



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 § REINSTATEMENT  
Vocational Nurse License Number 321162 § AGREED ORDER  
issued to MEGAN ALLICE STONE §  
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the Petition for Reinstatement, hereinafter referred to as the Petition, of Vocational Nurse License Number 321162, held by MEGAN ALLICE STONE, hereinafter referred to as Petitioner.

Petitioner waived notice and hearing and agreed to the entry of this Reinstatement Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on May 29, 2019.

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 Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Petitioner waived notice and hearing, and agreed to the entry of this Reinstatement Agreed Order.
3. Petitioner received a Certificate in Vocational Nursing from Concorde Career College, Grand Prairie, Texas, on June 4, 2014. Petitioner was licensed to practice vocational nursing in the State of Texas on August 12, 2014.
4. Petitioner's nursing employment history includes:
 

9/14 – 7/16	LVN	Care Now Dallas, Texas
7/16 – Present	Not Employed in Nursing	
5. On or about July 21, 2016, Petitioner's license(s) to practice nursing in the State of Texas was Revoked through an Order of the Board. A copy of the July 21, 2016, Order is attached and incorporated herein by reference as part of this Reinstatement Agreed Order.

6. On or about February 26, 2019, Petitioner submitted a Petition for Reinstatement of License to practice nursing in the State of Texas.
7. Petitioner presented the following in support of said petition:
  - A. Letter of support, dated April 10, 2019, from Ashley Perez, LVN, which states she worked with Petitioner at CareNow in Dallas Texas for 2 years. It was a privilege working with her. Petitioner is one of the best nurses she knows. Petitioner is a team player and a very dedicated, loving nurse.
  - B. Letter of support, from Rokesha Alcorn, Clinical Manager, CareNow, Duncanville, Texas, which states Petitioner was a nurse in her clinic for approximately 2 years. Petitioner was always the one she could count on to step up and be a great leader to the rest of the nursing staff. Petitioner was a great leader and mentor to new nurses that she had the pleasure of training. Petitioner showed great amount of trustworthiness by being held responsible to assisting the front desk with opening and closing clinic. Ms. Alcorn believes that she has learned from her mistakes and corrected her behavior and has learned a lot from what she has done.
  - C. Letter of support, from Sundal Johnson. Ms. Johnson worked with Petitioner at CareNow. Petitioner provided excellent patient care and knowledge to her patients and also co-workers. Ms. Johnson enjoyed working alongside with her. She was always dependable trustworthy with anything that was asked of her.
  - D. Documentation of the required continuing education contact hours.
8. The Executive Director considered evidence of Petitioner's past behavior in light of the factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for relicensure.
9. Relicensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.
10. The Executive Director's review of Petitioner's eligibility for relicensure has been made on the basis of Petitioner's disclosures.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. This reinstatement is made pursuant to Sections 301.453(c) and 301.467, Texas Occupations Code and 22 TEX. ADMIN. CODE §213.26.
3. The Board may relicense an individual upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, if the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the

Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

4. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

### **TERMS OF ORDER**

#### **I. REINSTATEMENT OF LICENSURE AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that the petition of MEGAN ALLICE STONE for reinstatement of license to practice nursing in the State of Texas be **GRANTED** and Vocational Nurse License Number 321162 is/are hereby **REINSTATED** in accordance with the terms of this Order.

- A. PETITIONER SHALL pay all re-registration fees, if applicable, and PETITIONER'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.
- B. This Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. As a result of this Order, PETITIONER'S license(s) will be designated "single state" and PETITIONER may not work outside the State of Texas in another nurse licensure compact party state.

#### **II. COMPLIANCE WITH LAW**

While under the terms of this Order, PETITIONER agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Reinstatement Agreed Order.

### III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, PETITIONER SHALL successfully complete the following remedial education course(s) **within one (1) year of relicensure, unless otherwise specifically indicated:**

- A. **A Board-approved 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 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), PETITIONER 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. PETITIONER 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, PETITIONER must work as a 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 eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as a nurse have elapsed. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as

appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** PETITIONER SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, PETITIONER SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** PETITIONER SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. PETITIONER SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. **Indirect Supervision:** PETITIONER SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years of experience in the same or similar practice setting to which the PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- D. **Nursing Performance Evaluations:** PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the individual who supervises the PETITIONER and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for eight (8) quarters [two (2) years] of employment as a nurse.

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

Upon full compliance with the terms of this Reinstatement Agreed Order, all encumbrances will be removed from PETITIONER'S license(s) to practice nursing in the

State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, PETITIONER may be eligible for nurse licensure compact privileges, if any.

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CONTINUED ON NEXT PAGE.

**PETITIONER'S CERTIFICATION**

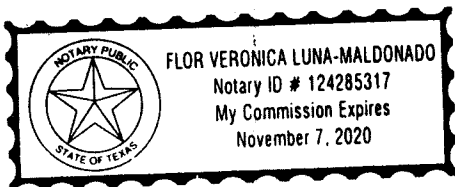
I understand this Order is conditioned upon the accuracy and completeness of my petition and disclosures. I further understand that subsequently discovered discrepancies in my petition and/or disclosures will result in investigation and possible disciplinary action, up to revocation of my license(s).

I have reviewed this Order. I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license(s) to practice nursing in the state of Texas. 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) and/or nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 6 day of July, 2019.  
Megan Stone  
MEGAN ALLICE STONE, Petitioner

Sworn to and subscribed before me this 6 day of July, 2019.

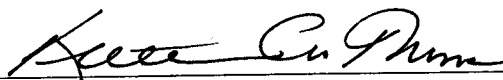
SEAL



Flora Luna Maldonado  
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 6th day of July, 2019, by MEGAN ALLICE STONE, Vocational Nurse License Number 321162, and said Reinstatement Agreed Order is final.

Effective this 13th day of August, 2019.



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





DOCKET NUMBER 507-16-1692

IN THE MATTER OF § BEFORE THE STATE OFFICE  
PERMANENT CERTIFICATE §  
NUMBER 321162 § OF  
ISSUED TO §  
MEGAN ALLICE STONE § ADMINISTRATIVE HEARINGS

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

OPINION AND ORDER OF THE BOARD

TO: MEGAN ALLICE STONE  
C/O DAREN VAN SLYKE, ATTORNEY  
108 E. CHAMBERS ST.  
CLEBURNE, TX 76031

MICHAEL J. O' MALLEY  
ADMINISTRATIVE LAW JUDGE  
300 WEST 15TH STREET  
AUSTIN, TEXAS 78701

At the regularly scheduled public meeting on July 21-22, 2016, the Texas Board of Nursing (Board) considered the following items: (1) the Proposal for Decision (PFD) regarding the above cited matter; (2) Staff's exceptions to the PFD; (3) the ALJ's final letter ruling of May 31, 2016; (4) Staff's recommendation that the Board adopt the PFD with changes; and (5) Respondent's recommendation to the Board regarding the PFD and order, if any.

The Board finds that after proper and timely notice was given, the above styled case was heard by an Administrative Law Judge (ALJ) who made and filed a PFD containing the ALJ's findings of facts and conclusions of law. The PFD was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein. Staff filed exceptions to the PFD on May 12, 2016. The Respondent did not file exceptions to the PFD or a response to Staff's exceptions to the PFD. On May 31, 2016, the ALJ issued his final letter ruling, in which he declined to make any changes to the PFD.

The Board, after review and due consideration of the PFD; Staff's exceptions to the PFD; the ALJ's final letter ruling of May 31, 2016; Staff's recommendations; and the presentation by the Respondent during the open meeting, if any, adopts all of the findings of fact and conclusions of law of the ALJ contained in the PFD as if fully set out and separately stated herein, except for proposed Finding of Fact Number 17, which is modified and adopted as set out herein. All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

Modification of PFD

The Board has authority to review and modify a PFD in accordance with the Government Code §2001.058(e). Specifically, §2001.058(e)(3) authorizes the Board to change a finding of fact or conclusion of law to correct technical errors.

Proposed Finding of Fact Number 17

Proposed Finding of Fact Number 17 contains a typographical error in the date of the hearing in this matter conducted at the State Office of Administrative Hearings.

Under the authority of §2001.058(e)(3), IT IS, THEREFORE ORDERED THAT FINDING OF FACT 17 is MODIFIED and ADOPTED as follows:

Adopted Finding of Fact Number 17

17. Administrative Law Judge Michael J. O' Malley convened the hearing on the merits on March 15, 2016, in Austin, Texas, and the record closed that day. Assistant General Counsel Jessica Lance represented Staff. Attorney Daren Van Slyke appeared and represented Respondent.

Recommendation for Sanction

The Board is not required to give presumptively binding effect to an ALJ's recommendation regarding sanctions in the same manner as with other findings of fact or conclusions of law.<sup>1</sup> Although the Board agrees with the ALJ that the Respondent's conduct constitutes a violation of the Nursing Practice Act (NPA) and Board rules<sup>2</sup>, the Board does not agree with the ALJ's recommended sanction in this matter.<sup>3</sup> Instead, the Board finds revocation of the Respondent's license the most appropriate sanction.

The Board agrees with the ALJ that the Respondent's violations of §301.452(b)(2) and (10) collectively warrant a sanction level II sanction.<sup>4</sup> For her violation of §301.452(b)(2), the Board finds that the Respondent's conduct warrants a first tier, sanction level II sanction. For a first tier, sanction level II sanction for a violation of §301.452(b)(2), the Board's Disciplinary Matrix<sup>5</sup> authorizes licensure revocation. For her violation of §301.452(b)(10), the Board finds that the Respondent's conduct warrants a second tier, sanction level II sanction. For a second tier, sanction level II sanction for a violation of §301.452(b)(10), the Board's Disciplinary Matrix authorizes either licensure suspension or

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<sup>1</sup> The Board, not the ALJ, is the final decision maker concerning sanctions. Once it has been determined that a violation of the law has occurred, the sanction is a matter for the agency's discretion. Further, the mere labeling of a recommended sanction as a conclusion of law or as a finding of fact does not change the effect of the ALJ's recommendation. As such, the Board is not required to give presumptively binding effect to an ALJ's recommendation regarding sanctions in the same manner as with other findings of fact and conclusions of law. The choice of penalty is vested in the agency, not in the courts. An agency has broad discretion in determining which sanction best serves the statutory policies committed to the agency's oversight. The propriety of a particular disciplinary measure is a matter of internal administration with which the courts should not interfere. See *Texas State Board of Dental Examiners vs. Brown*, 281 S.W. 3d 692 (Tex. App. - Corpus Christi 2009, pet. filed); *Sears vs. Tex. State Bd. of Dental Exam'rs*, 759 S.W.2d 748, 751 (Tex.App. - Austin 1988, no pet.); *Firemen's & Policemen's Civil Serv. Comm'n vs. Brinkmeyer*, 662 S.W.2d 953, 956 (Tex. 1984); *Granek vs. Tex. State Bd. of Med. Exam'rs*, 172 S.W.3d 761, 781 (Tex.App. - Austin 2005, pet. denied); *Fay-Ray Corp. vs. Tex. Alcoholic Beverage Comm'n*, 959 S.W.2d 362, 369 (Tex.App. - Austin 1998, no pet.).

<sup>2</sup> See adopted Findings of Fact Numbers 2-3 and Conclusions of Law 5-6.

<sup>3</sup> The ALJ recommends a suspension of the Respondent's license for six months, along with an ethics course. See pages 8 and 11 of the PFD.

<sup>4</sup> See page 8 of the PFD.

<sup>5</sup> 22 Tex. Admin. Code §213.33(b).

revocation. Finally, for her violation of §301.452(b)(3), where a judicial order is entered within the last four to five years for the felony offense of *Credit Card/Debit Card Abuse*, the Board's Guidelines for Criminal Conduct recommend either licensure revocation or suspension. As pointed out by the ALJ,<sup>6</sup> the Board views an individual's violations of the NPA and/or Board rules collectively. If multiple violations of the NPA and/or Board rules are present in a single case, the Board considers the most severe sanction recommended for any one of the individual violations.<sup>7</sup> Further, when an individual has been previously disciplined or is being disciplined for more than one violation of the NPA and/or Board rules, the Board is statutorily required<sup>8</sup> to consider taking a more severe action than it would otherwise impose.

The Board must consider the aggravating and mitigating factors in this case in order to determine the most appropriate sanction. The Respondent committed a serious crime involving moral turpitude.<sup>9</sup> The Respondent's felony deferred adjudication is recent, and the Respondent is currently on felony probation and will continue to be for a significant period of time.<sup>10</sup> Further, although the Respondent did not commit the crime while she was practicing nursing, the Respondent has access to persons who are vulnerable because of illness and/or injury, and these individuals place their trust in her.<sup>11</sup> When a nurse has exhibited fraudulent or deceitful conduct in the past, the Board is mindful that similar misconduct may be repeated in the workplace, thereby placing patients at a heightened risk.<sup>12</sup> Further, not only did the Respondent commit a crime that shows a lack of trustworthiness, she also failed to truthfully disclose her criminal history on her renewal application in 2015.<sup>13</sup> This conduct evidences a continuing lack of honesty and integrity that raises serious concern about the Respondent's ability to conform to the requirements of the NPA and Board rules in the future.

The Board also recognizes that mitigation was presented at the hearing in this matter. The evidence shows the Respondent was young when she committed the crime.<sup>14</sup> The amount of money involved was less than \$275.<sup>15</sup> The Respondent is gainfully employed and is supporting her family, continuing her education, and has no other criminal

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<sup>6</sup> See page 7 of the PFD.

<sup>7</sup> 22 Tex. Admin. Code §213.33(b).

<sup>8</sup> See Tex. Occ. Code §301.4531.

<sup>9</sup> See adopted Finding of Fact Number 5.

<sup>10</sup> See adopted Finding of Fact Number 4.

<sup>11</sup> See page 7 of the PFD and the Board's policy, "Behavior Involving Fraud, Theft, and Deception", wherein the Board states that nurses have a duty to their patients to provide safe, effective nursing care and to demonstrate honesty, integrity, and good professional character at all times.

<sup>12</sup> See the Board's policy, "Behavior Involving Fraud, Theft, and Deception".

<sup>13</sup> See page 7 of the PFD and adopted Findings of Fact Numbers 3, 5, and 8.

<sup>14</sup> See page 8 of the PFD.

<sup>15</sup> See page 8 of the PFD and adopted Finding of Fact Number 6.

convictions or prior disciplinary history with the Board.<sup>16</sup> Further, the Respondent paid her court costs and fees, completed community service, and completed a theft intervention course.<sup>17</sup>

After carefully considering the aggravating and mitigating factors in this matter, the Board has determined, pursuant to the Board's Disciplinary Matrix, the Board's Disciplinary Guidelines for Criminal Conduct, and the Board's rules, including 22 Tex. Admin. Code §§213.27, 213.28(c), and 213.33(e), that the mitigating evidence in this case is insufficient to justify licensure suspension, and the Respondent's license should be revoked. Although the Respondent was young at the time the crime was committed, the crime occurred in 2014.<sup>18</sup> In June 2015, the Respondent failed to truthfully disclose the February 2015 deferred adjudication on her renewal application, which indicates a continuing pattern of deceitful conduct.<sup>19</sup> Further, the Respondent is currently on felony probation, and is scheduled to be for several more years.<sup>20</sup> Finally, the Respondent admitted that she knew the debit card was her co-worker's card when she used it.<sup>21</sup> However, she chose to use it for dinner, a movie, and at an ATM machine.<sup>22</sup> This conduct raises concerns about the Respondent's integrity, honesty, professional judgment, and ability to be trusted around patients' possessions and belongings. While the Respondent has made strides to comply with her probationary requirements, the Board notes that the Respondent is required to do so, and failing to do so carries serious consequences under the penal system. Thus, for the reasons discussed herein, the Board finds that licensure revocation is the most appropriate sanction. This sanction is supported by the record and is consistent with the Board's rules and policies.

IT IS, THEREFORE, ORDERED THAT Permanent Certificate Number 321162, previously issued to MEGAN ALLICE STONE, 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 multi-state privileges, if any, to practice nursing in the State of Texas.

FURTHER, pursuant to the Occupations Code §301.467, RESPONDENT is not eligible to petition for reinstatement of licensure until at least one (1) year has elapsed from the date of this Order. Further, upon petitioning for reinstatement, RESPONDENT must satisfy all then existing requirements for relicensure.

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<sup>16</sup> See page 8 of the PFD and adopted Findings of Fact Numbers 4, 9, and 10-14.

<sup>17</sup> See *id.*

<sup>18</sup> See adopted Finding of Fact Number 2.

<sup>19</sup> See adopted Findings of Fact Numbers 2 and 3 and pages 7-8 of the PFD.


<sup>20</sup> See adopted Finding of Fact Number 4.

<sup>21</sup> See page 5 of the PFD.

<sup>22</sup> See *id.*

Entered this 21<sup>st</sup> day of July, 2016.

TEXAS BOARD OF NURSING

  
KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR FOR THE BOARD

Attachment: Proposal for Decision; Docket No. 507-16-1692 (April 29, 2016)

# State Office of Administrative Hearings



Cathleen Parsley  
Chief Administrative Law Judge

April 29, 2016

Katherine A. Thomas, M.N., R.N.  
Executive Director  
Texas Board of Nursing  
333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701

**VIA INTERAGENCY**

**RE: Docket No. 507-16-1692; Texas Board of Nursing v. Megan Alice Stone**

Dear Ms. Thomas:

Please find enclosed a Proposal for Decision in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 Tex. Admin. Code § 155.507(c), a SOAH rule which may be found at [www.soah.state.tx.us](http://www.soah.state.tx.us).

Respectfully,

A handwritten signature in cursive script that reads "Michael J. O'Malley".

Michael J. O'Malley  
Administrative Law Judge

MJO/Ls  
Enclosures

xc: Jessica Lance, Assistant General Counsel, Texas Board of Nursing, 333 Guadalupe, Tower III, Ste. 460, Austin, TX 78701 – **VIA INTERAGENCY**  
Kathy A. Hoffman, Legal Assistant Supervisor, Texas Board of Nursing, 333 Guadalupe, Tower III, Ste. 460, Austin, TX 78701 (with 1 CD; Certified Evidentiary Record) – **VIA INTERAGENCY**  
Daren Van Slyke, 108 E. Chambers St., Cleburne, TX 76031 – **VIA REGULAR MAIL**

300 W. 15<sup>th</sup> Street, Suite 502, Austin, Texas 78701/ P.O. Box 13025, Austin, Texas 78711-3025  
512.475.4993 (Main) 512.475.3445 (Docketing) 512.322.2061 (Fax)  
[www.soah.state.tx.us](http://www.soah.state.tx.us)

SOAH DOCKET NO. 507-16-1692

TEXAS BOARD OF NURSING, Petitioner	§	BEFORE THE STATE OFFICE
	§	
v.	§	OF
	§	
MEGAN ALLICE STONE, Respondent	§	ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

The Staff (Staff) of the Texas Board of Nursing (Board) brought this action against Megan Allice Stone (Respondent) seeking revocation of her license because she pleaded guilty to Credit Card/Debit Card Abuse, a State Jail Felony offense, and allegedly provided false information on her Online Renewal Document (renewal form). The Administrative Law Judge (ALJ) recommends that Respondent's license be suspended for six months.<sup>1</sup>

I. JURISDICTION, NOTICE, AND PROCEDURAL HISTORY

Matters concerning notice and jurisdiction are undisputed. Therefore, those matters are set out in the findings of fact and conclusions of law without further discussion here.

ALJ Michael J. O'Malley convened the hearing on the merits on March 15, 2016, at the State Office of Administrative Hearings in Austin, Texas. Assistant General Counsel Jessica Lance represented Staff, and Attorney Daren Van Slyke represented Respondent. The record closed at the conclusion of the hearing.

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<sup>1</sup> The Formal Charges against Respondent state that Staff also sought recovery of Staff's administrative costs, "in an amount of at least" \$1,200. However, Staff did not present any evidence of costs. Accordingly, this Proposal for Decision does not recommend the recovery of costs.

## II. DISCUSSION

### A. Background

On August 12, 2014, the Board licensed Respondent as a Licensed Vocational Nurse, License No. LVN 321162.<sup>2</sup> On February 5, 2015, Respondent pleaded guilty to Credit Card/Debit Card Abuse, a State Jail Felony offense, in Case No. 1388939D, in the 371st District Court of Tarrant County, Texas. Respondent committed the offense on June 20, 2014. The district court deferred adjudication of Respondent's guilt, placed Respondent on community supervision for three years, and ordered Respondent to pay a \$300 fine and \$289 for court costs.<sup>3</sup> Respondent submitted her renewal form on June 7, 2015, and failed to disclose her criminal history on the form.

### B. Applicable Law

Staff pleaded that Respondent's criminal offense and falsifying renewal form subjects her to disciplinary action under Texas Occupations Code § 301.452(b)(2), (3), and (10). Section 301.452(b)(2) provides that a licensee is subject to disciplinary action for "fraud or deceit in procuring or attempting to procure a license to practice nursing or vocational nursing." Section 301.452(b)(3) provides that a licensee is subject to disciplinary action for "a conviction for, or placement on deferred adjudication, community service, or deferred disposition for, a felony or for a misdemeanor involving moral turpitude." Section 301.452(b)(10) states that a licensee is subject to disciplinary action for "unprofessional or dishonorable conduct that, in the Board's opinion, is likely to deceive, defraud, or injure a patient or the public."

Staff also pleaded that Respondent's crime constitutes grounds for a disciplinary action under 22 Texas Administrative Code § 217.12(6)(I) and (13). This section defines "unprofessional conduct" to include the following:

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<sup>2</sup> Staff Ex. 1 at 1.

<sup>3</sup> Staff Ex. 6 at 1-2.



- (6) Misconduct—actions or conduct that include, but are not limited to . . .
- (I) Failing to answer specific questions or providing false or misleading answers that would have affected the decision to license, employ, certify or otherwise utilize a nurse. . .
- ....
- (13) Criminal Conduct—including, but not limited to, conviction or probation, with or without an adjudication of guilt, or receipt of a judicial order involving a crime or criminal behavior or conduct that could affect the practice of nursing.

When a nurse has violated one of these statutes or rules, the Board is required to impose a disciplinary sanction, which ranges from a written warning to revocation.<sup>4</sup>

To determine the eligibility and fitness for licensure of a licensee with a criminal history, the Board must consider the following relevant factors, among others:

- any felony or misdemeanor involving moral turpitude;
- the nature and seriousness of the crime;
- the relationship of the crime to the purposes for requiring a license to engage in nursing practice;
- the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved;
- the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of nursing practice;
- whether imprisonment followed a felony conviction, felony community supervision revocation, revocation of parole, or revocation of mandatory supervision;
- the extent and nature of the person's past criminal activity;
- the age of the person when the crime was committed;

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<sup>4</sup> Tex. Occ. Code § 301.453(a).

- the amount of time that has elapsed since the person's last criminal activity;
- the conduct and work activity of the person before and after the criminal activity;
- evidence of the person's rehabilitation or rehabilitative effort while incarcerated or after release; and
- other evidence of the person's present fitness, including letters of recommendation from: prosecutors and law enforcement and correctional officers who prosecuted, arrested, or had custodial responsibility for the person; the sheriff or chief of police in the community where the person resides; and any other persons in contact with the convicted person.<sup>5</sup>

### C. Staff's Allegations and Evidence

Staff offered and had admitted court documents showing that on February 5, 2015, Respondent pleaded guilty to Credit Card/Debit Card Abuse, a State Jail Felony offense, in Case No. 1388939D, in the 371st District Court of Tarrant County, Texas.<sup>6</sup> According to Staff's Formal Charges, that action constitutes grounds for disciplinary action in accordance with Texas Occupations Code § 301.452(b)(3) and (10) and is a violation of 22 Texas Administrative Code § 217.12(13).<sup>7</sup> Staff also offered and had admitted Respondent's June 7, 2015 renewal form in which she failed to disclose that within the last 24 months she had pleaded guilty to Credit Card/Debit Card Abuse.<sup>8</sup> According to Staff's Formal Charges, that action constitutes grounds for disciplinary action in accordance with Texas Occupations Code § 301.452(b)(2) and (10) and is a violation of 22 Texas Administrative Code § 217.12(6)(I).<sup>9</sup>

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<sup>5</sup> 22 Tex. Admin. Code § 213.28(c), (d), (e).

<sup>6</sup> Staff Ex. 6 at 1-2.

<sup>7</sup> Staff Ex. 3.

<sup>8</sup> Staff Ex. 3.

<sup>9</sup> Staff Ex. 3.

**D. Respondent's Testimony**

Staff called Respondent as an adverse witness, and Respondent also testified on her own behalf. Respondent explained to the court that she had in her possession the debit card of a co-worker. She testified that she obtained the debit card when her co-worker gave it to her to get them lunch. Instead of returning the card after lunch, Respondent indicated that she kept the card and used it later that night. Respondent stated that she used the card for dinner, a movie, and at an ATM machine for a total of approximately \$275. Although Respondent characterized the incident as a mistake, she admitted that she knew the debit card was her co-worker's card when she used it. Respondent testified that she tried to pay her co-worker back, but the co-worker pursued charges anyway.

On the renewal form, Respondent admitted she filled out the form incorrectly. However, she stated that she completed the form in a hurry and did not realize her mistake until after she had submitted the form.

Respondent did not call any witnesses on her behalf or offer any letters of recommendation. However, she testified to several mitigating factors. She testified that she is 24-years old and has worked hard to obtain her nursing degree, paying for her schooling on her own. She indicated she has an associate's degree and a nursing license, and is currently working toward a bachelor's degree. Respondent further testified that she currently works full time as a nurse and nurse trainer for Care Now, an urgent care facility. She testified that her employer appreciates her hard work and has encouraged her to advance with the company. Respondent also testified that she completed 120 hours of community service at Mission Arlington, an organization that provides food and clothing to individuals in need. Respondent noted that this was her first and only criminal offense. She further indicated she completed a theft intervention course, which taught her to understand the thought process to avoid committing such crimes in the future.

Respondent would also like the Board to consider that her crime was not committed while practicing nursing and that she has not been subject to any prior disciplinary action by the Board.

**E. ALJ's Analysis**

The ALJ concludes that Staff has met its burden to show that Respondent is subject to disciplinary action under Texas Occupations Code § 301.452(b)(2), (3), and (10), and 22 Texas Administrative Code §§ 217.12(6)(I) and (13). Staff proved that Respondent pleaded guilty to and was placed on deferred adjudication/community supervision for Credit Card/Debit Card Abuse, a State Jail Felony offense. Furthermore, Staff also proved that Respondent provided false information on her renewal form by failing to disclose her criminal history.

The Board considers Credit Card/Debit Card Abuse, an offense involving fraud or deception, as criminal conduct relating to the practice of nursing.<sup>10</sup> In addition, the Board rules require that certain factors in the Disciplinary Guidelines for Criminal Conduct (Guidelines)<sup>11</sup> be considered to determine the appropriate sanction. After weighing these factors, the Board may exercise its discretion in determining an appropriate penalty.

The ALJ will analyze the factors listed in the Guidelines in determining an appropriate penalty. Relevant to this case, the Guidelines require consideration of the nature and seriousness of the crime, lack of trustworthiness, the extent and nature of the nurse's past criminal activity, the age when the crime was committed, the amount of time that has elapsed since the last criminal activity, the work activity of the person before and after the crime, evidence of accountability, evidence of the person's rehabilitation or rehabilitative effort, record of steady employment, and present fitness or professional character.

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<sup>10</sup> 22 Tex. Admin. Code § 213.28(b)(3).

<sup>11</sup> 22 Tex. Admin. Code § 213.28(d).

Credit Card/Debit Card Abuse is a serious crime. Although the crime was not committed while Respondent was practicing nursing, Respondent has access to persons who are vulnerable because of illness or injury, and these individuals place their trust in her. Respondent not only committed a crime that shows a lack of trustworthiness, she then failed to disclose this information on her renewal form. The crime and the failure to disclose show a lack of honesty and integrity.

On the other hand, the evidence also shows that Respondent has committed no other criminal offenses either before or after the commission of her crime, and she was 24-years old when she committed the crime. In addition, almost two years have elapsed since her offense, and Respondent's conduct and work activity, before and after the criminal activity, appear to be fine. Respondent also has maintained steady employment and helps provide for her 5-year-old stepson. Importantly, Respondent completed a theft intervention course and seems to have taken responsibility for her actions.

Under the Guidelines, the recommended sanction for Credit Card/Debit Card Abuse, a violation of Texas Penal Code § 32.31, is revocation or suspension if the nurse is on felony probation and the judicial order is 4 to 5 years old.<sup>12</sup>

Board Rule 213.33, however, further directs SOAH to utilize the Disciplinary Matrix (Matrix) in determining the appropriate disciplinary action.<sup>13</sup> Based on the evidence, Staff proved that Respondent is subject to disciplinary action under Texas Occupations Code § 301.452(b)(2), (3), and (10). Because Respondent is being disciplined for multiple violations of Chapter 301, Board Rule 213.33 states that the Board shall consider taking more severe disciplinary action. Furthermore, under Board Rule 213.33(c), certain factors should be analyzed to determine the tier and sanction level.<sup>14</sup> The aggravating factors for this case include lack of trustfulness and trustworthiness, evidence of misrepresentation, multiple violations of the

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<sup>12</sup> 22 Tex. Admin. Code § 213.28(d).

<sup>13</sup> 22 Tex. Admin. Code § 213.33(a).

<sup>14</sup> These factors are similar to the factors in the Guidelines.

Nursing Practice Act, and the seriousness of the violations. The mitigating factors include the age of Respondent, her steady work history, her lack of criminal history, and her participation in the theft intervention program. Given the aggravating factors and multiple violations (the criminal violation and failure to disclose), Sanction Level II would be the appropriate sanction level to consider in this case. An offense under Texas Occupations Code § 301.452(b)(2) (fraud or deceit in procuring a license), requires revocation under Sanction Level II. An offense under Texas Occupations Code § 301.452(b)(3)(a conviction or deferred adjudication for a felony involving moral turpitude) states that the sanction shall be determined after a review factors in the Guidelines. An offense under Texas Occupations Code § 301.452(b)(10)(unprofessional or dishonorable conduct likely to deceive, defraud, or injure a patient or the public) requires suspension or revocation under Sanction Level II. In summary, the Guidelines, Matrix, and mitigating and aggravating factors, require revocation or suspension in this case.

Respondent committed a serious crime involving moral turpitude and then failed to disclose the crime on her renewal form. In her favor, the evidence shows that Respondent was young when she committed the crime and the amount involved was less than \$275. Furthermore, Respondent is gainfully employed and supporting her family, is continuing her education, and has no other convictions or disciplinary history with the Board. The ALJ, therefore, concludes that the evidence weighs against the revocation of Respondent's license. The ALJ, however, recommends a six-month suspension and an ethics course, as the Board deems appropriate.

### III. FINDINGS OF FACT

1. On August 12, 2014, the Texas Board of Nursing (Board) licensed Megan Allice Stone (Respondent) as a Licensed Vocational Nurse, License No. LVN 321162.
2. On February 5, 2015, Respondent pleaded guilty to Credit Card/Debit Card Abuse, a State Jail Felony offense, in Case No. 1388939D, in the 371st District Court of Tarrant County, Texas. Respondent committed the offense on June 20, 2014. The district court deferred adjudication of Respondent's guilt, placed Respondent on community supervision for three years, and ordered Respondent to pay a \$300 fine and \$289 court costs.

3. Respondent falsified her June 7, 2015 Online Renewal Document by failing to disclose her criminal history.
4. Respondent paid court costs and fees and completed a theft intervention course. The only remaining requirement is to satisfy the remaining time of her three-year period of community supervision.
5. The crime of Credit Card/Debit Card Abuse is a serious crime of moral turpitude.
6. Respondent charged approximately \$275 on a debit card belonging to her co-worker.
7. Respondent's crime was not committed in the performance of her nursing duties.
8. On June 7, 2015, when Respondent submitted her renewal form to the Board, she failed to disclose her criminal history.
9. Respondent has committed no other criminal offenses either before or after the commission of her crime involved in this case.
10. Almost two years have elapsed since her offense, and Respondent's conduct and work activity, before and after the criminal activity, appear to be fine.
11. Respondent has completed a theft intervention course, which taught her to understand the thought process to avoid committing such crimes in the future.
12. Respondent completed 120 hours of community service at Mission Arlington, an organization that provides food and clothing to individuals in need.
13. Respondent has maintained steady employment and helps provide for 5-year-old stepson.
14. Respondent continues her education with the goal of becoming a registered nurse.
15. On October 20, 2015, Staff of the Board sent Respondent a Notice of Formal Charges.
16. On December 30, 2015, Staff mailed a Notice of Hearing to Respondent. The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the matters asserted.
17. Administrative Law Judge Michael J. O'Malley convened the hearing on the merits on March 15, 2015, in Austin, Texas, and the record closed that day. Assistant General Counsel Jessica Lance represented Staff. Attorney Daren Van Slyke appeared and represented Respondent.

#### IV. CONCLUSIONS OF LAW

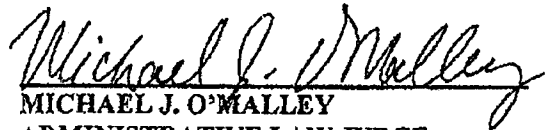
1. The Board has jurisdiction over this matter. Tex. Occ. Code ch. 301.
2. The State Office of Administrative Hearings has jurisdiction over the hearing in this proceeding, including the authority to issue a proposal for decision with proposed findings of fact and conclusions of law. Tex. Gov't Code ch. 2003.
3. Notice of the hearing on the merits was provided as required by Texas Occupations Code § 301.454 and by the Administrative Procedure Act, Texas Government Code §§ 2001.051 and 2001.052.
4. Staff had the burden of proof by a preponderance of the evidence. 1 Tex. Admin. Code § 155.427.
5. Due to Respondent's criminal conduct and failure to disclose her criminal history on her renewal form, she is subject to disciplinary action by the Board. Tex. Occ. Code § 301.452(b)(2)(fraud or deceit in procuring a license), (3)(conviction for felony offense involving moral turpitude), and (10)(unprofessional or dishonorable conduct); 22 Tex. Admin. Code § 217.12(6)(I) and (13).
6. The Board considers Credit Card/Debit Card Abuse, an offense involving fraud or deception, as criminal conduct relating to the practice of nursing. 22 Tex. Admin. Code § 213.28(b)(3).
7. The Board may impose a disciplinary sanction, which can range from the issuance of a written warning to revocation of a nurse's license. Tex. Occ. Code § 301.453(a); 22 Tex. Admin. Code § 213.33(e).
8. To determine the appropriate disciplinary sanction to be imposed, the Board must consider the factors set forth in the Board's Disciplinary Matrix, and the sanctions policies and factors set forth in the Disciplinary Guidelines for Criminal Conduct. 22 Tex. Admin. Code §§ 213.33(a)-(c); 22 Tex. Admin. Code §§ 213.28(c),(d),(e).



**V. RECOMMENDATION**

The ALJ recommends that the Board suspend Respondent's license to practice nursing for six months and require an ethics course, as the Board deems appropriate.

**SIGNED April 29, 2016.**

A handwritten signature in cursive script that reads "Michael J. O'Malley". The signature is written in black ink and is positioned above the printed name and title.

**MICHAEL J. O'MALLEY  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS**



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

May 12, 2016

The Honorable Michael O'Malley
Administrative Law Judge
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025

Via Electronic Filing

Re: In the Matter of Permanent Vocational Nurse License No. 321162
Issued to MEGAN ALLICE STONE
SOAH Docket No. 507-16-1692

Dear Judge O'Malley:

Enclosed please find Staff's Exceptions to the Proposal for Decision in the above-referenced matter.

By copy of this letter, I am forwarding a copy of this document to the Respondent.

Please feel free to contact me at (512) 305-6880 should you have any questions and/or concerns. Thank you in advance for your time and assistance in this matter.

Sincerely,

Jessica M. Lance

Jessica M. Lance
Assistant General Counsel

Enclosure: Staff's Exceptions to the Proposal for Decision

cc: Megan Alice Stone
c/o Daren Van Slyke
Attorney at Law
108 E. Chambers St.
Cleburne, Texas 76031

Members of the Board

Kathleen Shipp, MSN, RN, FNP
Lubbock, President

Nina Almoazy, MSN, RN - Austin; Deborah Bell, CLU, ChFC - Abilene; Patricia Clapp, BA - Dallas; Laura Disque, MN, RN - Edinburg; Alison Edwards, DrPH, MS, RN - Belair; Diana Flores, MN, RN - Helena

Monica Hamby, LVN - Amarillo; Doris Jackson, DHA, (ABD), MSN, RN - Pearland; Kathy Leader-Horn, LVN - Granbury; Beverly Jean Nutall, LVN - Weatherford; David Saucedo, II - El Paso; Francis Siskin - Port Aransas

SOAH DOCKET NUMBER 507-16-1692

In the Matter of	§	TEXAS STATE OFFICE
Permanent Vocational Nurse	§	OF
License Number 321162	§	
Issued to MEGAN ALLICE STONE,	§	
Respondent	§	ADMINISTRATIVE HEARINGS

**STAFF'S EXCEPTIONS TO THE PROPOSAL FOR DECISION**

COMES NOW, Staff of the Texas Board of Nursing (hereinafter "Staff" or "the Board").

On April 29, 2016, a Proposal for Decision (PFD) was issued in this matter. Pursuant to 1 TEX. ADMIN. CODE § 155.507(c) Staff files this, its *Exceptions to the Proposal for Decision*. Staff excepts to the PFD as follows.

- 1. The ALJ erred in applying the aggravating and mitigating factors, and reaching his recommended sanction.**

The Board's Disciplinary Matrix, located at 22 Tex. Admin. Code § 213.33(b), provides the following:

If the person is being disciplined for multiple violations of either Chapter 301, or a rule or order adopted under Chapter 301, the Board shall consider taking a more severe disciplinary action, including revocation of the person's license, than the disciplinary action that would be taken for a single violation . . . .

22 Tex. Admin. Code § 213.33(c), further states: "If multiple violations of the NPA and/or Board rules are present in a single case, the most severe sanction recommended by the Matrix for any one of the individual offenses should be considered by the Board and SOAH pursuant to Tex. Occ. Code § 301.4531."

Respondent's conduct constitutes a violation of three separate provisions of Occupations Code § 301.452(b), as contemplated by the Board's Matrix. As such, SOAH is required to consider the most severe sanction recommended by the Matrix for either of the violations. Section (b)(3) of the Matrix incorporates consideration of the Board's Criminal Guidelines. The Guidelines direct revocation where the judicial order occurred less than four years ago for the State Jail Felony offense of Credit/Debit Card Abuse. In this case, the judicial order occurred in February of 2015 as reflected in Staff's Exhibit 6 and the ALJ's Finding of Fact 2. Furthermore, even if the judicial order was older in time, the Guidelines still contemplate revocation while the individual is on probation. Respondent testified she is still on probation and this is reflected in Finding of Fact 4.

While mitigating factors must be considered, the starting point for the appropriate sanction in this matter is licensure revocation. The mitigation shown at trial must overcome this starting point.

Respondent's conduct is recent in time; is serious in nature; constitutes a crime of moral turpitude; relates to the practice of nursing; and relates to Respondent's professional character (particularly when she continues to demonstrate a lack of accountability for her conduct). Furthermore, Respondent is still on probation and even though she is compliant at this time, she is under the threat of possible imprisonment if she becomes non-compliant (a fact that Respondent acknowledged in her testimony).

Although there are some mitigating factors present, they pale in comparison to the seriousness and recency of Respondent's conduct. Respondent's testimony demonstrates that her co-worker entrusted Respondent with her debit card, and Respondent violated that trust by knowingly using the card without authorization to pay for a movie and dinner, and to withdraw money from an ATM. Respondent testified that in total she made between \$250 and \$275 of unauthorized expenditures. At the hearing, Respondent first stated she mistakenly used the card believing it to be hers; then later admitted to knowing that what she did was wrong. Respondent also falsified her June 7, 2015 Online Renewal Document by failing to disclose her criminal history. Respondent continues to show a lack of accountability for her conduct.

Even if the mitigating factors do support a sanction of licensure suspension in lieu of licensure revocation, the ALJ misinterprets the Board's rules in this regard. 22 Tex. Admin. Code § 213.33(e)(6)(E) specifies that a suspension, either probated or enforced, should include at least a two year period of supervised practice. Thus, a six-month probationary period, as recommended by the ALJ would not be consistent with this rule.

Staff respectfully requests that the ALJ re-consider his analysis of the aggravating and mitigating factors in the PFD in light of considering the most severe sanction recommended by the Matrix and the Board's Criminal Guidelines. Further, if the ALJ elects to keep his recommended sanction of a suspension, Staff respectfully requests that the ALJ modify his recommendation to include a minimum of two years probation.

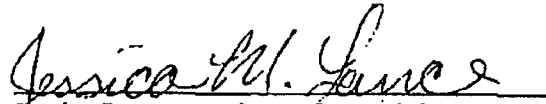
**2. Findings of Fact 10, 12, 13, and 14 are not supported by substantial evidence.**

Findings of Fact 10, 12, 13, and 14 are based solely on Respondent's own self-serving testimony. Respondent did not present any evidence of employment, work evaluations, community service time logs, or enrollment in a nursing program. Further, Respondent has demonstrated a lack of trustworthiness in that she knowingly used a co-worker's debit card without authorization and falsified her Online Renewal Document. Further, Respondent initially characterized her use of the debit card as a mistake, but later admitted on the stand she looked at the card when she used it at the ATM and she knew that what she did was wrong.

Staff respectfully requests that in light of Respondent's untrustworthiness and lack of corroborating evidence, the ALJ re-consider the weight given to Respondent's self-serving testimony and remove Findings of Fact 10, 12, 13, and 14 from the PFD as they are not supported by substantial evidence in the record.

Respectfully submitted,

TEXAS BOARD OF NURSING



Jessica Lance, Assistant General Counsel  
State Bar No. 24091434  
333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-6880; F: (512) 305-8101

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing *Staff's Exceptions to the Proposal for Decision*

was sent via Certified Mail, Return Receipt Requested, on May 12, 2016, to:

Megan Alice Stone  
c/o Daren Van Slyke  
Attorney at Law  
108 E. Chambers St.  
Cleburne, Texas 76031

CM/RRR

91 7199 9991 7032 9861 6204



Jessica Lance, Assistant General Counsel

# State Office of Administrative Hearings



Lesli G. Ginn  
Chief Administrative Law Judge

May 31, 2016

Katherine A. Thomas, M.N., R.N.  
Executive Director  
Texas Board of Nursing  
333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701

**VIA FACSIMILE: (512)305-8101**

**RE: Docket No. 507-16-1692; Texas Board of Nursing v. Megan Alice Stone—  
Exceptions Letter**

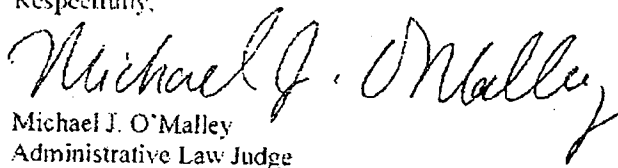
Dear Ms. Thomas:

On May 12, 2016, the Staff (Staff) of the Texas Board of Nursing (Board) filed its exceptions to the Proposal for Decision (PFD). Megan Alice Stone did not file a reply to exceptions.

Staff disagrees with the Administrative Law Judge's (ALJ's) application of the Board's Disciplinary Matrix and Criminal Guidelines, his analysis of the mitigating and aggravating factors, and his recommended sanction. Staff also contends that Finding of Fact Nos. 10, 12, 13, and 14 are not supported by the evidence.

The ALJ finds that his application of the Board's Disciplinary Matrix and Criminal Guidelines, his analysis of the mitigating and aggravating factors, and his recommended sanction are correct and supported by the evidence. Findings of Fact Nos. 10, 12, 13, and 14 are also supported by the evidence. Therefore, the ALJ does not recommend any changes to his PFD. The ALJ notes, however, that his recommended sanction is for an active six-month suspension (not probated as Staff suggests in its exceptions).

Respectfully,

  
Michael J. O'Malley  
Administrative Law Judge

MJO/Ls

xc: Jessica Lance, Assistant General Counsel, Texas Board of Nursing, 333 Guadalupe, Tower III, Ste. 460, Austin, TX 78701 - **VIA FACSIMILE: (512) 305-8101**

Daren Van Slyke, 108 E. Chambers Street, Cleburne, TX 76031 - **VIA FACSIMILE: (817)645-2175**  
300 W. 15<sup>th</sup> Street, Suite 504, Austin, Texas 78701/P.O. Box 13025, Austin, Texas 78711-3025  
512.475.4993 (Main) 512.475.3445 (Docketing) 512.475.4994 (Fax)

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