



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 O. Thomas
Executive Director of the Board

IN THE MATTER OF PERMANENT
VOCATIONAL NURSE
LICENSE NUMBER 138266,
ISSUED TO
REBEKAH DATZ, a/k/a,
REBEKAH HUTCHINS, a/k/a,
REBEKAH MILLER, RESPONDENT

§ BEFORE THE TEXAS
§
§ BOARD OF NURSING
§
§ ELIGIBILITY AND
§
§ DISCIPLINARY COMMITTEE

ORDER OF THE BOARD

TO: REBEKAH DATZ
500 SETTLERS RD
SAN MARCOS, TX 78666

During open meeting held in Austin, Texas, on **Tuesday, June 14, 2016**, 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 138266, previously issued to REBEKAH DATZ, 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 nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 14th day of June, 2016.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed April 1, 2016.

d17r(lvn)(2016.05.11)

Re: Permanent Vocational Nurse License Number 138266
Issued to REBEKAH DATZ
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of June, 2016, 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

REBEKAH DATZ
500 SETTLERS RD
SAN MARCOS, TX 78666

Via USPS First Class Mail

REBEKAH DATZ
500 SETTLERS RD
SAN MARCOS, TX 78666

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 138266	§	
Issued to REBEKAH DATZ, a/k/a,	§	
REBEKAH BROWN, a/k/a,	§	
REBEKAH HUTCHINS, a/k/a,	§	
REBEKAH MILLER, Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, REBEKAH DATZ, a/k/a, REBEKAH BROWN, a/k/a, REBEKAH HUTCHINS, a/k/a, REBEKAH MILLER, is a Vocational Nurse holding License Number 138266, which is in delinquent 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 18, 1997, Respondent entered a plea of Guilty to and was convicted of THEFT B REDUCED TO ISSUANCE OF BAD CHECK, a Class C misdemeanor offense, in the County Court at Law 2, Williamson County, Texas, under Cause No. 9614862. As a result of the conviction, Respondent was ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ART. 4528c, Sec 10 (eff. 09/1995-09/1999), and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(eff. 09/1995-09/1999).

CHARGE II.

On or about March 28, 2005, Respondent entered a plea of Guilty to and was convicted of THEFT, a misdemeanor offense, in the Superior Court, Orange County, North Justice Center, California, under Case No. 05NM04082. As a result of the conviction, Respondent was sentenced to confinement in the Orange County Jail for a period of forty-five (45) days.

On or about March 28, 2005, Respondent entered a plea of Guilty to and was convicted of FALSE REPRESENTATION TO PEACE OFFICER, a misdemeanor offense, in the Superior Court, Orange County, California, under Case No. 05NM04082. As a result of the conviction, Respondent was sentenced to confinement in the Orange County Jail for a period of thirty (30) days. However, imposition of confinement was suspended and Respondent was placed on probation for a period of three (3) years, and ordered to pay restitution in the amount of one hundred (\$100) dollars, along with a fine and 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 III.

On or about November 22, 2006, Respondent entered a plea of Guilty to and was convicted of PETTY THEFT WITH PRIOR(S), Felony offense, committed on October 28, 2006, in the Superior Court, Los Angeles County, California, under Case No. VA097917. As a result of the conviction, Respondent was sentenced to confinement in any state prison for a period of two (2) years; however, imposition of confinement was suspended and Respondent was placed on probation for a period of three (3) years, 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).

CHARGE IV.

On or about January 21, 2014, Respondent submitted a License Renewal form (Delinquent) 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 March 28, 2005, Respondent entered a plea of Guilty to and was convicted of THEFT, a misdemeanor offense, in the Superior Court, Orange County, North Justice Center, California, under Case No. 05NM04082. As a result of the conviction, Respondent was sentenced to confinement in the Orange County Jail for a period of forty-five (45) days.

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three (3) years, and ordered to pay restitution in the amount of one hundred (\$100) dollars, along with a fine and costs.

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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.

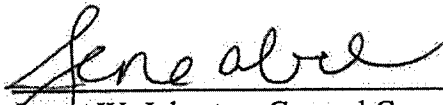
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CONTINUED ON NEXT PAGE.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on adopted Disciplinary Guidelines for Criminal Conduct; on adopted Disciplinary Sanction Policies for Substance Use Disorders and Other Alcohol and Drug Related Conduct; and related to Behavior Involving Lying and Falsification, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of 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, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

Filed this 15th day of April, 2016

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

Jessica Lance, Assistant General Counsel
State Bar No. 24091434

John F. Legris, Assistant General Counsel
State Bar No. 00785533

Jacqueline A. Strashun
State Bar No. 19358600

John Vanderford, Assistant General Counsel
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701

P: (512) 305-8657

F: (512) 305-8101 or (512)305-7401



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

April 4, 2016

Certified Mail No. 91 7199 9991 7031 6321 9325
Return Receipt Requested

Rebekah Datz
500 Settlers Rd
San Marcos, TX 78666

Dear Rebekah Datz:

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 Terry Washington, 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.

Members of the Board

Kathleen Shipp, MSN, RN, FNP
Lubbock, President

Nina Almasy, MSN, RN Austin	Deborah Bell, CLU, ChFC Abilene	Patricia Clapp, BA Dallas	Laura Disque, MN, RN Edinburg	Allison Edwards, DrPH, MS, RN Bellaire	Diana Flores, MN, RN Hciotes
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Monica Hamby, LVN Amarillo	Doris Jackson, DHA, (ABD), MSN, RN Pearland	Kathy Leader-Horn, LVN Granbury	Beverley Jean Nutall, LVN Weatherford	David Saucedo, II El Paso	Francis Stokes Port Aransas
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REBEKAH DATZ

April 4, 2016

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

Should you desire to discuss this matter, contact Terry Washington, Investigator, Enforcement Division at (512) 305-6852.

Sincerely,



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

KAT/232

Enclosure: Formal Charges

DA(2013.05.15)

cc: Rebekah Datz
500 Settlers Rd
San Marcos, TX 78666