

IN THE MATTER OF
PERMANENT VOCATIONAL NURSE
LICENSE NUMBER 190590
ISSUED TO
MANDISI BASIL SIBANDA

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BEFORE THE TEXAS
BOARD OF NURSING

ELIGIBILITY AND
DISCIPLINARY COMMITTEE



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: Mandisi Basil Sibanda
6122 Wall St.
Arlington, TX 76018

During open meeting held in Austin, Texas, on Tuesday, February 12, 2013, 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 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 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.

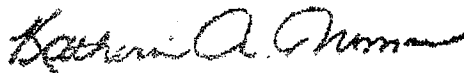
NOW, THEREFORE, IT IS ORDERED that Permanent Vocational Nurse License Number 190590, previously issued to MANDISI BASIL SIBANDA, to practice nursing in the State of Texas be, and the same is hereby, REVOKED.

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

Entered this 12th day of February, 2013.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed November 30th, 2012.

Re: Permanent Vocational Nurse License Number 190590
Issued to MANDISI BASIL SIBANDA
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of FEBRUARY, 2013 a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

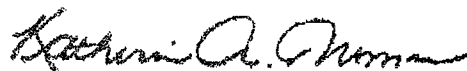
Via USPS Certified Mail, Return Receipt Requested

Mandisi Basil Sibanda
6122 Wall St.
Arlington, TX 76018

Via USPS First Class Mail

Mandisi Basil Sibanda
4611 Windcastle Dr., Apt #1023
Arlington, TX 76018

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
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.texas.gov

Katherine A. Thomas, MN, RN
Executive Director

December 4, 2012

Certified Mail No. 91 7108 2133 3938 9792 6489

Return Receipt Requested

Mandisi Basil Sibanda
6122 Wall St.
Arlington, TX 76018

Dear Mr. Sibanda:

Enclosed are Formal Charges which have been filed against you because your pending alleged violation(s) of Section 301.452(b) of the Nursing Practice Act, Texas Occupations Code, have not been resolved. Within three (3) weeks from 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. Send your written answer to the attention of Kevin G. Freemyer, Investigator, at the above address. 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.

If a written answer to the Formal Charges is not received within three (3) weeks from the date of this letter, this matter will proceed on a default basis and it will be staff's recommendation that a default order be entered revoking your license and/or nurse licensure compact privilege to practice nursing in the State of Texas.

Members of the Board

Kristin Benton, MSN, RN
Austin, *President*

Deborah Bell, CLU, ChFC Ablene	Patricia Clapp, BA Dallas	Tamara Cowen, MSN, RN Harlingen	Sheri Crosby, JD, SPHR Dallas	Marilyn Davis, BSN, RN, MPA Sugar Land	Richard Gibbs, LVN Mesquite
Kathy Leader-Horn, LVN Granbury	Mary M. LeBock, MSN, RN Weatherford	Josefina Lujan, PhD, RN El Paso	Beverly Jean Nutall, LVN Bryan	Mary Jane Salgado, MEd San Antonio	Kathleen Shipp, MSN, RN, FNP Lubbock


December 4, 2012

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The result of any disciplinary action, including any default order or formal disposition (Board Order), is public information. Dispositions, including default orders and formal dispositions, will appear in the Board's quarterly newsletter and will be reported to the National Council of State Boards of Nursing, Inc., the Healthcare Integrity and Protection Data Bank (HIPDB), and the National Practitioner Data Bank (NPDB).

Should you desire to discuss this matter, contact Kevin G. Freemyer, Investigator, at (512) 305-8314.

Sincerely,



Katherine A. Thomas, MN, RN, FAAN
Executive Director

KAT/kgf

Enclosure: Formal Charges

DA-2012.06.19

cc: 4611 Windcastle Dr, Apt #1023
Arlington, TX 76018

In the Matter of § BEFORE THE TEXAS
Permanent Vocational Nurse §
License Number 190590 §
Issued to MANDISI BASIL SIBANDA, §
Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, MANDISI BASIL SIBANDA, is a Vocational Nurse holding License Number 190590, 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 November 4, 2010, and while employed as a Licensed Vocational Nurse with Atrium Medical Center, Corinth, Texas, Respondent violated his immigration status with the United States Department of Homeland Security and was subsequently taken into custody. Respondent engaged in unprofessional and criminal conduct.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

CHARGE II.

On or about November 22, 2010, Respondent entered a plea of Guilty and was subsequently Convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on February 20, 2010), filed in the County Criminal Court No. 7 of Tarrant County, Fort Worth, Texas, under Cause No. 1193628001. As a result of the conviction, Respondent was sentenced to confinement in the Tarrant County Jail for a period of ninety (90) days, with the imposition of the sentence to confinement suspended, and Respondent was placed on probation for a period of twenty-four (24) 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)(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, and including, 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. 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 (\$1,200.00).

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, 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.

Filed this 30th day of November, 2012.

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

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State Bar No. 24079751

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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

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F: (512) 305-8101 or (512)305-7401