

IN THE MATTER OF PERMANENT
REGISTERED NURSE
LICENSE NUMBER 635697
ISSUED TO
TONI LAINE TERRY,
RESPONDENT

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

ORDER OF THE BOARD

TO: TONI LAINE TERRY
2751 FM 518 E #603
LEAGUE CITY, TX 77573

During open meeting held in Austin, Texas, on **Tuesday, June 13, 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 635697, previously issued to TONIL AINE TERRY, 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 13th day of June, 2017.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed March 16, 2017.

d17r(RN)(2016.05.11)

Re: Permanent Registered Nurse License Number 635697
Issued to TONI LAINE TERRY
DEFAULT ORDER - REVOKE

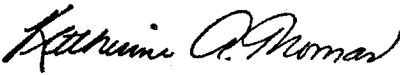
CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of June, 2017 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

TONI LAINE TERRY
2751 FM 518 E #603
LEAGUE CITY, TX 77573

BY:



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

In the Matter of
Permanent Registered Nurse
License Number 635697
Issued to TONI LAINE TERRY,
Respondent

§ BEFORE THE TEXAS
§
§
§
§ BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TONI LAINE TERRY, is a Registered Nurse holding License Number 635697, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about January 29, 2017, 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 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 judgement/punishment/action?"

Respondent failed to disclose that on or about March 6, 2015, she was indicted for POSS CS PG 1 <1G, a State Jail felony offense committed on December 26, 2014, in the 339th District Court of Harris County, Texas, under Cause No. 146026101010. This matter was pending at the time of renewal.

Respondent failed to disclose that on or about March 21, 2015, she was indicted for FRAUD/USE/POSS ID INFO- 5-9 ITEMS, a 3rd Degree felony offense committed on March 5, 2015, in the 339th District Court of Harris County, Texas, under Cause No. 146091901010. This matter was pending at the time of renewal.

Respondent failed to disclose that on or about March 21, 2015, she was indicted in the 339th District Court of Harris County, Texas, under Cause No. 146026001010, for CREDIT/DEBIT CARD ABUSE, a felony offense committed on December 26, 2014. This matter was pending at the time of renewal.

Respondent failed to disclose that on or about March 21, 2015, she was indicted in the 339th District Court of Harris County, Texas, under Cause No. 146140401010, for CREDIT/DEBIT CARD ABUSE, a felony offense committed on February 16, 2015. This matter was pending at the time of renewal.

Respondent failed to disclose that on or about August 3, 2015, her misdemeanor charge of THEFT, filed under Cause No. 194612901010 in the County Criminal Court at Law No. 4 of Harris County, Texas, on February 18, 2014, was dismissed for the reason: "Other – Judicial economy, subject to refile..."

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).

CHARGE II.

On or about February 10, 2017, Respondent entered a plea of Guilty to FRAUD/USE/POSS ID INFO- 5-9 ITEMS, a 3rd Degree felony offense committed on March 5, 2015, in the 339th District Court of Harris County, Texas, under Cause No. 146091901010. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and she was placed on community supervision for a period of four (4) years.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B)&(13).

CHARGE III.

On or about February 10, 2017, Respondent entered a plea of Guilty to POSS CS PG 1 <1G, a State Jail felony offense committed on March 5, 2015, in the 339th District Court of Harris County, Texas, under Cause No. 146026101010. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt, and she was placed on community supervision for a period of four (4) years.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B)&(13).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33 and TEX. OCC. CODE Ch. 53. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

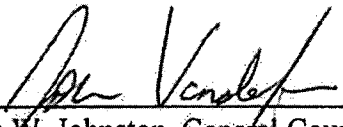
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on adopted Disciplinary Guidelines for Criminal Conduct; on adopted Disciplinary Sanction Policies Substance Use Disorders and Other Alcohol and Drug Related Conduct; related to Behavior Involving Lying and 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.

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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.

Filed this 16 day of March, 2017.

TEXAS BOARD OF NURSING


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D(2017.02.13)