



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 Thomas
Executive Director of the Board

DOCKET NUMBER 507-15-2380

IN THE MATTER OF § **BEFORE THE STATE OFFICE**
PERMANENT CERTIFICATE §
NUMBER 210929, § **OF**
ISSUED TO §
COURTNEY BRIANNE TOWNS § **ADMINISTRATIVE HEARINGS**

OPINION AND ORDER OF THE BOARD

TO: COURTNEY BRIANNE TOWNS
1405 YOKELY
ROCKDALE, TX 76567

SARAH STARNES
ADMINISTRATIVE LAW JUDGE
300 WEST 15TH STREET
AUSTIN, TEXAS 78701

At the regularly scheduled public meeting on October 22-23, 2015, the Texas Board of Nursing (Board) considered the following items: (1) Order No. 1, *Dismissing Case*, issued by the ALJ in the above cited matter; (2) Staff's recommendation that the Board revoke the Respondent's vocational nursing license by default; and (3) Respondent's recommendation to the Board regarding the above cited matter, if any.

On June 23, 2015, the ALJ convened a hearing on the merits in this matter. Staff of the Board was present for the hearing. However, the Respondent was not present at the hearing, and no one appeared on her behalf. During the hearing on June 23, 2015, Staff introduced evidence into the record demonstrating that Respondent had been sent a Notice of Hearing by first class certified mail return receipt requested to her last known address of record maintained by the Board in accordance with 22 Tex. Admin. Code §213.10(a). The ALJ found that Staff's notice was adequate and issued Order No. 1, *Dismissing Case*, granting Staff's Motion for Default and dismissing the case from the docket of SOAH and remanding it to the Board for informal disposition on a default basis in accordance with the Government Code §2001.056.

The Board, after review and due consideration of the Order No. 1, issued by the ALJ in the above cited matter, finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with the Government Code §2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Occupations Code Chapter 301 (Nursing Practice Act) for retention of Respondent's license to practice vocational nursing in the State of Texas. The Board further finds that the First Amended Formal Charges were properly initiated and filed in accordance with the Occupations Code §301.458. The Board further finds that proper and timely notice regarding the violations alleged in the First Amended Formal Charges was given to Respondent in accordance with the requirements of the Government Code §2001.051 and §2001.052 and 1 Tex. Admin. Code §155.501. The Board further finds that the Respondent failed to appear in accordance with 22 Tex. Admin. Code Chapter 213 and 1 Tex. Admin. Code §155.501. As a result of the Respondent's failure to appear, the Board

has determined that the factual allegations listed in the First Amended Formal Charges are to be deemed admitted by default and the Board is authorized to enter a default order against the Respondent pursuant to the Government Code §2001.056 and 22 Tex. Admin. Code §213.22. Further, the Board has determined that it is entitled to revoke the Respondent's vocational nursing license pursuant to 22 Tex. Admin. Code §213.33(m).

Therefore, the Board hereby adopts the factual allegations, which have been deemed admitted, and the conclusions of law contained in the First Amended Formal Charges, which are attached hereto and incorporated herein by reference for all purposes, and 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 in accordance with the Government Code Chapter 2001 and 22 Tex. Admin. Code §213.23(l), as applicable. 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.

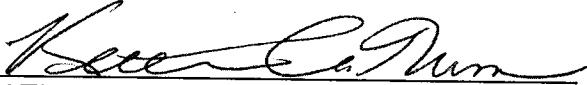
IT IS, THEREFORE, ORDERED THAT Permanent Certificate Number 210929, previously issued to COURTNEY BRIANNE TOWNS, to practice nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privileges, if any, to practice nursing in the State of Texas.

FURTHER, pursuant to the Occupations Code §301.467, RESPONDENT is not eligible to petition for reinstatement of licensure until at least one (1) year has elapsed from the date of this Order. Further, upon petitioning for reinstatement, RESPONDENT must satisfy all then existing requirements for relicensure.

Entered this 22nd day of October, 2015.

TEXAS BOARD OF NURSING


KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR FOR THE BOARD

Attachment: First Amended Formal Charges

In the Matter of	§	BEFORE THE TEXAS
Permanent Vocational Nurse	§	
License Number 210929	§	
Issued to COURTNEY BRIANNE TOWNS,	§	
Respondent	§	BOARD OF NURSING

FIRST AMENDED FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, COURTNEY BRIANNE TOWNS, is a Vocational Nurse holding License Number 210929, 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 June 14, 2011, Respondent defaulted on her Texas Guaranteed Student Loan. Respondent's conduct was unprofessional in that, her failure to repay her Texas Guaranteed Student Loan may have deprived other students of funds necessary for their educational programs.

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(7).

CHARGE II.

On or about September 1, 2012, through March 18, 2014, Respondent lacked fitness to practice nursing in that she was addicted to Hydrocodone. On March 18, 2014, Respondent was admitted for drug detoxification, and subsequently entered an intensive outpatient rehabilitation program. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing patients in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(12), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(5).

CHARGE III.

On or about December 7, 2012, through June 15, 2013, while employed as a Licensed Vocational Nurse with Little River Medical Center, Rockdale, Texas, Respondent obtained over six thousand (6,000) tablets of NORCO (Hydrocodone/Acetaminophen 10-325mg) through the use of multiple unauthorized fraudulent prescriptions, using the name and Drug Enforcement Administration (DEA) number of Franklin M. Chen, MD, Little River Medical Center, Rockdale, Texas. Respondent's

conduct was likely to deceive the pharmacy, and possession of Hydrocodone through the use of a fraudulent 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(6)(A),(6)(H),(10)(B),(10)(E)&(11)(B).

CHARGE IV.

On or about March 9, 2014, Respondent entered the home of AS, an 81 year old home health patient. While in the home, Respondent opened AS's bottle of Hydrocodone 10/325mg pills, poured fifty (50) pills into her hand, then placed the pills in her jacket pocket. Respondent left the residence with the fifty (50) pills of Hydrocodone 10/325mg without AS's knowledge or consent. Respondent later called AS and advised him that she had stolen his medication and pleaded with him not to tell anyone. Respondent then returned thirty-eight (38) of the pills to AS. AS stated he wanted all of his pills back, so Respondent later returned with twelve (12) "pain killers," which Respondent stated were the same medication made by a different manufacturer. Respondent's conduct deceived AS, and possession of Hydrocodone through the use of a fraudulent 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(6)(G),(8),(10)(E)&(11)(B).

CHARGE V.

On or about June 11, 2014, Respondent entered a plea of Nolo Contendere to POSSESSION OF CONTROLLED SUBSTANCE PG3 < 28GRAMS, a Class A misdemeanor offense committed on or about March 9, 2014, in the County Court, Milam County, Texas, under Cause No. CR32950. 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 eighteen (18) months and ordered 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 VI.

On or about September 3, 2014, Respondent entered a plea of guilty to PRESCRIPTION FRAUD, a 3rd Degree Felony offense committed on or about June 13, 2013, in the 277th Judicial District Court, Williamson County, Texas, under Case No. 13-2196-K277. 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 four (4) years and ordered to pay restitution, a fine and court costs. Additionally, the plea agreement required Respondent to SURRENDER her license to practice nursing in the State of Texas for the duration of her felony probation.

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).

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, for Lying and Falsification, for Fraud, Theft and Deception, and for Sexual Misconduct, which can be found at the Board's website, www.bon.texas.gov.

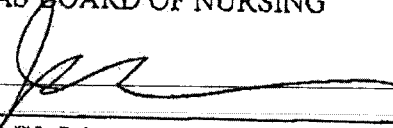
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NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

Filed this 11 day of February, 2015.

TEXAS BOARD OF NURSING


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