

IN THE MATTER OF PERMANENT §
VOCATIONAL NURSE LICENSE §
NUMBER 232216 ISSUED TO §
TABITHA LEANNE HOPSON §

BEFORE THE TEXAS
BOARD OF NURSING
ELIGIBILITY AND
DISCIPLINARY COMMITTEE

ORDER OF THE BOARD

TO: Tabitha Leanne Hopson
133 Manry Road
Corrigan, TX 75939

During open meeting held in Austin, Texas, on December 18, 2012, the Texas Board of Nursing 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 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(s) to practice 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 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



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 R. Plummer
Executive Director of the Board

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 Vocational Nurse License Number 232216, previously issued to TABITHA LEANNE HOPSON, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

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

Entered this 18th day of December, 2012.

TEXAS BOARD OF NURSING



BY:

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

Attachment: Formal Charge filed July 30, 2012.

Re: Permanent Vocational Nurse License Number 232216
Issued to TABITHA LEANNE HOPSON
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of December, 2012, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

Tabitha Leanne Hopson
133 Manry Road
Corrigan, TX 75939



BY:

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

In the Matter of Permanent Vocational Nurse § BEFORE THE TEXAS
License Number 232216 §
Issued to TABITHA LEANNE HOPSON, §
Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TABITHA LEANNE HOPSON, is a Vocational Nurse holding License Number 232216, 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 October 30, 2011, Respondent submitted an online renewal application to the Texas Board of Nursing - Licensed Vocational Nurse in which she provided false, deceptive, and/or misleading information, in that Respondent answered "no" to the following questions:

"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?
- B. been convicted of a felony?
- C. pled 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?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgement/punishment/action?"; and

"In the past 5 years, have you been addicted or treated for the use of alcohol or any other drug?"

On or about April 14, 2010, Respondent was arrested by the Lufkin Police Department and charged with HINDERING APPREHENSION, Class A Misdemeanor. On or about April 15, 2010 Respondent received Deferred Adjudication for one (1) year with a fine and court costs in Angelina County Court at Law No. 1 (CSCD), Lufkin, Texas under Cause No. 100490. Respondent received a Court Order from County Court at Law Number 1, Lufkin, Angelina County, Texas ordering Respondent's release from the Angelina County Jail and into a Residential Treatment Facility for chemical dependency. Furthermore, on or about

December 13, 2011, Respondent was arrested by the Lufkin Police Department, Lufkin, Texas and charged with POSSESSION OF A CONTROLLED SUBSTANCE, PENALTY GROUP 1, A 3RD DEGREE FELONY, which was accepted by the Angelina County District Attorney's Office, Lufkin, Texas. The disposition and outcome are pending.

On or about December 31, 2010, Respondent was arrested by the Lufkin Police Department and charged with THEFT OF PROPERTY GREATER THAN \$50.00 AND LESS THAN \$500.00, a Class B Misdemeanor. On or about January 24, 2011 Respondent was convicted of THEFT OF PROPERTY GREATER THAN \$20.00 AND LESS THAN \$500.00, a Class B Misdemeanor, by the Angelina County Court at Law No. 1 (ANGCJ) under Cause No. 110021 and received a sentence of a fine and court costs. Respondent's conduct was deceiving and may have affected the Board's decision to renew her license.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)(3)&(10), Texas Occupations Code and 22 TEX. ADMIN. CODE §217.12(6)(H)(I)&(13).

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.

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, which can be found at the Board's website, www.bon.texas.gov.

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.

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Filed this 30th day of July, 2012.

TEXAS BOARD OF NURSING

R. Kyle Hensley

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Board Certified - Administrative Law
Texas Board of Legal Specialization
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