Please find enclosed a Proposal for Decision in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 TEX. ADMIN. CODE § 155.507(c), a SOAH rule which may be found at [www.soah.state.tx.us](http://www.soah.state.tx.us).

Sincerely,

A handwritten signature in cursive script that reads "Joanne Summerhays".

Joanne Summerhays  
Administrative Law Judge

JS/l|g]

Enclosures

XC: R. Kyle Hensley, Assistant General Counsel, Texas Board of Nursing, 333 Guadalupe, Tower III, Ste. 460,  
Austin, TX 78701 – **VIA INTER-AGENCY**  
Dina Flores, Legal Assistant Texas Board of Nursing, 333 Guadalupe, Tower III, Ste. 460, Austin, TX  
78701 – with 1 CD – **VIA INTER-AGENCY**  
Wanda C. Hawkins, 2877 Fontainebleau, Atlanta, GA 30331-2719 -**VIA REGULAR MAIL**

SOAH DOCKET NO. 507-11-3207

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBERS RN 616835  
AND LVN 143172  
ISSUED TO  
WANDA CATHERINE HAWKINS

§  
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BEFORE THE STATE OFFICE  
OF  
ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

This matter was scheduled for hearing at the request of the Texas Board of Nursing (the referring agency). Despite being sent proper notice, Wanda Catherine Hawkins (Respondent) did not appear and was not represented at the hearing. For the reasons set out in the Findings of Fact and Conclusions of Law, the Administrative Law Judge finds that the relief requested by the referring agency should be granted on a default basis.

FINDINGS OF FACT

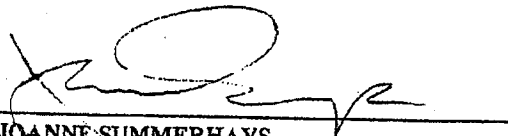
1. Notice of the hearing was mailed to Wanda Catherine Hawkins (Respondent) at Respondent's address of record by certified mail on February 9, 2011, prior to the scheduled hearing. Return receipt was received signed by Respondent on February 14, 2011.
2. The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short plain statement of the matters asserted.
3. The notice of hearing contained a statement in at least 12-point, boldface type that the factual allegations listed in the notice could be deemed admitted, and the relief sought in the notice of hearing might be granted by default against a party that failed to appear at the hearing.
4. The hearing was held and the record closed on April 19, 2011.
5. Respondent did not appear at the scheduled hearing and was not represented at the hearing.
6. The referring agency's staff moved for a default, which was granted.

7. The factual allegations set out in the notice of hearing are deemed admitted and are incorporated by reference into this Finding of Fact.

### CONCLUSIONS OF LAW

1. 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 findings of fact and conclusions of law. TEX. GOV'T CODE ch. 2003.
2. The referring agency has jurisdiction over this matter.
3. Proper and timely notice was provided to Respondent in accordance with TEX. GOV'T CODE ch. 2001 and 1 TEX. ADMIN. CODE ch. 155.
4. The allegations in the notice of hearing were properly deemed admitted. 1 TEX. ADMIN. CODE § 155.501.
5. The referring agency staff has established the basis for the sanction alleged in the notice of hearing, which is incorporated into this Conclusion of Law.
6. The referring agency is entitled to the relief requested in its notice of hearing.

**SIGNED April 27, 2011.**



JOANNE SUMMERHAYS  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

TEXAS BOARD OF NURSING

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In the Matter of Permanent

Certificate Numbers RN 616835 and LVN 143172

Issued to WANDA CATHERINE HAWKINS

NOTICE OF HEARING

SOAH Docket Number 507-11-3207

Respondent: Wanda Catherine Hawkins  
2677 Fontainebleau  
Atlanta, GA 30331-2719

In accordance with Section 2001.051 et seq., Texas Government Code, you are hereby notified that a hearing will be held before an Administrative Law Judge (ALJ), beginning on the 19<sup>th</sup> day of April, 2011, at 9:00 a.m., at the State Office of Administrative Hearings, William P. Clements Building, 300 W. 15<sup>th</sup> Street, 4<sup>th</sup> Floor, Austin, Texas, regarding the Formal Charges previously filed and served upon you by the Texas Board of Nursing. The Formal Charges are attached and incorporated by reference as a part of this notice.

The hearing is to be held under the legal authority and jurisdiction of the Administrative Procedures Act, Texas Government Code §2001 et seq.; Title I Part VII Texas Administrative Code Chapter 155; the Nursing Practice Act, Texas Occupations Code §301.451 through §301.555; and the Board of Nursing Rule 213 at 22 Texas Administrative Code.

The particular sections of statutes and rules involved in determining the charges are stated in the attached Formal Charges in connection to the facts or conduct alleged.

Pursuant to 22 TEX. ADMIN. CODE §213.22, you are required to enter an appearance in this proceeding by filing a written answer or other responsive pleading with the State Office of Administrative Hearings, P.O. Box 13025, Austin, Texas, 78711-3025, with a copy to the staff (General Counsel, Texas Board of Nursing, 333 Guadalupe, Suite 3-460, Austin, Texas 78701). **FAILURE TO ENTER AN APPEARANCE BY FILING A WRITTEN ANSWER OR OTHER RESPONSIVE PLEADING TO THE FORMAL CHARGES WITHIN 20 DAYS OF THE DATE THIS NOTICE WAS MAILED SHALL ENTITLE THE STAFF TO A CONTINUANCE AT THE TIME OF THE HEARING.** "Staff" is defined by 22 TEX. ADMIN. CODE §213.1(41). Continuances are set by the Administrative Law Judge.

Wanda C. Hawkins  
February 9, 2011  
Page 2 of 2

You have the right to appear at this hearing and to have legal representation at the hearing at your own expense. **FAILURE TO APPEAR AT THE HEARING IN PERSON OR BY LEGAL REPRESENTATIVE, REGARDLESS OF WHETHER AN APPEARANCE HAS BEEN ENTERED, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF SHALL BE GRANTED BY DEFAULT.**

If it is determined that the Formal Charges are substantiated, then any prior disciplinary action that has been taken against your license will be considered when determining the appropriate sanction for these violation(s).

Issued, dated, and mailed this the 9<sup>th</sup> day of February, 2011.

TEXAS BOARD OF NURSING

By:



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Katherine A. Thomas, MN, RN  
Executive Director

In the Matter of Permanent License § BEFORE THE TEXAS  
Numbers 616835 and 143172 , Issued to §  
WANDA CATHERINE HAWKINS, Respondent § BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, WANDA CATHERINE HAWKINS, is a Registered Nurse holding license number 616835, which is in current status at the time of this pleading and a Vocational Nurse holding license number 143172, 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 June 9, 2010, while holding a license as a Registered and a Vocational Nurse in the State of Texas, Respondent received a Default Order from the Board of Nursing for the State of New Mexico wherein Respondent's application for licensure by endorsement was denied by default due to providing false and deceptive information on Respondent's application for licensure by endorsement. A copy of the June 9, 2010 Default Order is attached and incorporated, by reference, as part of this Charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

#### CHARGE II.

On or about July 1, 2009, while holding a license as a Registered and Vocational Nurse in the State of Texas, Respondent plead guilty to a charge of Financial Identity Fraud (Felony), Case No. 08-CR-0411, in the Superior Court of Cherokee County, State of Georgia and was placed on ten (10) years of Felony Probation with fine and court cost.

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 revocation of Respondent's license to practice nursing in the State of Texas pursuant to 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).

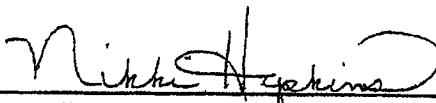
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses for Lying and Falsification, for Fraud, Theft & Deception, which can be found at the Board's 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 Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Default Order from the Board of Nursing For the State of New Mexico dated June 9, 2010.

Filed this 6<sup>th</sup> day of October, 2010.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel

Board Certified - Administrative Law

Texas Board of Legal Specialization

State Bar No. 10838300

Jena Renee Koslan 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: Default Order from the Board of Nursing For the State of New Mexico dated June 9, 2010.

0999/D

BEFORE THE BOARD OF NURSING  
FOR THE STATE OF NEW MEXICO

IN THE MATTER OF:  
Wanda Hawkins  
Applicant: xxx-xx-5604

Respondent

I certify this to be a true copy of the  
records on file with the New Mexico  
Board of Nursing.

Signed: CA

DEFAULT ORDER

THIS MATTER having come before the Board of Nursing ("BON") on Wednesday, June 09, 2010 the BON finds the following:

1. A Notice of Contemplated Action was served on the respondent in accordance with the Uniform Licensing Act, N.M.S.A. §61-1-1 et seq.
2. The respondent has not mailed a request for hearing within the time and in the manner required by N.M.S.A. §61-1-4 and is therefore in default.

IT IS THEREFORE ORDERED THAT: the application of Wanda Hawkins, xxx-xx-5604, is hereby denied by default.

DATE: 6/9/10

TERRI FORTNER

TERRI FORTNER, CHAIRPERSON  
NEW MEXICO BOARD OF NURSING

CERTIFIED MAIL NO: 700909600000 2236668  
RETURN RECEIPT REQUESTED

L:\DW\LEGASIDEFAULT.WPD

BEFORE THE BOARD OF NURSING  
FOR THE STATE OF NEW MEXICO

IN THE MATTER OF:  
Wanda Hawkins  
APPLICANT: xxx-xx-5604

Respondent.

I certify this to be a true copy of the  
records of the with the New Mexico  
Board of Nursing.

Signed: 

NOTICE OF CONTEMPLATED ACTION

1. The Respondent is licensed under the Nursing Practice Act, NMSA 1978, §61-3-1 et seq., and is subject to the jurisdiction of the New Mexico Board of Nursing ("BON").
2. The BON has sufficient evidence which, if not rebutted or explained, will justify the BON in suspending or revoking or taking other action against the Respondent's license pursuant to NMSA 1978, §61-3-28.
3. The general nature of the allegations is contained in Exhibit 1 to this Notice of Contemplated Action.
4. Unless the Respondent within twenty days after service of this notice deposits in the mail a certified return receipts requested letter addressed to the BON at the address below containing a request for hearing, the BON will take the contemplated action.

**61-1-8. Rights of person entitled to hearing.**

A. A person entitled to be heard under the Uniform Licensing Act [61-1-1 NMSA 1978] shall have the right to be represented by counsel or by a licensed member of his own profession or occupation, or both; to present all relevant evidence by means of witnesses and books, papers, documents and other evidence; to examine all opposing witnesses who appear on any matter relevant to the issues; and to have subpoenas and subpoenas duces tecum issued as of right prior to the commencement of the hearing to compel discovery and the attendance of witnesses and the

production of relevant books, papers, documents and other evidence upon making written request therefore to the board or hearing officer. The issuance of such subpoenas after the commencement of the hearing rests in the discretion of the board or the hearing officer. All notices issued pursuant to §61-1-4 NMSA 1978 shall contain a statement of these rights.

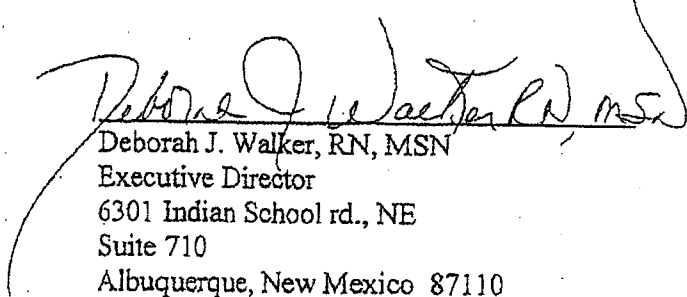
B. Upon written request to another party, any party is entitled to:

- (1) obtain the names and addresses of witnesses who will or may be called by the other party to testify at the hearing; and
- (2) inspect and copy any documents or items which the other party will or may introduce in evidence at the hearing.

The party to whom such a request is made shall comply with it within ten days after the mailing or delivery of the request. No request shall be made less than fifteen days before the hearing.

C. Any party may take depositions after service of notice in accordance with the Rules of Civil Procedure for the District Courts. Depositions may be used as in proceedings governed by those rules.

Date: April 21, 2010

  
Deborah J. Walker, RN, MSN  
Executive Director  
6301 Indian School rd., NE  
Suite 710  
Albuquerque, New Mexico 87110

CERTIFIED MAIL: 70050960006022365715  
RETURN RECEIPT REQUESTED

(505) 841-8345

Board Of Nursing  
Diversion Program



172515

**COPY**

6301 Indian School NE Suite 710  
Albuquerque, New Mexico 87110

(PLEASE PRINT OR TYPE INFORMATION)

IN THE MATTER OF THE COMPLAINT OF

NANCY DARBRO, PhD, RN DIVERSION PROGRAM COORDINATOR, NEW MEXICO BOARD OF NURSING

Names of Complainant and Institution  
6301 INDIAN SCHOOL RD. NE, SUITE 710, ALBUQ. N.M., 841-8345

Street Address City State Zip

Telephone Numbers: Office: Home:

Wanda Hawkins AGAINST xxx-xx-5604  
Name of Nurse or Certificate Holder License or Certificate No:

P.O. Box 92098, Atlanta, GA, 30314

Street Address PO Box City State Zip Telephone

(Write a detailed statement, directly on this form, describing the facts related to the alleged violation(s) of the Nursing Practice Act and/or rules adopted by the Board. Attach copies of records, reports, letters, etc., relative to the alleged violation(s). Additional sheets may be attached if necessary. (USE TYPEWRITER IF POSSIBLE).

PLEASE HAVE THE FORM SIGNED AND DATED ON REVERSE SIDE.

Comes now the complaint in the above entitled matter alleges

Ms. Wanda Hawkins, xxx-xx-5604, submitted an RN endorsement application on 2-1-10. She marked no to felony but listed a first time offender charge in Georgia in 7-09. She was asked to submit documentation for this charge. On 2-10-10, the BON received documentation from the state of Georgia that indicated she plead guilty to a charge of financial identity fraud and was placed on ten (10) year probation, starting on 7-1-09, and charged a fine of \$1,500.00.

Wherefore complainant prays that an investigation be made as to the matter herein alleged, and if the facts warrant it, th  
action be initiated in accordance with the provisions of Section 61-3-1 through 61-3-39, NMSA, 1978 COMP. as amend

4-19-10  
DATE

Nancy Barber  
Signature of Complainant(s)  
(Please type or print name below)