



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.
Katherine A. Thomas
Executive Director of the Board

In the Matter of Registered Nurse § BEFORE THE TEXAS
 §
License Number 615709, § BOARD OF NURSING
 §
Issued to GINA MARIE HARVEY § ELIGIBILITY & DISCIPLINARY
 § COMMITTEE

NUNC PRO TUNC ORDER OF THE BOARD

TO: Gina Marie Harvey
 2031 Indian Hills Dr.
 Spring Branch, TX 78070

On June 11, 2013, an Order for Gina Marie Harvey was entered by the Eligibility & Disciplinary Committee of the Texas Board of Nursing (Committee). However, the Order contained a typographical error, in that it omitted the date of the public meeting from page 1 of the Order. Upon notice and hearing, administrative agencies, like the Courts, have the power to enter nunc pro tunc orders where it can be seen by reference to a record that what was intended to be entered, but was omitted by inadvertence or mistake, can be corrected upon satisfactory proof of its rendition provided that no intervening rights will be prejudiced. *Railroad Comm'n v. McClain*, 356 S.W.2d 330, 334 (Tex. App.--Austin 1962, no writ) (citing *Frankfort Ky. Nat. Gas Co. v. City of Frankfort*, 276 Ky. 199, 123 S.W.2d 270, 272).

The Executive Director, as agent of the Board, after review and due consideration of the record and the facts therein, invalidates the incorrect Order for Gina Marie Harvey that omits the date of the Committee's public meeting and enters the corrected version of the Order, which reflects the date of the public meeting. Ms. Harvey received due process regarding her license; therefore, her rights have not been prejudiced.

NOW, THEREFORE, IT IS ORDERED that the corrected Order is hereby approved and entered on the dates set forth below.

Order effective June 11, 2013.

Entered this 12th day of November, 2013.

TEXAS BOARD OF NURSING

BY: *Katherine A. Thomas*
KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR, ON BEHALF OF THE BOARD

IN THE MATTER OF	§	BEFORE THE TEXAS
PERMANENT REGISTERED NURSE	§	BOARD OF NURSING
LICENSE NUMBER 615709	§	
ISSUED TO	§	ELIGIBILITY AND
GINA MARIE HARVEY	§	DISCIPLINARY COMMITTEE

ORDER OF THE BOARD

TO: GINA MARIE HARVEY
2031 INDIAN HILLS DR
SPRING BRANCH, TX 78070

During open meeting held in Austin, Texas, on June 11, 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 615709, previously issued to GINA MARIE HARVEY, 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 11th day of June, 2013.

TEXAS BOARD OF NURSING



BY:

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

Attachment: Formal Charge filed April 23, 2013.

Re: Permanent Registered Nurse License Number 615709
Issued to GINA MARIE HARVEY
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of June, 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

GINA MARIE HARVEY
2031 INDIAN HILLS DR
SPRING BRANCH, TX 78070

BY:



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

In the Matter of	§	BEFORE THE TEXAS
Permanent Registered Nurse	§	
License Number 615709	§	
Issued to GINA MARIE HARVEY,	§	
Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, GINA MARIE HARVEY, is a Registered Nurse holding License Number 615709 which is in inactive 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 14, 2012 through October 25, 2012, Respondent submitted and/or attempted to submit multiple fraudulent prescriptions to Walgreens, CVS, and Walmart of San Antonio, Texas, under various names, through the use of unauthorized written prescriptions using the names and Drug Enforcement Agency (DEA) numbers assigned to Dr. Reza Mizani and Dr. Varshi Broumand. Additionally, when confronted Respondent admitted to selling and using norco and xanax.

Date	Patient Name	Prescription Number	Medication Quantity and Fillings	Listed Prescriber	Pharmacy
6/14/12	R.M.	Script #6136	Norco 10/325mg 150 tablets and Xanax 2mg 60 tablets	Varshi Broumand	Walmart
8/15/12	M.M.	Script #6185	Norco 10/325mg 150 tablets and Xanax 2mg 60 tablets	Varshi Broumand	CVS
8/24/12	D.K.	Script #8719	Xanax 2mg 60 tablets and Norco 10/325mg 150 tablets	Varshi Broumand	Walgreens
9/12/12	A.B.	Script #6189	Xanax 2mg 60 tablets and Norco 10/325 150 tablets	Varshi Broumand	CVS
9/21/12	D.M.	Script #2242	Xanax 2mg 60 tablets and Norco 10/325 150 tablets	Varshi Broumand	Walgreens
10/24/12	K.C.	Script #6187	Norco 10/325mg 150 tablets	M. Reza Mizani	CVS
10/25/12	M.G.	Script #2243	Xanax 2mg 60 tablets and Norco 10/325 150 tablets	M. Reza Mizani	Walgreens

Respondent's conduct was likely to deceive the pharmacy and possession of narcotics through use of an unauthorized written and telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

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(10)(E).

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).

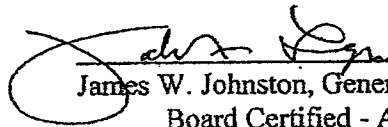
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that 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, and for Lying and Falsification, and for Fraud, Theft and Deception, 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 23rd day of April, 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

D/2012.06.19

IN THE MATTER OF
PERMANENT REGISTERED NURSE
LICENSE NUMBER 615709
ISSUED TO
GINA MARIE HARVEY

§
§
§
§
§

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.
Helen M. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: GINA MARIE HARVEY
2031 INDIAN HILLS DR
SPRING BRANCH, TX 78070

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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 11th day of June, 2013.

TEXAS BOARD OF NURSING



BY:

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

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Permanent Registered Nurse	§	
License Number 615709	§	
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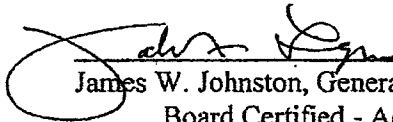
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Filed this 23rd day of April, 2013.

TEXAS BOARD OF NURSING


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D/2012.06.19