



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.
Stephanie P. Thomas
Executive Director of the Board

IN THE MATTER OF PERMANENT
VOCATIONAL NURSE
LICENSE NUMBER 81059
ISSUED TO
CYNTHIA D BASKETT RUBIO,
RESPONDENT

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

ORDER OF THE BOARD

TO: CYNTHIA D BASKETT RUBIO
913 MILL STREET
ITASCA, TX 76055

During open meeting held in Austin, Texas, on Tuesday, September 13, 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 81059, previously issued to CYNTHIA D BASKETT RUBIO, 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 13th day of September, 2016.

TEXAS BOARD OF NURSING



BY:

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

Attachment: Formal Charge filed July 22, 2016.

d17r(lvn)(2016.05.11)

Re: Permanent Vocational Nurse License Number 81059
Issued to CYNTHIA D BASKETT RUBIO
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of September, 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
CYNTHIA D BASKETT RUBIO
913 MILL STREET
ITASCA, TX 76055



BY:

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

**In the Matter of
Permanent Vocational Nurse
License Number 81059
Issued to CYNTHIA D BASKETT RUBIO,
Respondent**

§ **BEFORE THE TEXAS**
§
§
§
§ **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CYNTHIA D BASKETT RUBIO, is a Vocational Nurse holding License Number 81059, which is in 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 17, 2015, Respondent failed to comply with the Agreed Order FINE WITH REMEDIAL EDUCATION issued on September 16, 2014, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Numbers One (1), of the Order which states, in pertinent part:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics...

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

CHARGE II.

On or about September 17, 2015, Respondent failed to comply with the Agreed Order FINE WITH REMEDIAL EDUCATION issued on September 16, 2014, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Numbers Two (2), of the Order which states, in pertinent part:

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hours online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

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. 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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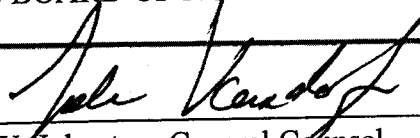
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NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order dated September 16, 2014.

Filed this 22 day of July, 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
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333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701

P: (512) 305-8657

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

Attachments: Order of the Board dated September 16, 2014.

D(2015.11.18)



Executive Director of the Board
Katherine A. Thomas
accurate, and true copy of the document which
is on file or is record in the offices of the
Texas Board of Nursing.

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of
Vocational Nurse License Number 81059
issued to CYNTHIA D. BASKETT RUBIO

§ AGREED
§
§ ORDER
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of CYNTHIA D. BASKETT RUBIO, Vocational Nurse License Number 81059, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to TEX. REV. CIV. STAT. ART. 4528c, sec 10 (a)(9)(eff. 9/1/1995) and Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on June 9, 2014.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Diploma in Vocational Nursing from Hill Junior College, Hillsboro, Texas, on February 23, 1979. Respondent was licensed to practice vocational nursing in the State of Texas on May 9, 1979.
5. Respondent's nursing employment history is unknown.

6. On or about November 28, 1994, Respondent was arrested by the Hillsboro Police Department, Hillsboro, Texas, for DRIVING WHILE INTOXICATED, a Class B misdemeanor offense. On or about March 29, 1995, Respondent entered a plea of Guilty to and was convicted of DRIVING WHILE INTOXICATED, a Class B misdemeanor offense, in the County Court at Law, Hills County, Texas, under Cause No. M8308. As a result of the conviction, Respondent was sentenced to confinement in the Hills County Jail for a period of six (6) months; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of twenty-four (24) months.

7. On or about May 22, 1996, Respondent was arrested by the Hill County Sheriff's Office, Hillsboro, Texas, for DRIVING WHILE INTOXICATED 2ND, a Class A misdemeanor offense. On or about January 7, 1998, Respondent entered a plea of Guilty to and was convicted of DRIVING WHILE INTOXICATED 2ND, a Class A misdemeanor offense, in the County Court at Law, Hills County, Texas, under Cause No. M-9811. As a result of the conviction, Respondent was sentenced to confinement in the Hills County Jail for a period of twelve (12) months; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of twenty-four (24) months and ordered to pay a fine and court costs.

8. On or about October 13, 2008, Respondent submitted an Online Renewal Document Licensed Vocational Nurse - Late Renewal 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 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 November 2, 2006, Respondent was arrested by the Cleburne Police Department, Cleburne, Texas, for DRIVING WHILE LICENSE INVALID, a misdemeanor offense. On or about May 2, 2007, Respondent entered a plea of Guilty and was convicted of DRIVING WHILE LICENSE INVALID, a misdemeanor

offense, in the County Court at Law No. 1, Cleburne, Texas, under Cause No. M200603743. As a result of the conviction, Respondent was sentenced to confinement in the Hills County Jail for a period of six (6) months; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of six (6) months and ordered to pay a fine and court costs.

9. In response to findings of fact Numbers Six (6) through Eight (8), Respondent states although her life has not been entirely untroubled, she was not attempting to be dishonest. She did not in any way intend to deceive, merely misplaced in her mind these events which occurred many months prior to her application. During 2008, she suffered a number of personal losses which contributed to her omission of events in 2006 and 2007. The format of an online application further distracted her concentration. As you are no doubt aware the crimes of theft by worthless check as well as driving while license suspended due to failure to maintain automobile insurance arises from poverty more often than from a character motivated by greed or indifference to the well being of others.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of and 22 TEX. ADMIN. CODE §239.11(29)(A)(eff. 11/1/1996), and 22 TEX. ADMIN. CODE §217.12(6)(I)&(13).
4. The evidence received is sufficient cause pursuant to TEX. REV. CIV. STAT. ART. 4528c, sec10 (a)(9)(eff. 9/1/1995), and Section 301.452(b)(2)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 81059, heretofore issued to CYNTHIA D. BASKETT RUBIO, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of a REMEDIAL EDUCATION AND A FINE, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1

et seq. and this Order.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course

Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/compliance>.*

(2) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/compliance>.*

(3) RESPONDENT SHALL pay a monetary fine monitoring fee in the amount of two hundred fifty (\$250) dollars. RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

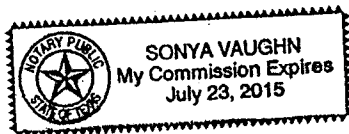
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 2 day of September 2014.

Cynthia D. Baskeitt Rubio
CYNTHIA D. BASKEITT RUBIO, Respondent

Sworn to and subscribed before me this 2 day of September 2014.

SEAL



Sonya Vaughn
Notary Public in and for the State of Texas

Approved as to form and substance.

Burt E. Powell
Burt E. Powell, Attorney for Respondent

Signed this 2 day of September, 2014.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 2nd day of September, 2014, by CYNTHIA D BASKETT RUBIO, Vocational Nurse License Number 81059, and said Order is final.

Effective this 16th day of September, 2014.



Katherine A. Thomas, MN, RN, FAAN
Executive Director on behalf
of said Board