



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

## BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

|   |   |        |
|---|---|--------|
| In the Matter of Advanced Practice Registered | § | AGREED |
| Nurse License Number AP124124 with            | § |        |
| Prescription Authorization Number 14799       | § |        |
| & Registered Nurse License Number 628625      | § |        |
| issued to KENDRA L. MCNELLYE-MATTOX           | § | ORDER  |

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of KENDRA L. MCNELLYE-MATTOX, Advanced Practice Registered Nurse License Number AP124124 with Prescription Authorization Number 14799 and Registered Nurse License Number 628625, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(2),(8)&(10), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on June 9, 2016.

### 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 notice and hearing and agreed to the entry of this Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status. Respondent's license to practice as an advanced practice registered nurse in the State of Texas is in current status.
4. Respondent received Associate Degree in Nursing from Indiana State University, Terre Haute, Indiana, on May 1, 1992, and received a Master's Degree in Nursing from University of Southern Indiana, Evansville, Indiana, on June 11, 2004. Respondent was licensed to practice professional nursing in the State of Indiana on September 14, 1992; was licensed to

practice professional nursing in the State of Texas on June 10, 1996; and was licensed to practice advanced practice registered nursing in the role of Family Nurse Practitioner in the State of Texas on July 26, 2013. Respondent was granted prescription authorization in the State of Texas on September 20, 2013.

5. Respondent's nursing employment history includes:

9/02-10/13

Unknown

11/13 - Present

APN

Centro San Vicente  
El Paso, Texas

6. On or about June 2, 2014, Respondent's nursing license was placed on INDEFINITE PROBATION by the Indiana State Board of Nursing, Indianapolis, Indiana. A copy of the Indiana State Board of Nursing's Final Order dated June 2, 2014, is attached and incorporated, by reference, as part of this Order.
7. On or about June 12, 2014, Respondent submitted an online renewal application to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "no" to the following question:
- "Has any licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a nursing license, certificate or multi-state privilege held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"
- Respondent failed to disclose that on or about June 2, 2014, her nursing license was placed on INDEFINITE PROBATION by the Indiana State Board of Nursing, Indianapolis, Indiana. Respondent's conduct was likely to deceive the Board and could have affected the decision to issue a license.
8. On or about August 11, 2014, Respondent's nursing license was placed on INDEFINITE PROBATION by the State of New Mexico Board of Nursing, Albuquerque, New Mexico. A copy of the New Mexico Board of Nursing's Pre-NCA Settlement Agreement dated August 11, 2014, is attached and incorporated, by reference, as part of this Order.
9. On or about August 14, 2015, Respondent's California registered nurse license was Revoked through a Default Decision and Order issued by the California Board of Registered Nursing, Sacramento, California. A copy of the California Board of Registered Nursing's Default Decision and Order effective August 14, 2015, is attached and incorporated, by reference, as part of this Order.
10. Regarding the conduct outlined in Finding of Fact Number Six (6), Respondent states that

her employer changed its policy regarding controlled substances, and the owners started filling prescriptions without her knowledge or approval. She admits there was potential harm to the public for having blank prescriptions being left at the office. Respondent denies the conduct outlined in Finding of Fact Number Seven (7) and states that she was waiting for documents from the State of Indiana to forward to the Texas Board. Regarding the conduct outlined in Finding of Fact Number Nine (9), Respondent states that the California Order was not due to conscious indifference as she did not learn of it until she received a letter from the Texas Board.

11. Formal Charges were filed on July 17, 2014.
12. Formal Charges were mailed to Respondent on July 21, 2014.

### 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 22 TEX. ADMIN. CODE §217.12(6)(I).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2),(8)&(10), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP124124 with Prescription Authorization Number 14799 and Registered Nurse License Number 628625, heretofore issued to KENDRA L. MCNELLYE-MATTOX, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

### TERMS OF ORDER

#### **I. SANCTION AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Advanced Practice Registered Nurse License Number AP124124 with Prescription Authorization Number 14799 and Registered Nurse License Number 628625 previously

issued to KENDRA L. MCNELLYE-MATTOX, to practice nursing in Texas are hereby **SUSPENDED** with the suspension **STAYED** and Respondent is hereby placed on **PROBATION**, in accordance with the terms of this Order, for a minimum of three (3) years **AND** until Respondent fulfills the requirements of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

## **II. COMPLIANCE WITH LAW**

While under the terms of this Order, RESPONDENT agrees to 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.

## **III. REMEDIAL EDUCATION COURSE(S)**

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education courses **within one (1) year of the effective date of this Order, unless otherwise specifically indicated:**

- A. **A course in Texas nursing jurisprudence and ethics** that 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. Home study courses and video programs will not be approved.

- B. 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/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at [www.bon.texas.gov/compliance](http://www.bon.texas.gov/compliance).*

#### **IV. EMPLOYMENT REQUIREMENTS**

In order to complete the terms of this Order, RESPONDENT must work as an advanced practice registered nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for twelve (12) quarterly periods [three (3) years] of employment. This requirement will not be satisfied until twelve (12) quarterly periods of employment as an advanced practice registered nurse have elapsed. Any quarterly period without continuous employment as an advanced practice registered nurse with the same employer for all three (3) months will not count towards completion of this requirement. Periods of unemployment or of employment that do not require the use of a advanced practice registered nurse (APRN) license will not apply to this period and will not count towards completion of this requirement. Further, Respondent may not work as a registered nurse (RN) or a vocational nurse (LVN) license, as applicable, while under the terms of this Order.

- A. Notifying Present and Future Employers, Practice Sites and Credentialing Agencies:** RESPONDENT SHALL notify each present employer, practice site and/or credentialing agency in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to

each present employer, practice site and/or credentialing agency in nursing within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers, practice sites and/or credentialing agencies in nursing and present a complete copy of this Order, including all attachments, if any, to each future employer, practice site and/or credentialing agency in nursing prior to accepting an offer of employment and/or assignment.

- B. Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer, practice site and/or credentialing agency in nursing to submit the Board's "Notification of Employment" form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer, practice site and/or credentialing agency in nursing to submit the Board's "Notification of Employment" form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.
- C. Monitored Practice:** RESPONDENT'S advanced practice registered nursing must be monitored by a Physician or an Advanced Practice Registered Nurse in the same advanced role and population focus area as Respondent who has been approved by the Board. RESPONDENT MUST, within ten (10) days of entry of this Order or within (10) days of employment as an advanced practice registered nurse, provide to the Board a list of three (3) Advanced Practice Registered Nurses and/or three (3) Physicians from which the Board shall select an approved monitor. For each Advanced Practice Registered Nurse and Physician, the list must include name, license number or social security number, educational background and professional employment history. Monitoring shall commence no later than thirty (30) days following the date of Respondent's receipt of the name of the approved monitor selected by the Board. The monitor will offer guidance, advice and assistance to the RESPONDENT as necessary to ensure that deficiencies such as those set forth in this Order do not reoccur. RESPONDENT SHALL meet with the monitor at least twice a month, at least one (1) hour duration each. Meetings may be longer and more frequent if the monitor determines necessary. Multiple employers are prohibited.
- D. Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each supervising/monitoring Advanced Practice Registered Nurse or Physician to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the Advanced Practice Registered Nurse or Physician who supervises/monitors the RESPONDENT and these reports shall be submitted by the supervising/monitoring Advanced Practice Registered Nurse or

Physician to the office of the Board at the end of each three (3) month quarterly period for twelve (12) quarters [three (3) years] of employment as a nurse.

**V. FURTHER COMPLAINTS**

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

**VI. RESTORATION OF UNENCUMBERED LICENSE(S)**

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.

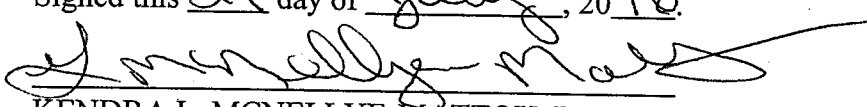
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### RESPONDENT'S CERTIFICATION

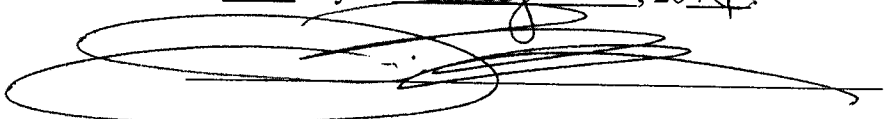
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 21 day of July, 2016.

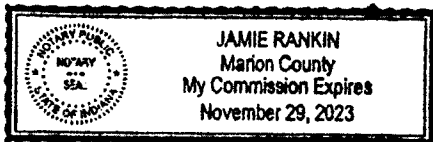
  
KENDRA L. MCNELLYE-MATTOX, Respondent

Sworn to and subscribed before me this 21 day of July, 2016

SEAL



Notary Public in and for the State of INDIANA





WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 21st day of July, 2016, by KENDRA L. MCNELLYE-MATTOX, Advanced Practice Registered Nurse License Number AP124124 with Prescription Authorization Number 14799 and Registered Nurse License Number 628625, and said Order is final.

Effective this 13th day of September, 2016.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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

BEFORE THE INDIANA STATE  
BOARD OF NURSING  
CAUSE NO: 2014 NB 00078

IN THE MATTER OF THE LICENSE OF )  
 )  
KENDRA L. MATTOX, R.N., APN )  
 )  
LICENSE NOS: 28117410A, 71001784A )

**FILED**

JUN 02 2014

Indiana Professional  
Licensing Agency

**FINAL ORDER ACCEPTING PROPOSED FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND ORDER**

The State of Indiana ("Petitioner"), by the Office of the Attorney General, by Jessica W. Krug, Deputy Attorney General and Kendra L. Mattox, R.N. ("Respondent") signed a Proposed Settlement Agreement ("Agreement") which purports to resolve all issues involved in the action by the Petitioner and the Indiana State Board of Nursing ("Board") regarding the Respondent's license, and which Agreement has been submitted to the Board for approval.

The Board after reviewing the Agreement at the May 15, 2014 meeting, held in the Auditorium of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana 46204, now finds it has been entered into fairly and without fraud, duress, or undue influence, and is fair and equitable between the parties. The Board hereby incorporates the Agreement which is attached hereto and incorporated herein as **Exhibit A** and approves and adopts in full the Agreement as a resolution of this matter. The Board approved this Agreement by a vote of 7-0-0. Incorporated into the Agreement was the consensus of both parties to Findings of Fact, Conclusions of Law and Order.

**WHEREFORE**, the Board hereby accepts and approves the Agreement, settling all matters in this case consistent with the terms of the Agreement between the parties, and Respondent is hereby ORDERED to abide by all the terms of the Agreement.

SO ORDERED, this 2<sup>nd</sup> day of June, 2014.

INDIANA STATE BOARD OF NURSING

By:

Herbert W. Rhoad

Nicholas W. Rhoad

Executive Director

Indiana Professional Licensing Agency

for

**CERTIFICATE OF SERVICE**

I certify that a copy of the "Final Order Accepting Proposed Findings of Fact, Conclusions of Law and Order" has been duly served upon:

Kendra L. Mattox  
6976 Jericho Tree Drive  
El Paso, Texas 79934  
**Service by U.S. Mail**

Kendra L. Mattox  
4129 Tierra Bronce Dr.  
El Paso, Texas 79938  
**Service by U.S. Mail**

Jessica W. Krug  
8005 Castleway Drive  
Indianapolis, Indiana 46250  
Jessica.Krug@atg.in.gov  
**Service by Email**

6.2.14  
Date

  
Lisa Chapman

Indiana State Board of Nursing  
Indiana Government Center South  
402 West Washington St., Room W072  
Indianapolis, IN 46204  
Phone: 317-234-2043  
Fax: 317-233-4236  
Email: pla2@pla.in.gov

**Explanation of Service Methods**

**Personal Service:** by delivering a true copy of the aforesaid document(s) personally.

**Service by U.S. Mail:** by serving a true copy of the aforesaid document(s) by First Class U.S. Mail, postage prepaid.

**Service by Email:** by sending a true copy of the aforesaid document(s) to the individual's electronic mail address.

BEFORE THE INDIANA STATE  
BOARD OF NURSING  
CAUSE NUMBER: 2014 NB 00078

IN THE MATTER OF THE LICENSE OF )  
 )  
Kendra L. Mattox )  
 )  
LICENSE NO: 28117410A (RN) )  
LICENSE NO: 71001784A (APRN) )  
(EXPIRED) )

**FILED**

MAY 14 2014

Indiana Professional  
Licensing Agency

PROPOSED SETTLEMENT AGREEMENT

The State of Indiana, by Jessica W. Krug, Deputy Attorney General ("Petitioner") and Kendra L. Mattox, A.P.R.N. ("Respondent") hereby execute this Agreement to a disposition of the Complaint filed in this cause. This Agreement is subject to the review and approval of the Indiana State Board of Nursing ("Board") pursuant to Ind. Code § 25-1-9 and the Administrative Orders and Procedures Act, Ind. Code § 4-21.5-3.

STIPULATED FACTS

1. Respondent is a Licensed Registered Nurse and Advanced Practice Nurse (APN) in the State of Indiana, having been granted License Numbers 28117410A and 71001784A on September 14, 1992 and August 13, 2004, respectively, by the Board.

2. Respondent's address on file with the Board is ~~6976 Jericho Tree Drive, El Paso,~~  
~~Texas 79934.~~ 4129 Tierra Blanca Dr, El Paso, TX 79938

3. At all relevant times, Respondent was employed as an APN at American Health Preservation, a health care facility located in Indianapolis, Indiana and at a Take Care Clinic operated in an Indiana Walgreens store.

4. On or around March 2012, Respondent began employment at American Health Preservation. At that time, Respondent held a Registration number from the United States Drug

Enforcement Administration (DEA) that was registered to a principle place of business in Louisiana. Respondent failed to update her registered location to her Indiana practice address until January 7, 2013. It is a violation of DEA regulations to write prescriptions for controlled substances from a non-registered location. All of the prescriptions written by Respondent at American Health Preservation and the Indiana Take Care Clinic between March 2012 and January 7, 2013 lacked valid prescriptive authority. This totals approximately 1,041 controlled substance prescriptions.

5. While working at American Health Preservation, Respondent was scheduled to be off work and out of town for a period of time in January 2013. In preparation for her time out of the clinic, Respondent pre-signed prescription blanks for use by office staff in her absence.

6. A pre-signed prescription dated for a date when Respondent was not working in the clinic was presented to a Walgreens pharmacist who knew that Respondent was not in town and could not have written the prescription on the date indicated on the prescription. The pharmacist contacted Respondent and she then alerted law enforcement to the existence of the pre-signed prescriptions.

7. Upon her return to Indianapolis, Respondent resigned from American Health Preservation and on February 14, 2013, Respondent surrendered her DEA registration for cause due to the pre-signing of blank prescriptions for use by others in violation of federal regulations governing the dispensing of controlled substances.

8. Respondent has since moved to New Mexico and secured employment as an APN at a Federally Qualified Health Center. She is currently seeking a new DEA Registration in order to prescribe controlled substances again.

### STIPULATED CONCLUSIONS OF LAW

The parties further stipulate:

1. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(3) in that he/she has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question as evidenced by her failure to comply with DEA regulations regarding the proper maintenance of a registration at her principle place of business and/or her pre-signing of prescription blanks for use by another individual when she was not present to see patients.
2. Respondent's actions constitute a violation of Ind. Code § 25-1-9-4(a)(4)(B) in that he/she has continued to practice although the Respondent has become unfit to practice due to failure to keep abreast of current professional theory or practice as evidenced by her failure to understand proper standards of patient safety and care in the prescribing of controlled substances in that she was either unaware or indifferent to the harm that could be caused when a person receives controlled substances from non-medical personnel through a pre-signed blank prescription.

### AGREED DISPOSITION

It is now therefore agreed by Respondent and the Petitioner as follows:

1. The Board has jurisdiction over Respondent and the subject matter in this disciplinary action.
2. The parties execute this Agreement voluntarily.
3. Both parties voluntarily waive their rights to a public hearing on the Complaint.
4. Petitioner agrees that the terms of this Agreement will resolve any and all currently pending claims or allegations filed against Respondent's Indiana nursing license.

5. Respondent agrees that her Indiana nursing license shall be placed on **INDEFINITE PROBATION** for no less than five (5) years from the date of any future renewal, if she so applies, and subject to the following terms and conditions:

- A. Respondent shall keep her address and telephone number updated with the Indiana Professional Licensing Agency ("IPLA") and she shall notify IPLA of any changes within seventy-two (72) hours.
- B. Respondent shall keep her current employer's address and telephone number updated with IPLA and she shall notify IPLA of any changes within seventy-two (72) hours.
- C. While on probation, Respondent shall cause her supervisor to submit to IPLA, quarterly supervisory reports. Said reports shall include:
  - i. Respondent's current position;
  - ii. A summary of Respondent's job responsibilities;
  - iii. A summary of Respondent's overall job performance; and
  - iv. A summary of any of Respondent's employment issues, policy and procedure violations, complaints, incident reports, warnings, counseling, or write-ups.
- D. If Respondent is unemployed while on probation, Respondent shall submit quarterly self-reports to IPLA in lieu of supervisory reports. Respondent's self-reports shall include Respondent's reason for not working, Respondent's efforts to become employed, and Respondent's anticipated future employment date.
- E. Respondent shall not seek or maintain an Indiana Controlled Substance Registration for the first two (2) years of her probation.
- F. Prior to petitioning for withdrawal of probation, Respondent shall submit to the Board proof of completion of **twelve (12)** hours of continuing education in



the area of professionalism/ethics and shall educate herself about the appropriate security measures to be taken when an individual has prescriptive authority for controlled substances.

G. All documentation to be submitted to the Board, including continuing education, shall be sent to the following address:

Indiana Professional Licensing Agency  
Attn: Nursing, Group 2  
402 West Washington Street, Room W072  
Indianapolis, IN 46204

H. Prior to petitioning for withdrawal of probation, Respondent shall, pursuant to Ind. Code § 4-6-14-10(b), pay a fee of **Five Dollars (\$5.00)** to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order payable to the State of Indiana, and submitted to the following address:

Indiana Office of the Attorney General  
Attn: Kathryn Shively  
302 West Washington Street, 5<sup>th</sup> Floor  
Indianapolis, IN 46204

6. Respondent has carefully read and examined this agreement and fully understands its terms and that, subject to a final order issued by the Board, this Agreement is a final disposition of all matters and not subject to further review.

7. Respondent further understands that a violation of the Final Order, any non-compliance with the statutes or regulations regarding the practice of nursing, or any violation of the Settlement Agreement may result in the State requesting an emergency suspension of Respondent's license, an Order to Show Cause as may be issued by the Board, or a new cause of

action pursuant to Ind. Code § 25-1-9-4, any or all of which could lead to additional sanctions, up to and including a revocation of Respondent's license.

8. The parties agree to the continuing jurisdiction of the Board and that the discipline agreed to, terms of discipline, and licensure status will apply even if the Board renews Respondent's license at a later date.

Kendra L. Mattox

Kendra L. Mattox, A.P.R.N.  
Respondent

5/16/14

Date

Jessica W. Krug

Jessica W. Krug

5/14/14

Date

Deputy Attorney General

STATE OF ~~INDIANA~~ TEXAS

COUNTY OF EL PASO

SS:

Before me a Notary Public for said County and State, personally appeared Kendra L. Mattox, A.P.R.N., and being first duly sworn by me upon his/her oath, says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 16th day of May, 2014.

Jose D. Vasquez  
Signature

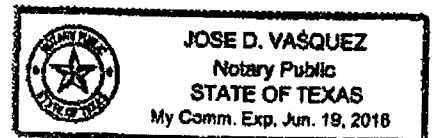
JOSE D. VASQUEZ  
Printed Name

My Commission Expires:

June 19, 2016

County of Residence:

EL PASO



**BEFORE THE BOARD OF NURSING  
FOR THE STATE OF NEW MEXICO**

IN THE MATTER OF:

Kendra Mattox

LICENCE NO: R38657/CNP-02123

**PRE-NCA SETTLEMENT AGREEMENT**

The Board of Nursing received a copy of the Indiana Board of Nursing Final Order on June 2, 2014, notifying the NM BON of action taken in Indiana. On March 6, 2014, the Indiana Board of Nursing accepted a Settlement Agreement with the following conditions: Respondent's license was placed on indefinite probation for no less than five years; maintain current personal and employer address with Indiana BON, quarterly supervisor reports to include overall job performance and any work related issues; if unemployed while on probation, shall submit quarterly self-reports providing reasons for not working and efforts to find work; shall not see or maintain an Indiana DEA license; prior to the end of probation, must submit 12 CE in professionalism and ethics

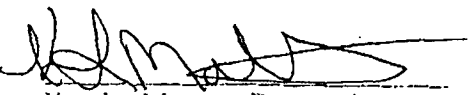
This is a proposal to resolve the matter in New Mexico with an Agreement similar to the one you entered into in Indiana.

1. Respondent shall be placed on probation in New Mexico for five years;
2. maintain current personal and employer address with the New Mexico Board of Nursing;
3. quarterly supervisor reports to include overall job performance and any work related issues;
4. if unemployed during the period of probation, shall submit quarterly self-reports providing reasons for not working;
5. shall not maintain a New Mexico DEA license during the probation;
6. within the first 90 days of signing this Agreement, licensee shall take a class in professionalism and ethics and a class in the Nurse Practice Act.

Failure to comply with the terms of this Pre-NCA Settlement Agreement shall be considered unprofessional conduct and a violation of the Board of Nursing Rules subject to issuance of a Notice of Contemplated Action (NCA) by the Board of Nursing.

Approved:

8/15/14  
Date

  
Kendra Mattox, Respondent

*Nancy Darbro PhD, APRN, CNS*

Nancy Darbro, PhD, APRN, CNS  
Executive Director

CERTIFIED MAIL NO: 7013 2630 0002 3094 0871  
RETURN RECEIPT REQUESTED

I hereby certify the  
foregoing to be a true copy  
of the documents on file in our office.

BOARD OF REGISTERED NURSING

*Louise R. Bailey M.Ed., RN*  
Louise R. Bailey, M. Ed., RN  
Interim Executive Officer



BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**KENDRA L. MCNELLYE**  
**a.k.a. KENDRA L. MATTOX**  
**4519 Rock Island Drive**  
**Antioch, CA 94509**

**Registered Nurse License No. 530202**

**RESPONDENT**

Case No. 2015-622

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about February 10, 2015, Complainant Louise R. Bailey, M.Ed., RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2015-622 against Kendra L. McNellye, a.k.a. Kendra L. Mattox (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about February 26, 1997, the Board of Registered Nursing (Board) issued Registered Nurse License No. 530202 to Respondent. The Registered Nurse License expired on July 31, 2004, and has not been renewed.

3. On or about February 10, 2015, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2015-622, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to

1 Respondent's address of record which, pursuant to Business and Professions Code section 136  
2 and/Title 16, California Code of Regulation, section 1409.1, is required to be reported and  
3 maintained with the Board, which was and is:

4 4519 Rock Island Drive  
5 Antioch, CA 94509.

6 On or about February 10, 2015, Respondent was also served by Certified and First Class  
7 Mail copies of the Accusation No. 2015-622, Statement to Respondent, Notice of Defense,  
8 Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to address  
9 retrieved from LexisNexis:

10 6976 Jericho Tree Drive  
11 El Paso, TX 79934-3379.

12 On or about February 10, 2015, Respondent was also served by Certified and First Class  
13 Mail copies of the Accusation No. 2015-622, Statement to Respondent, Notice of Defense,  
14 Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to address  
15 retrieved from LexisNexis:

16 2001 S. Sherwood Forest Blvd. Apt. 133  
17 Baton Rouge, LA 70816-8326.

18 4. Service of the Accusation was effective as a matter of law under the provisions of  
19 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
20 124.

21 5. On or about February 19, 2015, the Board of Registered Nursing received the  
22 Domestic Return Receipt for the Accusation served by Certified Mail addressed to Respondent's  
23 address of record. The Domestic Return Receipt includes the signature of a Jerell Adams  
24 acknowledging receipt of the aforementioned documents on February 13, 2015. On or about  
25 March 10, 2015 and March 11, 2015, the aforementioned documents sent through the U.S. Postal  
26 Service to Respondent's address of record were returned bearing the indicia "Return to Sender,  
27 Unable to Forward, Not Deliverable as Addressed." As of March 26, 2015, nothing was returned  
28 to the Board by the U. S. Postal Service from the service of the Accusation to 6976 Jericho Tree

1 Drive, El Paso, TX 79934-3379. USPS Tracking form confirms that on or about March 21, 2015,  
2 the Accusation served by Certified Mail was returned as "Unclaimed" because it was not claimed  
3 by the addressee. As of March 26, 2015, nothing was returned to the Board by the U. S. Postal  
4 Service from the service of the Accusation to 2001 S. Sherwood Forest Blvd. Apt. 133, Baton  
5 Rouge, LA 70816-8326. USPS Tracking form confirms that on or about February 13, 2015, the  
6 item departed the USPS facility and is currently in transit to the destination. The address on the  
7 documents was the same as the address on file with the Board. Respondent failed to maintain an  
8 updated address with the Board and the Board has made attempts to serve the Respondent at the  
9 address on file and other known addresses retrieved from LexisNexis. Respondent has not made  
10 herself available for service and therefore, has not availed herself of her right to file a notice of  
11 defense and appear at hearing.

12 6. Business and Professions Code section 2764 states:

13 The lapsing or suspension of a license by operation of law or by order or decision of  
14 the board or a court of law, or the voluntary surrender of a license by a licentiate shall not deprive  
15 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding  
16 against such license, or to render a decision suspending or revoking such license.

17 7. Government Code section 11506 states, in pertinent part:

18 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a  
19 notice of defense, and the notice shall be deemed a specific denial of all parts of the Accusation  
20 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's  
21 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

22 8. Respondent failed to file a Notice of Defense within 15 days after service of the  
23 Accusation upon her, and therefore waived her right to a hearing on the merits of Accusation No.  
24 2015-622.

25 9. California Government Code section 11520 states, in pertinent part:

26 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the  
27 agency may take action based upon the respondent's express admissions or upon other evidence  
28 and affidavits may be used as evidence without any notice to respondent.

10. Pursuant to its authority under Government Code section 11520, the Board, after having reviewed the proofs of service dated February 10, 2015, signed by Detrea James, and the returned envelopes, finds Respondent is in default. The Board will take action without further hearing and, based on Accusation No. 2015-622 and the documents contained in Default Decision Investigatory Evidence Packet in this matter which includes:

Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation Case No. 2015-622, Statement to Respondent, Notice of Defense (two blank copies), Request for Discovery and Discovery Statutes (Government Code sections 11507.5, 11507.6 and 11507.7), proofs of service, USPS tracking forms; and if applicable, mail receipt or copy of returned mail envelopes;

Exhibit 2: License History Certification for Kendra L. McNellye, a.k.a. Kendra L. Mattox, Registered Nurse License No. 530202;

**Exhibit 3: Out of State Discipline (Indiana and New Mexico Boards of Nursing);**

**Exhibit 4:** List of possible addresses from LexisNexis.

The Board finds that the charges and allegations in Accusation No. 2015-622 are separately and severally true and correct by clear and convincing evidence.

## DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Kendra L. McNellye, a.k.a. Kendra L. Mattox has subjected her following license(s) to discipline:

a. Registered Nurse License No. 530202

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's license(s)

based upon the following violations alleged in the Accusation, which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case.

a. Violation of Business and Professions Code section 2761(a)(4) - Disciplinary action by another State Board of Nursing.

11

11



ORDER

IT IS SO ORDERED that Registered Nurse License No. 530202, heretofore issued to Respondent Kendra L. McNellye, a.k.a. Kendra L. Mattox, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 14, 2015.

It is so ORDERED July 15, 2015.

Michael O'Garra, MSN, RN, BC

Board of Registered Nursing  
Department of Consumer Affairs  
State of California

Attachment:

Exhibit A: Accusation No. 2015-622

# Exhibit A

Accusation No. 2015-622

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSHUA A. ROOM  
Supervising Deputy Attorney General  
3 State Bar No. 214663  
4 455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
Telephone: (415) 703-1299  
5 Facsimile: (415) 703-5480  
Attorneys for Complainant

6  
7 BEFORE THE  
8 BOARD OF REGISTERED NURSING  
9 DEPARTMENT OF CONSUMER AFFAIRS  
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2015-622

12 KENDRA L. MCNELLYE  
a.k.a. KENDRA L. MATTOX  
13 4519 Rock Island Drive  
Antioch, CA 94509

14 ACCUSATION

15 Registered Nurse License No. 530202

Respondent.

16 Complainant alleges:

17 PARTIES

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
19 official capacity as the Executive Officer of the Board of Registered Nursing (Board), Department  
20 of Consumer Affairs.

21 2. On or about February 26, 1997, the Board issued Registered Nurse License Number  
22 530202 to Kendra L. McNellye a.k.a. Kendra L. Mattox (Respondent). The Registered Nurse  
23 License expired on July 31, 2004, and has not been renewed.

24 JURISDICTION

25 3. This Accusation is brought before the Board under the authority of the following  
26 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
27 indicated.

28 ///



FIRST CAUSE FOR DISCIPLINE  
(Unprofessional Conduct - Out of State Discipline)  
(Bus. & Prof. Section 2761, subd. (a)(4))

9. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4) for out of state discipline, as follows:

10. On or about June 2, 2014, in *In the Matter of the License of Kendra L. Mattox, R.N., APN License Nos: 28117410A, 71001784A, Final Order Accepting Proposed Findings of Fact, Conclusions of Law and Order, Cause No: 2014 NB 00078*, the Indiana State Board of Nursing (Indiana Board) made Findings of Fact, Conclusions of Law, and issued an Order approving and adopting in full the Proposed Settlement Agreement (Agreement) reviewed at its meeting of May 15, 2014. The discipline was based on the following circumstances described in the Agreement:

11. In or about March 2012, Respondent began employment at American Health Preservation. At that time, Respondent held a Registration number from the United States Drug Enforcement Administration (DEA) that was registered to a principal place of business in Louisiana. Respondent failed to update her registered location to her Indiana practice address until January 7, 2013. It is a violation of DEA regulations to write prescriptions for controlled substances from a non-registered location. All of the prescriptions written by Respondent at American Health Preservation and the Indiana Take Care Clinic between March 2012 and January 7, 2013 lacked valid prescriptive authority. This totals approximately 1,041 controlled substance prescriptions. While working at American Health Preservation, Respondent was scheduled to be off work and out of town for a period of time in January 2013. In preparation for her time out of the clinic, Respondent pre-signed prescription blanks for use by office staff in her absence. A pre-signed prescription dated for a date when Respondent was not working in the clinic was presented to a Walgreens pharmacist who knew that Respondent was not in town and could not have written the prescription on the date indicated on the prescription. The pharmacist contacted Respondent and she then alerted law enforcement to the existence of the pre-signed prescriptions.

12. On or about February 14, 2013, Respondent surrendered her DEA registration for cause due to the pre-signing of blank prescriptions for use by others in violation of federal

1 regulations governing the dispensing of controlled substances. Respondent resigned from her job  
2 at American Health Preservation upon her return to Indiana in or about February 2014.

3 13. Respondent has since moved to New Mexico and secured employment as an APN at a  
4 Federally Qualified Health Center. She is currently seeking a new DEA Registration in order to  
5 prescribe controlled substances again.

6 SECOND CAUSE FOR DISCIPLINE  
7 (Unprofessional Conduct – Out of State Discipline)  
8 (Bus. & Prof. Section 2761, subd. (a)(4))

9 14. Respondent is subject to disciplinary action under section 2761(a)(4) of the Code in  
10 that on or about August 11, 2014, in *In the Matter of Kendra Mattox, Licence No. R38657/CNP-*  
11 *02123*, the State of New Mexico Board of Nursing (New Mexico Board) made Findings of Fact,  
12 Conclusions of Law, and issued an Order placing Respondent's license on probation with terms  
13 and conditions. The New Mexico Board's discipline is based on the out of state discipline as set  
14 forth in paragraphs 9 through 13, above.

15 PRAYER

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
17 and that following the hearing, the Board of Registered Nursing issue a decision:

18 1. Revoking or suspending Registered Nurse License Number 530202, issued to Kendra  
19 L. McNellye a.k.a. Kendra L. Mattox;

20 2. Ordering Kendra L. McNellye a.k.a. Kendra L. Mattox to pay the Board of Registered  
21 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to  
22 Business and Professions Code section 125.3;

23 ///

24 ///

25 ///

26 ///

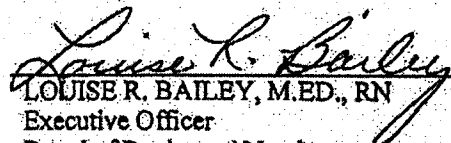
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1 3. Taking such other and further action as deemed necessary and proper.  
2  
3

4 DATED

February 10, 2015

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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