

IN THE MATTER OF PERMANENT  
REGISTERED NURSE LICENSE  
NUMBER 627912 ISSUED TO  
CYNTHIA RAE LOOMIS

§  
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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.  
*William C. Thomas*  
Executive Director of the Board

### **ORDER OF THE BOARD**

TO: Cynthia Rae Loomis  
600 Chestnut Street  
Sweetwater, TN 37874

During open meeting held in Austin, Texas, on **February 11, 2014**, 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 627912, previously issued to CYNTHIA RAE LOOMIS, 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 February, 2014.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed October 24, 2013.

Re: Permanent Registered Nurse License Number 627912  
Issued to CYNTHIA RAE LOOMIS  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 13<sup>th</sup> day of February, 2014, 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

Cynthia Rae Loomis  
600 Chestnut Street  
Sweetwater, TN 37874



BY:

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

In the Matter of Permanent  
Registered Nurse License  
Number 627912 Issued to  
CYNTHIA RAE LOOMIS,  
Respondent

§  
§  
§  
§  
§

BEFORE THE TEXAS  
  
BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CYNTHIA RAE LOOMIS, is a Registered Nurse holding License Number 627912, which is in MSR invalid 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 February 22, 2013, Respondent was issued an Order by the Tennessee Board of Nursing wherein Respondent's license to practice professional nursing in the State of Tennessee was Revoked for failure to participate in the required Tennessee Professional Assistance Program (TnPAP). A copy of the Order, issued by the Tennessee Board of Nursing, dated February 22, 2013, 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).

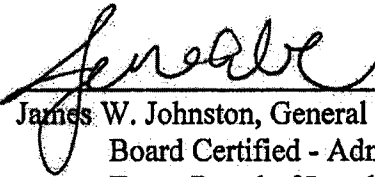
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

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](http://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: Order issued by the Tennessee Board of Nursing, dated February 22, 2013.

Filed this 24th day of October, 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

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: Order issued by the Tennessee Board of Nursing, dated February 22, 2013.

D/2012.06.19

BEFORE THE TENNESSEE BOARD OF NURSING

RECEIVED  
2013 FEB 22 PM 3:15  
SECRETARY OF STATE

In the Matter of:

CYNTHIA RAE LOOMIS  
R.N. License No. 157839

Docket No. 17.19-118502A

Respondent

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ORDER

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This matter came to be heard before the Tennessee Board of Nursing (Board) on the 20<sup>th</sup> day of February, 2013, pursuant to a Notice of Hearing and Charges filed against the Respondent. Presiding at the hearing was the Honorable Joyce Grimes Safley, Administrative Law Judge, assigned by the Secretary of State. The State was represented by Anthony K. Czerniak, Assistant General Counsel. The Respondent was not present nor represented by counsel. Counsel for the State made a motion pursuant to Tennessee Code Annotated Section (TENN. CODE ANN. §) 4-5-309 to find the Respondent in default. In support of its motion, the State introduced evidence that a pretrial teleconference was held on the morning of the hearing, between the Respondent, attorney for the State, and the administrative law judge. The State proffered to the court the details of that teleconference which included acknowledgement by the Respondent of the previous Order of Continuance and Notice of Hearing, and that the State would be proceeding in default if the Respondent was unable or unwilling to participate in the Hearing. The Respondent acknowledged the States need to proceed in default. Having considered the evidence in this matter, the Administrative Law Judge advised the Board that service on the Respondent was legally sufficient. By majority vote, the Board GRANTED the State's motion to find the Respondent in DEFAULT and to conduct the proceeding without the

participation of the Respondent. After consideration of the Notice of Hearing and Charges, testimony of witnesses, argument of counsel, and the record as a whole, the Board finds as follows:

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#### FINDINGS OF FACT

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1. Respondent has been at all times pertinent hereto licensed by the Board as a Registered Nurse in the State of Tennessee, having been granted license number 157839 on April 24, 2007 with an expiration date of June 30, 2014. Respondent's registered nurse license is active and bears a multistate privilege to practice nursing in states which have entered into the Interstate Nurse Licensure Compact.
2. At all times pertinent hereto, Respondent was employed at Sweetwater Hospital Associates in Sweetwater, Tennessee as a rehire on or about July 17, 2010 through March 11, 2011.
3. On or about March 4, 2010, Respondent was reported to TnPAP by her employer after she had a positive urinary drug screen (UDS) for Marijuana. She tested positive for the same substance on two (2) previous random drug screens at work. Employer is also concerned about Respondent's prescribed use of Tramadol.
4. On or about April 23, 2010, Evaluation recommendations: (1) Inpatient A&D treatment and (2) TnPAP Monitoring Agreement.
5. On or about June 9, 2010, Admission to residential A&D treatment.
6. On or about June 28, 2010, Respondent was discharged from A&D treatment; aftercare recommendations included entering and completing an IOP A&D treatment program.
7. On or about November 29, 2010, Respondent admitted to IOP.
8. On or about January 13, 2011, Respondent discharged from IOP.

9. On or about February 28, 2011, Respondent has not timely signed the TnPAP Monitoring Agreement provided to her on or about February 3, 2011. Accordingly, TnPAP closed file.

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### CONCLUSIONS OF LAW

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The Board, having jurisdiction over this matter, finds the facts in this Order are sufficient to establish that the Respondent has violated the following provisions of TENN. CODE ANN. § 63-7-101, *et seq.* and the Official Compilation Rules and Regulations of the State of Tennessee for the Board of Nursing (TENN. COMP. R. & REGS.) 1000-01-.01, *et seq.*:

10. Respondent's acts and conduct described in paragraphs three (3) through nine (9) constitute grounds for which the Board may discipline a Respondent's license to practice nursing pursuant to TENN. CODE ANN. § 63-7-115(a)(1)(C)(D)(F)

- (C) Is unfit or incompetent by reason of negligence, habits or other cause;
- (D) Is addicted to alcohol or drugs to the degree of interfering with nursing duties;
- (F) Is guilty of unprofessional conduct.

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### REASONS FOR THE DECISION

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It is the policy of this board to enforce its statutes and rules. The Respondent has been found guilty of unprofessional conduct, is unfit or incompetent by reason of negligence, habits or other cause, and is addicted to alcohol or drugs to the degree of interfering with nursing duties.

The discipline imposed on the license is appropriate to protect the health, safety and welfare of the public.

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### ORDER



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**THEREFORE, it is ORDERED as follows:**

11. Respondent's license to practice as a registered nurse in Tennessee and the multistate privilege to practice in any other party state, pursuant to the authority vested in the Board under TENN. CODE ANN. §§ 63-7-115 and 116, shall be and is hereby **REVOKED**.
12. Respondent is hereby assessed one Type A Civil Penalty in the amount of five hundred dollars (\$500.00), for a total of five hundred dollars (\$500.00), in accordance with TENN. COMP. R. & REGS. 1000-02-.04(6).
13. Respondent shall pay the costs of this action pursuant to TENN. CODE ANN. §§ 63-7-115(d) and 63-1-144, and TENN. COMP. R. & REGS. 1000-01-.04(11). These costs will be established by an Assessment of Costs prepared by counsel for the Department. The Assessment of Costs shall not exceed three thousand dollars (\$3,000.00) and shall be paid in full within twenty-four (24) months from the issuance of the Assessment of Costs.

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**NOTICE**

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14. This revocation is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank (HIPDB).
15. Civil penalties are hereby assessed pursuant to TENN. COMP. R. & REGS. 1000-02-.04(6) and TENN. CODE ANN. § 63-1-134(c), which states in particular:
  - (1) Civil penalties assessed pursuant to this section are final, due and payable as of the date shown on the certificate of filing below.

- (2) If the violator fails to pay an assessment when it becomes final, the department may apply to the appropriate court for a judgment and seek execution of such judgment.
16. Respondent may enter into an agreement with the Board for the payment of assessed civil penalties in installments that are due and payable beyond the date on which the assessment becomes final. To set up a payment plan, contact the Disciplinary Coordinator, Juanita Stone, by calling 615-253-2699. Tenn. Code Ann. § 63-1-134(c).
17. All costs and civil penalty payments shall be paid in *certified funds only* (certified check, cashier's check, or money order) to the State of Tennessee, which shall be mailed or delivered to: Disciplinary Coordinator, Tennessee Department of Health, Office of Investigations, 227 French Landing, Suite 201, Nashville, Tennessee 37243.
18. A notation shall be placed on the instrument designating that it is payable for the costs and/or civil penalty of Cynthia Rae Loomis, Case No. 201001124.

SO ORDERED this 22<sup>nd</sup> day of February, 2013, by the Tennessee Board of Nursing.

Jerai Bowman / sgd  
Chairperson/Acting Chairperson  
Tennessee Board of Nursing

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## RECONSIDERATION, ADMINISTRATIVE RELIEF AND JUDICIAL REVIEW

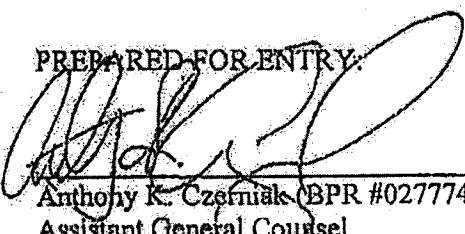
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Within fifteen (15) days after the entry of an initial or final order, a party may file a petition to the Board for reconsideration of the Final Order. If no action is taken within twenty (20) days of filing of the petition with the Board, it is deemed denied. TENN. CODE ANN. § 4-5-317.

In addition, a party may petition the Board for a stay of the Final Order within seven (7) days after the effective date of the Final Order. TENN. CODE ANN. § 4-5-316.

Finally, a party may seek judicial review by filing a petition for review in the Chancery Court of Davidson County within sixty (60) days after the effective date of the Final Order. A petition for reconsideration does not act to extend the sixty (60) day period; however, if the petition is granted, then the sixty (60) day period is tolled and a new sixty (60) day period commences from the effective date of the Final Order disposing of the petition. TENN. CODE ANN. § 4-5-322.


PREPARED FOR ENTRY:



Anthony K. Czarniak (BPR #027774)  
Assistant General Counsel  
Tennessee Department of Health  
Office of General Counsel  
220 Athens Way, Suite 210  
Nashville, Tennessee 37243  
(615) 741-1611

### CERTIFICATE OF FILING


This Order was received for filing in the Office of the Secretary of State, Administrative Procedures Division, and became effective on the 22<sup>nd</sup> day of February, 2013.

  
~~Thomas A. Givall~~, Director *MR*  
Administrative Procedures Division

### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document as entered has been served upon the Respondent, Cynthia Rae Loomis, 600 Chestnut Street, Sweetwater, Tennessee 37874, by delivering same in the United States regular mail and United States certified mail, numbers ~~228~~, return receipt requested, with sufficient postage thereon to reach its destination.

This 26 day of Feb, 2013.

  
Anthony K. Czerniak  
Assistant General Counsel