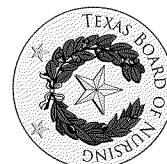


IN THE MATTER OF
PERMANENT VOCATIONAL NURSE
LICENSE NUMBER 195145
ISSUED TO
ROSA ALLENE ROGERS

§
§
§
§
§

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: ROSA ALLENE ROGERS
370 N HOSPITAL
RUSK, TX 75785

During open meeting held in Austin, Texas, on August 19, 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 Vocational Nurse License Number 195145, previously issued to ROSA ALLENE ROGERS, 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 19th day of August, 2014.

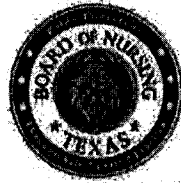
TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed June 5, 2014.



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, FAAN
Executive Director

June 10, 2014

Certified Mail No.
Return Receipt Requested

91 7199 9991 7031 0792 1147

ROSA ALLENE ROGERS
370 N HOSPITAL
RUSK, TX 75785

Dear ROSA ALLENE ROGERS:

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 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 Carolyn Schooley, RN, 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 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(s) and/or nurse licensure compact privilege(s) to practice nursing in the State of Texas.

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

Members of the Board

Kathleen Shipp, MSN, RN, FNP
Lubbock, *President*

Nina Almsary, MSN, RN Austin	Deborah Bell, CLU, ChFC Abilene	Patrieta Clapp, BA Dallas	Tamara Cowen, MSN, RN Harlingen	Sheri Crosby, JD, SPHR Dallas	Marilyn Davis, MPA, BSN, RN Sugar Land
Shelby Ellzey, BIA Midlothian	Monica Hamby, LVN Amarillo	Kathy Leader-Horn, LVN Granbury	Mary M. LeBeck, MSN, RN Weatherford	Josefina Lujan, PhD, RN El Paso	Beverley Jean Nutall, LVN Bryan

ROSA ALLENE ROGERS

June 10, 2014

Page 2

Nursing, Inc., and the National Practitioner Data Bank (NPDB).

Should you desire to discuss this matter, contact Carolyn Schooley, RN, Investigator, at (512) 305-6861.

Sincerely,



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

KAT/079

Enclosure: Formal Charges

DA(2013:05.15)

In the Matter of § BEFORE THE TEXAS
Permanent Vocational Nurse §
License Number 195145 §
Issued to ROSA ALLENE ROGERS, §
Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ROSA ALLENE ROGERS, is a Vocational Nurse holding License Number 195145, 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 September 28, 2012, through March 1, 2013, while employed in the Maximum Security Unit with Rusk State Hospital, Rusk, Texas, Respondent failed to accurately and completely document medications, blood glucose levels and follow-up assessments for Patients Medical Record Numbers 287064, 282122 and 241267. One piece of documentation was discovered under the wrong note type; an incorrect finger stick blood sugar report was also documented; and there was no documentation found regarding patients' responses to pain medication. Respondent's conduct resulted in inaccurate, incomplete medical records, and was likely to injure the patients in that subsequent care givers would rely on her documentation in order to provide further patient care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(D)&(2)(A) and 217.12(1)(A),(1)(B),(1)(C)&(4).

CHARGE II.

On or about March 5, 2013, while employed in the Maximum Security Unit with Rusk State Hospital, Rusk, Texas, Respondent failed to administer the 4:00 pm dose of Robaxin to Patient Medical Record Number 287064, as ordered by the physician. Respondent's conduct exposed the patient unnecessarily to risk of harm from a delay of treatment of his disease process.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(C)&(2)(A) and 217.12(1)(A),(1)(B)&(4).

CHARGE III.

On or about March 20, 2013, while employed in the Maximum Security Unit with Rusk State Hospital, Rusk, Texas, Respondent failed to notify her supervisor when she left the facility. Respondent's conduct was likely to injure patients in that leaving the nursing assignment could result in the patients not getting the care they needed.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B)&(1)(I) and 217.12(1)(A),(1)(B),(4)&(12).

CHARGE IV.

On or about May 29, 2013, Respondent submitted a renewal application to the Texas Board of Nursing in which she provided false, deceptive and/or misleading information in that she answered "no" to the following question:

"Have you in the past 24 months, or since your last renewal, for any criminal offense, including those pending appeal:

H. been arrested or have any pending criminal charges."

Respondent failed to disclose that on January 25, 2012, she was arrested for DRIVING WHILE INTOXICATED, a Class A Misdemeanor; POSSESSION OF DANGEROUS DRUG, a Class A Misdemeanor; and POSSESSION OF MARIJUANA < 2OZ, a Class B Misdemeanor. Furthermore, on or about November 9, 2013, Respondent was arrested for DRIVING WHILE INTOXICATED 2nd, POSSESSION OF DANGEROUS DRUG, and POSSESSION OF MARIJUANA < 2OZ. Respondent's conduct was likely to deceive the Board and could have affected the decision to issue a license.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(6)(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).

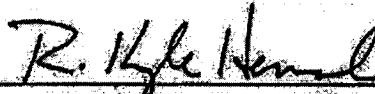
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

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, and for Lying and Falsification, and for Sexual Misconduct, 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 5th day of June, 2014.

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

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

John Vanderford, Assistant General Counsel
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6811
F: (512) 305-8101 or (512) 305-7401

D/2014.05.23

Re: Permanent Vocational Nurse License Number 195145
Issued to ROSA ALLENE ROGERS
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 22 day of August, 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

ROSA ALLENE ROGERS
370 N HOSPITAL
RUSK, TX 75785

Via USPS First Class Mail

ROSA ALLENE ROGERS
370 N HOSPITAL
RUCK, TEXAS 75785

ROSA ALLENE ROGERS
313 BEALE STREET
RUSK, TEXAS 75785

BY:



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