



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 P. Thomas*  
Executive Director of the Board

IN THE MATTER OF PERMANENT  
REGISTERED NURSE  
LICENSE NUMBER 611567  
ISSUED TO  
PAMELA K BURGESS,  
RESPONDENT

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

**ORDER OF THE BOARD**

TO: PAMELA K BURGESS  
1711 EDDY DR.  
ALAMOGORDO, NM 88310

During open meeting held in Austin, Texas, on March 21, 2017, 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 Registered Nurse License Number 611567, previously issued to PAMELA K BURGESS, to practice nursing in the State of Texas be, and the same is/are 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 21st day of March, 2017.

TEXAS BOARD OF NURSING



BY: \_\_\_\_\_

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

Attachment: Formal Charge filed February 2, 2017.

d17r(RN)(2016.05.11)

Re: Permanent Registered Nurse License Number 611567  
Issued to PAMELA K BURGESS  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of March, 20 17, 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

PAMELA K BURGESS  
1711 EDDY DR.  
ALAMOGORDO, NM 88310

Via USPS First Class Mail

PAMELA K BURGESS  
PO BOX 385  
RUIDOSO, NM 88346

BY: \_\_\_\_\_

*Katherine A. Thomas*

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

<b>In the Matter of</b>	§	<b>BEFORE THE TEXAS</b>
<b>Permanent Registered Nurse</b>	§	
<b>License Number 611567</b>	§	
<b>Issued to PAMELA K. BURGESS,</b>	§	
<b>Respondent</b>	§	<b>BOARD OF NURSING</b>

**FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, PAMELA K. BURGESS, is a Registered Nurse holding License Number 611567, 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 16, 2016, Respondent's New Mexico registered nurse license was Revoked by the State of New Mexico Board of Nursing, Albuquerque, New Mexico. A copy of the Notice of Contemplated Action dated April 25, 2016, and Default Order dated June 16, 2016, from the New Mexico Board of Nursing, are attached and incorporated by reference as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

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](http://www.bon.texas.gov).

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.  
CONTINUED ON NEXT PAGE.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on adopted policies related to Substance Use Disorders and Other Alcohol and Drug Related Conduct; related to Behavior Involving Lying and Falsification; and related to Behavior Involving Fraud, Theft, and Deception, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://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](http://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; Notice of Contemplated Action dated April 25, 2016, and Default Order dated June 16, 2016, from the New Mexico Board of Nursing.

Filed this 2nd day of February, 2017

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

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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

Attachments: Notice of Contemplated Action dated April 25, 2016, and Default Order dated June 16, 2016, from the New Mexico Board of Nursing.

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

IN THE MATTER OF:  
Pamela Harrington  
License No. R36416

I certify this to be a true copy of the records on file with the New Mexico Board of Nursing.

Signed: 

Respondent.

**NOTICE OF CONTEMPLATED ACTION**

1. The Respondent is licensed under the Nursing Practice Act, NMSA 1978, §61-3-1 et seq., and is subject to the jurisdiction of the New Mexico Board of Nursing ("BON").
2. The BON has sufficient evidence which, if not rebutted or explained, will justify the BON in suspending or revoking or taking other action against the Respondent's license pursuant to NMSA 1978, §61-3-28.
3. The general nature of the allegations is contained in Attachment 1 to this Notice of Contemplated Action.
4. Unless the Respondent within twenty days after service of this notice deposits in the mail a certified return receipts requested letter addressed to the BON at the address below containing a request for hearing, the BON will take the contemplated action.

**61-1-8. Rights of person entitled to hearing.**

A. A person entitled to be heard under the Uniform Licensing Act [61-1-1 NMSA 1978] shall have the right to be represented by counsel or by a licensed member of his own profession or occupation, or both; to present all relevant evidence by means of witnesses and books, papers, documents and other evidence; to examine all opposing witnesses who appear on any matter relevant to the issues; and to have subpoenas and subpoenas duces tecum issued as of right prior to the commencement of the hearing to compel discovery and the attendance of witnesses and the

production of relevant books, papers, documents and other evidence upon making written request therefore to the board or hearing officer. The issuance of such subpoenas after the commencement of the hearing rests in the discretion of the board or the hearing officer. All notices issued pursuant to §61-1-4 NMSA 1978 shall contain a statement of these rights.

B. Upon written request to another party, any party is entitled to:

(1) obtain the names and addresses of witnesses who will or may be called by the other party to testify at the hearing; and


(2) inspect and copy any documents or items which the other party will or may introduce in evidence at the hearing.

The party to whom such a request is made shall comply with it within ten days after the mailing or delivery of the request. No request shall be made less than fifteen days before the hearing.

C. Any party may take depositions after service of notice in accordance with the Rules of Civil Procedure for the District Courts. Depositions may be used as in proceedings governed by those rules.

Date:

7/25/2016

  
Demetrius Chapman, MPH, MSN(R), RN  
Executive Director

CERTIFIED MAIL: 70141200000069204156  
RETURN RECEIPT REQUESTED

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

**IN THE MATTER OF:  
Pamela Harrington  
License No.: R36416**

**Respondent.**

**DEFAULT ORDER**

**THIS MATTER** came before a quorum of the New Mexico Board of Nursing (the "Board"), at a regular meeting held on Thursday, June 16, 2016, for a decision in the above-referenced matter. With a quorum present, the Board finds the following:

**FINDINGS OF FACT**

1. On April 14, 2016, the Board issued a Notice of Contemplated Action ("NCA") against Pamela Harrington ("Respondent"), stating that the Board had sufficient evidence to justify suspending, revoking, or taking other action against Respondent's license based on alleged violations of the New Mexico Nursing Practice Act (hereafter "Act"), NMSA 1978, Sections 61-3-1 to -31, and the Board's rules and regulations.
2. The NCA stated that, unless explained or rebutted at a formal hearing, Respondent's alleged conduct justified the Board in suspending or revoking Respondent's license.
3. On April 26, 2016, the Board mailed the NCA to Respondent via certified mail, return receipt requested, to their address on file with the Board. The United States Postal Service delivered the NCA on May 04, 2016 and the certified mail return receipt was signed.



4. Respondent did not request a hearing within twenty (20) days of service of the NCA, as contemplated by Sections 61-1-4 (D) (3) and 61-1-5 of the Uniform Licensing Act ("ULA"), NMSA 1978, Sections 61-1-1 to -34.

5. Respondent failed to otherwise respond to the NCA.

#### CONCLUSIONS OF LAW

Based on the above findings of fact, the Board reaches the following conclusions of law:

1. The Board has jurisdiction over Respondent and the subject matter of this proceeding pursuant to the Act and the ULA.

2. Section 61-1-5 of the ULA provides that, where notice is served via certified mail, "it shall be deemed to have been served on the date borne by the return receipt showing delivery". Section 61-1-5.

3. In accordance with Sections 61-1-4 and 61-1-5 of the ULA, Respondent received service of the decision on May 04, 2016.

4. The Board may take the action contemplated in the NCA if Respondent does not deposit in the mail a certified, return receipt requested, letter addressed to the Board containing a request for a hearing within twenty (20) days after service of the NCA. See §§ 61-1-4 (D) (3) and (E).

5. More than twenty (20) days have passed since Respondent was served with the NCA and Respondent has failed to request a hearing. Thus, the Board is authorized to take the action contemplated in the NCA pursuant to Section 61-1-4 (E) of the ULA.

6. The Board has complied with all notice and other procedural requirements of the Act and the ULA.

7. The Board, having reviewed the allegations and evidence on record, find that there is sufficient evidence to justify the Board in taking action against Respondent as contemplated in the NCA.

8. This Order is final and not subject to judicial review. See § 61-1-4(E).

**ORDER**

Based on these findings of fact and conclusions of law, a quorum of the Board renders this Order:

**IT IS THEREFORE ORDERED** that Respondent's license is hereby REVOKED.

**IT IS FURTHER ORDERED** that this Default Order shall be served upon Respondent in accordance with Section 61-1-5 of the ULA.

**IT IS SO ORDERED.**

6/16/16  
DATE

Robin Jones  
ROBIN JONES, Ed.D., MSN, RN  
CHAIR, BOARD OF NURSING

CERTIFIED MAIL: 7013 2630 00015096 2311  
RETURN RECEIPT REQUESTED  
DATE: 6/22/16