



## Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701  
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Katherine A. Thomas, MN, RN, FAAN  
Executive Director



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

June 29, 2015

Certified Mail No.

91 7199 9991 7031 6397 7911

Return Receipt Requested

NICOLE DENISE RILEY  
3038 URBAN CREST DR.  
SAN ANTONIO, TX 78209

Dear NICOLE DENISE RILEY:

Your Application for Licensure by Examination and the supporting information related to your potential ineligibility for licensure under the Nursing Practice Act and the Board's Rules and Regulations Relating to Nurse Education, Licensure and Practice was considered by the Executive Director, pursuant to the Occupations Code Chapter 53 and §§301.257, 301.452, and 301.453. You have been found to be ineligible for licensure as a nurse in the State of Texas based upon the grounds discussed below.

Our records indicate the following:

1. On or about July 22, 2013, through October 2, 2013, you obtained multiple one hundred and twenty (120) tablet refills of Hydrocodone/APAP 10-325 (Norco) from the Sonterra RX Pharmacy, San Antonio, Texas, under the patient name E.B., through the use of multiple unauthorized fraudulent prescriptions, using the name and Drug Enforcement Administration (DEA) number of Ruben L. Tenorio Jr., DO, Interim Hospice, San Antonio, Texas.
2. On or about May 19, 2014, you were arrested by the Bexar County Sheriff's Office, San Antonio, Texas, and subsequently indicted under Cause No. 2014CR3653 for OBTAIN DRUGS BY FRAUD - SCH III/IV, a 3rd Degree felony offense committed on or about October 2, 2013. The criminal case is currently pending in the 399th District Court, Bexar County, Texas.
3. On or about January 27, 2015, you submitted an Online NCLEX-RN Examination Application to the Texas Board of Nursing in which you provided false, deceptive, and/or misleading information, in that you answered "No" to the question:

"For any criminal offense, including those pending appeal, have you:

- 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?

### Members of the Board

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- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or 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?"

You failed to disclose that, on or about May 19, 2014, you were arrested by the Bexar County Sheriff's Office, San Antonio, Texas, and subsequently indicted under Cause No. 2014CR3653 for OBTAIN DRUGS BY FRAUD - SCH III/IV, a 3rd Degree felony offense committed on or about October 2, 2013. The criminal case was still pending at the time you submitted the application to the Board.

- 4. On or about June 4, 2015, through June 8, 2015, while employed as a Licensed Vocational Nurse with TLC Staffing, Victoria, Texas, and assigned to Warm Springs Rehabilitation Hospital, Kyle, Texas, you withdrew multiple narcotic medications including, Hydrocodone, Oxycodone and Tramadol from the medication dispensing system for patients, but failed to document, and/or completely and accurately document, the administration of the medications in the patients' Medication Administration Record (MAR) and/or Nurse's Notes.
- 5. On or about June 4, 2015, through June 8, 2015, while employed as a Licensed Vocational Nurse with TLC Staffing, Victoria, Texas, and assigned to Warm Springs Rehabilitation Hospital, Kyle, Texas, you withdrew multiple narcotic medications including, Hydrocodone, Oxycodone and Tramadol from the medication dispensing system for patients, but failed to follow the facility's policy and procedures for wastage of the unused portions of the medications.
- 6. On or about June 4, 2015, through June 8, 2015, while employed as a Licensed Vocational Nurse with TLC Staffing, Victoria, Texas, and assigned to Warm Springs Rehabilitation Hospital, Kyle, Texas, you misappropriated multiple narcotic medications including, Hydrocodone, Oxycodone and Tramadol belonging to the facility or patients thereof, or failed to take precautions to prevent such misappropriation.
- 7. On June 29, 2015, the Board received your notarized statement voluntarily surrendering the right to practice vocational nursing in Texas.

You are subject to denial of licensure for this conduct pursuant to the following subsections of the Occupations Code §301.452(b):

- ...(2) fraud or deceit in procuring or attempting to procure a license to practice professional nursing;
- ...(10) unprofessional or dishonorable conduct that, in the Board's opinion, is likely to deceive, defraud, or injure a patient or the public; and
- ...(13) failure to care adequately for a patient or to conform to the minimum standards of acceptable nursing practice in a manner that, in the board's opinion, exposes a patient or other person unnecessarily to risk of harm.

Further, pursuant to §301.452(c), the Board may refuse to admit a person to a licensing examination for a ground described under §301.452(b).

Further, the Board has adopted rules, located at 22 Tex. Admin. Code §213.28, that set forth the considerations and criteria for determining the effect of criminal offenses on the eligibility of a person to obtain a license. Specifically, §213.28(d) requires the Board to suspend a nurse's license, revoke a license, or deny issuing a license to an applicant upon proof of initial conviction for a crime listed in §213.28(b)(1)(A)(i) - (xxi), (b)(2)(A)(i) - (iii), and (b)(3)(A)(i). Our records indicate that your criminal history falls within the requirements of §213.28(d).

Further, the Board has adopted rules, located at 22 Tex. Admin. Code §213.28, that set forth the considerations and criteria for determining the effect of criminal offenses on the eligibility of a person to obtain a license. The Board may refuse to approve persons to take the licensure examination, may refuse to issue or renew a license or certificate of registration, or may refuse to issue a temporary permit to any individual that has been convicted of or received a deferred disposition for a felony, a misdemeanor involving moral turpitude, or engaged in conduct resulting in the revocation of probation. A review of your file indicates that you are ineligible for licensure based upon the factors set forth in §213.28.

The Board also requires petitioners to demonstrate their ability to consistently conform to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice; to possess good professional character; and to pose no threat to the health and safety of patients and the public. The Board has adopted a rule, located at 22 Tex. Admin. Code §213.27, that sets forth the factors and disciplinary and eligibility policies and guidelines that must be used in evaluating good professional character in eligibility and disciplinary matters. Based upon the factors specified in §213.27, you have failed to provide sufficient evidence of good professional character required by §213.27. Further, based upon your criminal history, the Board's Disciplinary Guidelines for Criminal Conduct require the denial of your licensure.

The Board's rules, 22 Tex. Admin. Code §213.27 - §213.33, the Board's Disciplinary Sanction Policies, including the Board's Disciplinary Guidelines for Criminal Conduct, and the Occupations Code Chapter 53, are hereby incorporated by reference herein and may be located on the Board's website at [www.bon.texas.gov](http://www.bon.texas.gov).

Due to this denial, you have the right to a public hearing before an Administrative Law Judge with the State Office of Administrative Hearings. Should you decide to appeal the decision to deny you licensure, please submit a written request for a public hearing, to the attention of Kathy Hoffman, Office of General Counsel, 333 Guadalupe, Suite 3-460, Austin, Texas, 78701. Your written request to appeal this decision must be received in our office within sixty (60) days of the date of this letter. Further, if this office receives information regarding additional criminal conduct or behavior that has not been previously disclosed to or discovered by this office, please be advised that evidence of such additional criminal conduct or behavior may be used against you during the public hearing in this matter to show that you lack the good professional character and other requirements for licensure.

Sincerely,



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

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