

IN THE MATTER OF PERMANENT
PERMANENT VOCATIONAL NURSE
LICENSE NUMBER 196428
ISSUED TO JADA RACHELL SHOUMAKER,
RESPONDENT

§
§
§
§
§

BEFORE THE TEXAS
BOARD OF NURSING

ELIGIBILITY AND
DISCIPLINARY COMMITTEE



Patricia Thomas
Executive Director of the Board

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.

ORDER OF THE BOARD

TO: JADA RACHELL SHOUMAKER
7795 FM 671
LULING, TX 78648

During open meeting held in Austin, Texas, on **Tuesday, May 12, 2015**, 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 196428, previously issued to JADA RACHELL SHOUMAKER, 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 May, 2015.

TEXAS BOARD OF NURSING

BY: 

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

Attachment: Formal Charge filed February 27, 2015.

d17r(2014.12.05)

Re: Permanent Vocational Nurse License Number 196428
Issued to JADA RACHELL SHOUMAKER
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14 day of May, 2015, 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

JADA RACHELL SHOUMAKER
7795 FM 671
LULING, TX 78648

Via USPS First Class Mail

JADA RACHELL SHOUMAKER
7795 FM 671
LULING, TX 78648

BY:



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

In the Matter of § **BEFORE THE TEXAS**
Permanent Vocational Nurse §
License Number 196428 §
Issued to JADA RACHELL SHOUMAKER, §
Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JADA RACHELL SHOUMAKER, is a Vocational Nurse holding License Number 196428, 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 July 23, 2008, Respondent was found Guilty by jury verdict of DRIVING WHILE INTOXICATED (B), committed on March 23, 2007, in the County Court at Law of Caldwell County, Texas, under Cause No. 36149. As a result of the conviction, Respondent was sentenced to confinement in the Caldwell County Jail for a period of one hundred eighty (180) days; however, imposition of confinement was suspended and Respondent was placed on probation for a period of twenty-four (24) months, and ordered to pay a fine.

On or about July 14, 2011, Respondent's probation granted under Cause No. 36149 was revoked in the County Court at Law of Caldwell County, Texas. As a result, Respondent was adjudged guilty of DRIVING WHILE INTOXICATED(B). As a result of the conviction, Respondent was sentenced to confinement in the Caldwell County Jail for a period of ninety (90) days, with credit time served for eighty-three (83) days, and ordered to pay restitution in the amount of two hundred dollars (\$200), along with 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).

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CHARGE II.

On or about September 9, 2008, Respondent entered a plea of Guilty to THEFT BY CHECK(B), committed on January 21, 2008, in the County Court at Law, Caldwell County, Texas, under Cause No. 37969. As a result of the plea, the proceedings against Respondent were deferred, without entering an adjudication of guilt, and Respondent was placed on probation for a period of twelve (12) months and ordered to pay a fine and costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

CHARGE III.

On or about October 26, 2008, Respondent submitted an Online Renewal Document to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question: "Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

- A. been convicted of a misdemeanor?
- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
- D. received deferred adjudication?
- E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

Respondent failed to disclose that:

On or about February 1, 2008, Respondent was arrested by the Austin Police Department, Austin, Texas, for DRIVING WHILE INTOXICATED, a Class B misdemeanor offense. Respondent was subsequently charged under Cause No. 08-00998-3 for DRIVING WHILE INTOXICATED. The Charge was pending at the time of renewal.

On or about July 23, 2008, Respondent was convicted of DRIVING WHILE INTOXICATED (B), committed on March 23, 2007, in the County Court at Law of Caldwell County, Texas, under Cause No. 36149. As a result of the conviction, Respondent was sentenced to confinement in the Caldwell County Jail for a period of one hundred eighty (180) days; however, imposition of confinement was suspended, and Respondent was placed on probation for a period of twenty-four (24) months.

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(6)(I).

CHARGE IV.

On or about March 11, 2010, Respondent entered a plea of Guilty to and was convicted of DRIVING WHILE INTOXICATED, a Class B misdemeanor offense, committed on February 1, 2008, in the County Court at Law Number Three, Williamson County, Texas, under Cause No. 08-00998-3. As a result of the conviction, Respondent was sentenced to confinement in the Williamson County jail for a period of one hundred eighty (180) days; however, imposition of confinement was suspended, and Respondent was placed on probation for a period of fifteen (15) months and ordered to pay a fine and court costs.

On or about May 5, 2011, Respondent's probation granted under Cause No. 08-00998-3, was revoked in the County Court at Law #3, Williamson County, Texas. As a result of the conviction, Respondent was sentenced to confinement in the Williamson County Jail for a period of eight (80) days, with credit for eighteen (18) days served, and order 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).

CHARGE V.

On or about November 17, 2011, Respondent entered a plea of Nolo Contendere to and was convicted of FTA, a misdemeanor offense, committed on August 17, 2010, in the County Court at Law No. 7, Travis County, Texas, under Cause No. C-1-CR-10-404515. As a result of the conviction, Respondent was sentenced to confinement in the Travis County jail for a period of four (4) days.

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 VI.

On or about February 14, 2013, Respondent submitted a License Renewal Form (Inactive Status) to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question: "Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

- A. been convicted of a misdemeanor?
- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
- D. received deferred adjudication?
- E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of

military judgment/punishment/action?"

Respondent failed to disclose that:

On or about July 23, 2008, Respondent was found Guilty by jury verdict of DRIVING WHILE INTOXICATED (B), committed on March 23, 2007, in the County Court at Law of Caldwell County, Texas, under Cause No. 36149. As a result of the conviction, Respondent was sentenced to confinement in the Caldwell County Jail for a period of one hundred eighty (180) days; however, imposition of confinement was suspended and Respondent was placed on probation for a period of twenty-four (24) months, and ordered to pay a fine.

On or about July 14, 2011, Respondent's probation granted under Cause No. 36149 was revoked in the County Court at Law of Caldwell County, Texas. As a result, Respondent was adjudged guilty of DRIVING WHILE INTOXICATED (B). As a result of the conviction, Respondent was sentenced to confinement in the Caldwell County Jail for a period of ninety (90) days, with credit time served for eighty-three (83) days, and ordered to pay restitution in the amount of two hundred dollars (\$200), along with a fine and court costs.

On or about November 17, 2011, Respondent entered a plea of Nolo Contendere to and was convicted of FTA, a misdemeanor offense, committed on August 17, 2010, in the County Court at Law No. 7, Travis County, Texas, under Cause No. C-1-CR-10-404515. As a result of the conviction, Respondent was sentenced to confinement in the Travis County jail for a period of four (4) days.

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(6)(I).

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.

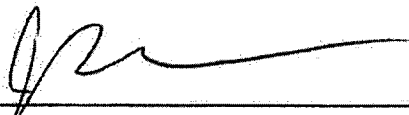
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NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, 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 27 day of February, 2015.

TEXAS BOARD OF NURSING



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