

IN THE MATTER OF PERMANENT §
REGISTERED NURSE LICENSE §
NUMBER 576823 ISSUED TO §
LENETTE MARIE MAHAN §

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 A. Plummer
Executive Director of the Board

ORDER OF THE BOARD

TO: Lenette Marie Mahan
2007 Summer Chase Drive
Hoover, AL 35244

During open meeting held in Austin, Texas, on **November 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(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

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 Registered Nurse License Number 576823, previously issued to LENETTE MARIE MAHAN, 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 12th day of November, 2013.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed August 5, 2013.

Re: Permanent Registered Nurse License Number 576823
Issued to LENETTE MARIE MAHAN
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14 day of November, 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

Lenette Marie Mahan
2007 Summer Chase Drive
Hoover , AL 35244

Via USPS First Class Mail

Lenette Marie Mahan
925 South 1st Street
Norfolk, NE 68701

BY:



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

In the Matter of Permanent
Registered Nurse License
Number 576823 Issued to
LENETTE MARIE MAHAN,
Respondent

§
§
§
§
§

BEFORE THE TEXAS

BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, LUNETTE MARIE MAHAN, is a Registered Nurse holding License Number 576823, 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 16, 2012, Respondent was issued a Board Order by the Alabama Board of Nursing wherein Respondent's license to practice professional nursing in the State of Alabama was Revoked for actions taken by the California Board of Nursing. A copy of the Board Order issued by the Alabama Board of Nursing, dated November 16, 2012, is attached and incorporated by reference as part of this pleading.

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

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Board Order issued by the Alabama Board of Nursing, dated November 16, 2012.

Filed this 5th day of August, 2013.

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

John R. Griffith, Assistant General Counsel
State Bar No. 24079751

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) 305-6811
F: (512) 305-8101 or (512)305-7401

Attachments: Board Order issued by the Alabama Board of Nursing, dated November 16, 2012.

D/2012.06.19



ALABAMA BOARD OF NURSING

RSA Plaza, Ste 250
770 Washington Ave
Montgomery, AL 36104

Mailing Address:
P.O. Box 303900
Montgomery, AL 36130-3900

(334) 293-5200
1-800-656-5318
Fax (334) 293-5201

N. Genell Lee, MSN, RN, JD
Executive Officer
www.abn.alabama.gov

December 6, 2012

Bonnie Krznarich
Texas Board of Nursing
333 Guadalupe, Suite 3-460
Austin, TX 78701

Re: Requested ABN Records for Lenette Marie Mahan

Dear Ms. Krznarich:

Enclosed please find certified copies of documents that are considered public record regarding disciplinary action against Lenette Marie Mahan, License Number: 1-064735.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pamela Jenkins', written over a horizontal line.

Pamela Jenkins
Legal Assistant

PJ

Enclosure



ALABAMA BOARD OF NURSING

RSA Plaza, Ste 250
770 Washington Ave
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N. Genell Lee, MSN, RN, JD
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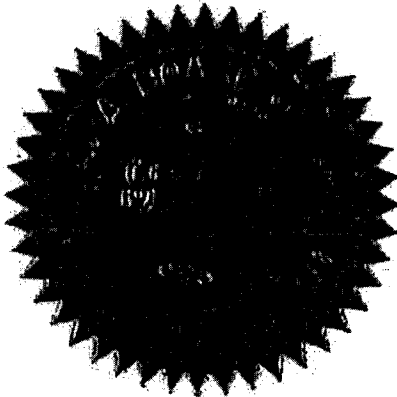
BEFORE THE ALABAMA BOARD OF NURSING

STATE OF ALABAMA)

MONTGOMERY COUNTY)

I, N. GENELL LEE, RN, MSN, JD, Executive Officer of the Alabama Board of Nursing, do hereby certify that I am the legal Custodian of Records for the Alabama Board of Nursing and that the attached document in reference to **LENETTE MARIE MAHAN** as it appears of record and on file in my office at Suite 250, RSA Plaza, 770 Washington Avenue in the City of Montgomery, County of Montgomery, State of Alabama, that the laws of the State require said records be kept and that the same are true and correct copies of said originals.

WITNESS my hand and seal of the Alabama Board of Nursing on this 6th day of December 2012.



ALABAMA BOARD OF NURSING

N. GENELL LEE, RN, MSN, JD
EXECUTIVE OFFICER

ALABAMA BOARD OF NURSING
MONTGOMERY, ALABAMA

IN THE MATTER OF:

N. GENELL LEE, R.N., M.S.N., J.D.
Executive Officer,
Alabama Board of Nursing,

Complainant,

v.

LENETTE MARIE MAHAN,
LICENSE NO. 1-064735 (Lapsed)

ABN CASE NO. 2010-0426

Respondent.

BOARD ORDER

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
ORDER OF THE BOARD

THIS CAUSE having come before the Alabama Board of Nursing ("Board") against the above-named Respondent and the evidence having been considered on November 16, 2012, the Board issues the following Order:

FINDINGS OF FACT

1. Wyatt Gantt, Special Investigator with the Board, testified at the hearing.
2. On November 15, 1991, Respondent was licensed by the Board as an Registered Nurse ("RN") by endorsement from the State of Nebraska and was so licensed at all times relevant to the matters stated herein. On January 1, 1993, Respondent's Alabama RN license lapsed due to non-renewal and is currently lapsed.
3. On or about August 31, 1992, Respondent was issued a license by the California Board of Nursing ("California Board"). On January 2, 2010, Respondent's license was revoked. Said revocation resulted from Respondent's history of alcohol-related criminal convictions and her use of marijuana. On April 7, 2009, Respondent was convicted of Driving Under the Influence ("DUI") of alcohol, with two prior violations on April 28, 2006, and January 12, 1998.

Imposition of sentencing was suspended, and Respondent was placed on five years' informal probation. The Court sentenced Respondent to serve 160 days in county jail and ordered her to attend a four week intensive outpatient program at Azure Acres Recovery Center, attend an eighteen month SB thirty-eight program, and pay \$2,421.00 in restitution fines and fees. Respondent's probation is scheduled to end in April 2014. Respondent had also tested positive for marijuana on a Board-requested drug screen.

**SPECIFIC FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING
COUNT ONE**

4. Respondent's conduct as described in Paragraph 3 above demonstrates that:

(a) Respondent has been convicted of charged criminal offenses involving other conduct detrimental to the public's health, safety or welfare, in violation of Code of Alabama, (1975) § 34-21-25(b)(1)(c) and Alabama Board of Nursing Administrative Code, § 610-X-8-.03(3) (as effective through June 24, 2010);

(b) Respondent is unfit or incompetent to practice as a Registered and/or Licensed Practical Nurse due to the use of alcohol to such an extent that she is unsafe or unreliable, in violation of Code of Alabama, (1975) § 34-21-25(b)(1)(g) and Alabama Board of Nursing Administrative Code, § 610-X-8-.03(6)(v) (as effective through June 24, 2010).

(c) Respondent is unable to practice nursing with reasonable skill and safety to patients by reason of inebriation or excessive use of alcohol, in violation of Code of Alabama, (1975) § 34-21-25(b)(1)(e);

(d) Respondent has had a license revoked in another state for conduct which would constitute grounds for discipline in Alabama, in violation of Code of Alabama, (1975) § 34-21-25(b)(1)(g) and Alabama Board of Nursing Administrative Code, § 610-X-8-.03(6)(z) (as effective through June 24, 2010).

**SPECIFIC FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING
COUNT TWO**

5 The conduct as described above constitutes sufficient grounds for the imposition of sanctions against Respondent's license to practice as a licensed nurse in the State of Alabama, pursuant to Code of Alabama, (1975) § 34-21-25 and Alabama Board of Nursing Administrative Code, § 610-X-8-.03.

ADDITIONAL CONCLUSIONS OF LAW

6. That the Board has jurisdiction of the cause pursuant to Code of Alabama, (1975) § 34-21-25.

7. There were no objections related to notice, specificity or other jurisdictional or constitutional defects. Service was attempted by Certified Mail at Respondent's last address of record on July 5, 2012, and a second address on July 7, 2012. Respondent failed to attend the hearing.

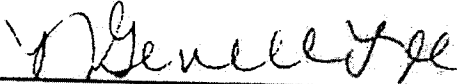
8. Respondent's conduct constitutes grounds for disciplinary action for violation of Code of Alabama, (1975) §§ 34-21-25; 34-21-25(b)(1)(c); 34-21-25(b)(1)(e); 34-21-25(b)(1)(g) and Alabama Board of Nursing Administrative Code, §§ 610-X-8-.03; 610-X-8-.03(3); 610-X-8-.03(6)(v) and 610-X-8-.03(6)(z).

ORDER

THEREFORE, IT IS ORDERED and ADJUDGED that Respondent's Alabama RN License Number 1-064735, is hereby **REVOKED**.

DONE and ORDERED on this the 16th day of November, 2012.

ALABAMA BOARD OF NURSING



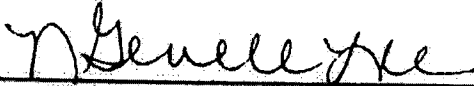
N. GENELL LEE, RN, MSN, JD
EXECUTIVE OFFICER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 19th day of November, 2012, a true and correct copy of the foregoing Board Order was served by forwarding the same by United States certified mail, postage prepaid, and addressed as follows:

LENETTE MARIE MAHAN
925 SOUTH 1ST STREET
NORFOLK NE 68701

ALABAMA BOARD OF NURSING



N. GENELL LEE, RN, MSN, JD
EXECUTIVE OFFICER

ADDRESS OF COUNSEL:

Alice Maples Henley
General Counsel
Alabama Board of Nursing
Post Office Box 303900
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334-293-5220 (Telephone)
334-293-5201 (Facsimile)