



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.
 Kristin K. Benton, DNP, RN
 Executive Director
 Texas Board of Nursing

DOCKET NUMBER 507-26-02428

**IN THE MATTER OF
 PERMANENT CERTIFICATE
 NUMBER RN 729339
 ISSUED TO
 MARIO ALBERTO MEJIA**

**§ BEFORE THE STATE OFFICE
 § OF
 § ADMINISTRATIVE HEARINGS**

OPINION AND ORDER OF THE BOARD

TO: MARIO ALBERTO MEJIA
 3005 8TH STREET
 BAY CITY, TEXAS 77414

PRATIBHA J. SHENOY
 ADMINISTRATIVE LAW JUDGE
 PO BOX 13025
 AUSTIN, TX 78711-3025

At the regularly scheduled public meeting on April 23, 2026, the Texas Board of Nursing (Board) considered the following items: the Proposal for Decision (PFD) regarding the above cited matter; Staff's recommendation to the Board regarding the PFD and order; and 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 fact 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. No exceptions were filed by either party in this case.

The Board, after review and due consideration of the PFD; Staff's recommendations; and the recommendations made by the Respondent, if any, adopts all of the Findings of Fact (FOF) and Conclusions of Law (COL) of the ALJ contained in the PFD. All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

Recommendation for Sanction

Pursuant to Tex. Occ. Code. §301.459(a-1), an Administrative Law Judge may make a recommendation regarding an appropriate action or sanction. The Board, however, has the sole authority and discretion to determine the appropriate action or sanction.

The ALJ found that Respondent held "Registered Nurse License No. 729339, issued by the Texas Board of Nursing (Board) on October 18, 2006".¹ After experiencing several arrests related to apparent drug abuse and checking into a rehabilitation facility, Respondent voluntarily surrendered his nursing license.² Upon reinstatement of his nursing license, Respondent failed to successfully complete certain remedial education requirements related to Texas Nursing Jurisprudence and Ethics and Sharpening Critical Thinking Skills, as required by the Reinstatement Agreed Order issued to him on January 19, 2023.³ On or about October 30, 2024, Respondent pled Guilty to POSSESSION OF CONTROLLED SUBSTANCE, a State Jail Felony offense committed on February 21, 2024, in the 239th District Court of Brazoria County, Texas, under Cause No. 100944-CR.⁴ As a result of his guilty plea, the proceedings against Respondent were deferred without entering an Adjudication of Guilt and Respondent was placed on probation for a period of five (5) years and ordered to pay court costs.⁵ Accordingly, the ALJ concluded that "Respondent is subject to sanction because, by failing to comply with a Board order, he committed unprofessional conduct in the practice of nursing that is likely to deceive, defraud, or injure a patient or the public."⁶ Further, the ALJ concluded that "Respondent is also subject to sanction because he was placed on deferred adjudication community supervision for a felony offense."⁷ For these reasons, the Board agrees with the ALJ's recommendation for the sanction of revocation.

IT IS, THEREFORE, ORDERED THAT Registered Nurse License Number 72939, previously issued to MARIO ALBERTO MEJIA, 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.

Entered this 23rd day of April, 2026.

TEXAS BOARD OF NURSING

Kristin K. Benton, DNP, RN

KRISTIN K. BENTON, DNP, RN
EXECUTIVE DIRECTOR FOR THE BOARD

Attachments: Proposal for Decision, Docket No. 507-26-02428 (February 11, 2026);
No Exceptions Letter (March 4, 2026).

¹ See PDF at p. 15; FOF #1.

² See PDF at p. 15; FOF #2-4.

³ See PDF at p. 15-16; FOF #5, FOF #17.

⁴ See PDF at p. 15-16; FOF #10.

⁵ See PDF at p. 15-16; FOF #10.

⁶ See PDF at p. 17; COL #6.

⁷ See PDF at p. 17; COL #7.

State Office of Administrative Hearings

Kristofer S. Monson
Chief Administrative Law Judge

February 11, 2026

Eugene Clayborn, Assistant General Counsel
Texas Board of Nursing

VIA EFILE TEXAS

Mario Alberto Mejia, RN
3005 8th St.
Bay City, TX 77414

VIA REGULAR MAIL

RE: SOAH Docket No. 507-26-02428;
Texas Board of Nursing v. Mario Alberto Mejia, RN

Dear Parties:

Please find attached a Proposal for Decision in this case.

Exceptions and replies may be filed by any party in accordance with 1 Texas Administrative Code section 155.507(b), a State Office of Administrative Hearings rule which may be found at www.soah.texas.gov.

CC: Service List

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**TEXAS BOARD OF NURSING,
PETITIONER
v.
MARIO ALBERTO MEJIA, RN,
RESPONDENT**

PROPOSAL FOR DECISION

The staff (Staff) of the Texas Board of Nursing (Board) seeks disciplinary action against the registered nurse (RN) license held by Mario Alberto Mejia (Respondent), alleging that he failed to comply with educational requirements of a 2023 Board Order (Reinstatement Order) and is on deferred adjudication community supervision for a drug possession offense committed in 2024. The Administrative Law Judge (ALJ) recommends that the Board revoke Respondent's nursing license.

I. NOTICE, JURISDICTION, AND PROCEDURAL HISTORY

Matters of notice and jurisdiction were undisputed and are set out in the Findings of Fact and Conclusions of Law without further discussion. State Office of Administrative Hearings (SOAH) ALJ Pratibha J. Shenoy convened a videoconference hearing on the merits on November 24, 2025. Assistant General Counsel Eugene Clayborn represented Staff, and Respondent represented himself. The record was held open for Respondent to submit additional documents and for Staff to file objections, if any. Respondent failed to make any submissions, and the record was closed on December 16, 2025.

II. APPLICABLE LAW

A. DISCIPLINARY AUTHORITY

The Texas Nursing Practice Act (Act)¹ authorizes the Board to discipline a nurse who commits unprofessional conduct in the practice of nursing that is likely to deceive, defraud, or injure a patient or the public.² Board rules define unprofessional conduct to include failure to comply with provisions of a Board order.³ The Act also authorizes disciplinary action when a nurse is placed on deferred adjudication for a felony offense.⁴

¹ Chapter 301 of the Texas Occupations Code.

² Tex. Occ. Code § 301.452(b)(10).

³ 22 Tex. Admin. Code § 217.12(11)(B). Violation of a Board order may also be subject to sanction under Act section 301.452(b)(1), but Staff's notice of hearing did not cite that section.

⁴ Tex. Occ. Code § 301.452(b)(3).

In addition, chapter 53 of the Texas Occupations Code (Chapter 53) sets out a framework for licensing agencies to use when evaluating applicants or licensees with criminal history. Among other things, Chapter 53 allows license revocation if a licensee is on probation and, after considering a list of factors, the licensing agency determines the person may pose a continued threat to public safety or would have opportunities to repeat the prohibited conduct if allowed to practice the licensed profession.⁵ Pursuant to Chapter 53, the Board has issued disciplinary guidelines finding that crimes involving drugs and alcohol directly relate to the profession of nursing because substance use may impair cognitive and motor functioning and prevent the nurse from providing safe, effective nursing care, and because nursing involves access to drugs, including controlled substances, and may allow a person with a predilection toward drug offenses to repeat the conduct.⁶

B. SANCTIONS

When a nurse violates the Act or related Board rules, the Board is required to impose a disciplinary sanction, which can range from remedial education to license revocation.⁷ The Board has issued a Disciplinary Matrix that the Board and SOAH

⁵ Tex. Occ. Code § 53.021(d)(2). Application of Chapter 53 involves several steps. As an initial matter, licensing agencies may revoke, deny, or suspend a license if a person has been convicted of an offense directly related to the licensed occupation. Tex. Occ. Code § 53.021(a)(1). However, Chapter 53 prohibits a licensing agency from treating a person as having been convicted of an offense if the person was placed on deferred adjudication, successfully completed supervision, and the proceedings were dismissed. Tex. Occ. Code § 53.021(c). There is a carveout if the person has not yet completed the period of supervision, in which case the agency may treat the person as if convicted of the offense, provided certain conditions are met. Tex. Occ. Code § 53.021(d)(1)(B)(i). The factors to be considered in this analysis are listed in Texas Occupations Code sections 53.022 and .023. Tex. Occ. Code § 53.021(d)(2).

⁶ 22 Tex. Admin. Code § 213.28(d)(5), (e). This rule “implements the requirements” of Chapter 53. 22 Tex. Admin. Code § 213.28(a).

⁷ Tex. Occ. Code § 301.453(a).

are directed to use in all disciplinary matters.⁸ The Disciplinary Matrix categorizes violations into tiers, and into sanction levels within tiers, based on the seriousness of the offense and risk of harm to patients or the public. Aggravating and mitigating factors that must be considered by the Board and SOAH are contained in the Disciplinary Matrix as well as Board Rule 213.33.⁹ Additionally, Board Rule 213.28 provides a list of factors to consider in evaluating the appropriate disciplinary sanction based on criminal history.¹⁰ Some of these factors overlap with the factors considered under Chapter 53.

Staff had the burden of proving its allegations and any aggravating factors, and Respondent had the burden of proving any mitigating factors.¹¹ The standard of proof is a preponderance of the evidence.¹²

III. DISCUSSION

Staff called Respondent as a witness and presented testimony from Mary Jane Philpy-Dollins, RN. Nine exhibits were admitted for Staff.¹³ Respondent testified on his own behalf and called his son as a witness. Respondent also read two letters of recommendation into the record. The record was held open for Respondent

⁸ 22 Tex. Admin. Code § 213.33(b).

⁹ 22 Tex. Admin. Code § 213.33(c). For ease of reference, the Board's rules are cited in the text as "Board Rule ____."

¹⁰ 22 Tex. Admin. Code § 213.28(h).

¹¹ 1 Tex. Admin. Code § 155.427.

¹² *Granek v. Tex. State Bd. of Med. Exam'rs*, 172 S.W.3d 761, 777 (Tex. App. — Austin 2005, no pet.).

¹³ Staff Exhibits 1 (Computer Licensure Record); 2 (Investigatory Letter); 3 (Formal Charges); 4 (Notice of Hearing); 5 (Respondent's Response); 6 (Monitoring Information); 7 (Order of Deferred Adjudication); 8 (Brazoria County Sheriff's Office Incident Report); and 9 (Reinstatement Order).

to file copies of the letters and to provide a letter from his probation officer; however, Respondent made no filings.

A. UNDISPUTED FACTS

In June 2020, Respondent voluntarily surrendered his RN license after being arrested for and pleading guilty to several crimes involving possession of methamphetamine.¹⁴ In January 2023, the Board issued the Reinstatement Order, approving reinstatement of Respondent's license, subject to certain requirements. Among other things, Respondent was required to complete courses in nursing jurisprudence and ethics and in critical thinking; abstain from the use of drugs, alcohol, and controlled substances; submit to random drug screens; and attend support group meetings.¹⁵ Restrictions were also placed on his nursing practice, including supervision requirements and limits on the types of shifts and duties he could accept as a nurse.¹⁶

On February 21, 2024, police stopped Respondent for a traffic violation and found drug paraphernalia and methamphetamine in his car.¹⁷ Respondent was charged with the state jail felony offense of possession of a controlled substance and pleaded guilty. On November 15, 2024, the 299th District Court of Brazoria County entered an order finding that the evidence substantiated Respondent's guilt but

¹⁴ Staff Ex. 9 at 13-17.

¹⁵ Staff Ex. 9 at 5, 8-10.

¹⁶ Staff Ex. 9 at 6-7.

¹⁷ Staff Ex. 8 at 4.

deferred adjudication of the matter and placed Respondent on five years of community supervision.¹⁸

B. RESPONDENT’S EVIDENCE

Respondent has been a nurse since 2006. He admitted struggling with methamphetamine addiction for years but said he never worked while under the influence. After being arrested several times in 2018 and 2019, he realized that addiction had “destroyed [his] life.” He checked himself into a rehabilitation facility in April 2019 for a 100-day treatment program and surrendered his nursing license in June 2020. The Board’s order accepting the license surrender (Surrender Order) noted that Respondent reported a sobriety date of April 20, 2019, and stated that he could apply for reinstatement after one year, provided he furnished verifiable proof of twelve consecutive months of sobriety immediately preceding the application.¹⁹

When the Reinstatement Order was issued in 2023, Respondent found a nursing job in the operating room (OR) at Altus Houston Hospital (Altus). He noted the Reinstatement Order imposes various employment restrictions but exempted the position at Altus. For example, the Reinstatement Order prohibits working in critical care (including the OR), night shifts, and overtime, but these restrictions were relaxed or waived for the job at Altus. Respondent expressed gratitude for these Board-approved modifications because they allowed him to keep a job he loved.

¹⁸ Staff Ex. 7.

¹⁹ Staff Ex. 9 at 13-17.

According to Respondent, Altus was taken over by another hospital and he was laid off. Since then, he has been unable to find a job in nursing because he is “at the mercy of employer bias.” He said employers are unwilling to hire a nurse who is subject to the restrictions imposed by the Reinstatement Order. His finances became strained and he had to move into his parents’ home. Cost and limited resources are also why he has not completed the courses the Reinstatement Order requires.

When he was stopped by police in February 2024, a glass pipe with burn marks on it was found in his car, along with what Respondent described as a “minute amount” of methamphetamine. Respondent stated that the drugs did not belong to him, but he took responsibility and pleaded guilty because they were in his car. He denied trying to hide the glass pipe (as stated in the police report), explaining that he had not known it was there. Respondent testified that the amount of methamphetamine barely met the threshold for a felony, and at one point he believed the charge might be reduced to a misdemeanor.

Respondent said that despite his struggles, he is in a stable place in his life. Although he moved in with his parents for financial reasons, it “turned out to be a blessing” because he is helping his mother as she undergoes cancer treatment. Respondent’s children are now with him more often, which he said is a stabilizing influence. He added that he is fully complying with his probationary terms and, “in lieu of support group sessions,” he is working with a friend on cognitive behavioral techniques. He has come close to losing hope after repeated rejections from nursing jobs, but he persists because of the support of his family and friends.

Respondent read two letters of recommendation into the record. Whitney Milberger, a horticulturalist, wrote that she has known Respondent for over a year, and described him as professional, compassionate, respectful, and empathetic. Lashonda Graham is a nurse manager who worked with Respondent at Altus and commended Respondent for his extensive knowledge, high standards, and reliability. Ms. Graham wrote that Respondent was efficient, skilled, and mentored many new staff and nurses. When questioned, Respondent stated that neither writer was aware of his most recent criminal case.

Sabian Alberto Mejia, Respondent's adult son, was present during the hearing and asked to speak on Respondent's behalf. Mr. Mejia said his father has made mistakes, but he has also worked very hard to be fully rehabilitated. According to Mr. Mejia, Respondent has shown tremendous personal growth, adaptability, and steadfastness in addressing new problems. Mr. Mejia urged that Respondent should be given another chance.

C. STAFF'S EVIDENCE

Ms. Philpy-Dollins works for the Board as a nursing practice consultant. She holds an RN license and has a master's degree in maternity nursing. She teaches jurisprudence and ethics workshops, produces quarterly Board updates, represents the Board in mediations, and testifies in SOAH proceedings. The ALJ accepted Ms. Philpy-Dollins as an expert on nursing practice and the Board's rules. Ms. Philpy-Dollins noted that Staff has filed three charges in this case, the first two of which relate to Respondent's failure to complete the classes required by the Reinstatement Order. If those were the only charges at issue, Ms. Philpy-Dollins

said, she would recommend that a warning be issued to Respondent for noncompliance with a Board order.

The third charge, relating to Respondent's 2024 offense, is far more troubling, Ms. Philpy-Dollins explained. She testified that the Board is charged with protecting the public and ensuring that nurses are safe to practice. She added that, despite Respondent's testimony that the methamphetamine found in his car did not belong to him, it is the same drug he had previously abused, and his acknowledgement of guilt indicates his addiction issues are not controlled.

Ms. Philpy-Dollins said that a nurse's drug use can impair clinical judgment and thus poses a risk to patients. Methamphetamine is known to be highly addictive and has a high potential for abuse. Based on evidence that Respondent was rehabilitated, the Board issued the Reinstatement Order and gave Respondent a chance to return to the profession. He did not comply with the order's requirements and committed another drug-related offense. According to Ms. Philpy-Dollins, the Board's sanctions policy is to increase the penalty level for each offense.²⁰ She described the Reinstatement Order as equivalent to a suspension order, and the next-level sanction is license revocation.

²⁰ See Tex. Occ. Code § 301.4531(c)(2) (stating that if a person has previously been the subject of disciplinary action by the Board, the Board "shall consider taking a more severe disciplinary action" than would be taken against a person who had not previously violated the Act or Board rules).

IV. PARTIES' ARGUMENTS AND ALJ'S ANALYSIS

A. PARTIES' ARGUMENTS

Respondent said he has a good support network now, is stable in his sobriety, and feels confident he can practice safely. During Staff's investigation, Respondent had asked whether, instead of revocation, his license could be suspended until he completes his community supervision. His probation began in October 2024 and will run until October 2029, but he hopes to be eligible for early release after half the term is over. During the hearing, Respondent stressed that he needs his license to support himself and his family. He requested that, instead of suspension, his license be allowed to remain in effect and restricted to specific jobs, such as drug counselor, nurse in a correctional facility, or a shipboard nurse for the Port of Houston. He also suggested that the drug testing and monitoring provisions of his community supervision should satisfy the oversight required under the Reinstatement Order.

Staff responded that the Board already gave Respondent a second chance with the Reinstatement Order, which went so far as to relax employment restrictions to accommodate the position at Altus. A "restart" of the Reinstatement Order, which Respondent appeared to be requesting, would be inappropriate because Respondent has not complied with the requirements of that order. Instead, given Respondent's new criminal activity, the appropriate step would be more severe disciplinary action through license revocation. Staff also questioned the status of Respondent's sobriety, noting that the Surrender Order lists a sobriety date of April 20, 2019, but at the hearing Respondent stated his sobriety date is February 21, 2024, the same day he was arrested for his most recent offense. Further, Staff pointed out that

revocation is “not the end of the road” because Respondent can again seek reinstatement after a year.

B. ALJ’S ANALYSIS

Staff established two bases for discipline: Respondent’s failure to comply fully with the Reinstatement Order (unprofessional conduct sanctionable under Act section 301.452(b)(10) and Board Rule 217.12(11)(B)) and his 2024 placement on deferred adjudication for a felony (criminal conduct sanctionable under Act section 301.452(b)(3)). The Act requires the Board to impose a disciplinary action when a nurse violates the Act or Board rules,²¹ so the next question is the form the disciplinary action should take.

Ms. Philpy-Dollins characterized Respondent’s failure to complete classes required by the Reinstatement Order as a First Tier, Sanction Level II offense under the Board’s Disciplinary Matrix, for which a warning would be appropriate if that were the only violation at issue. The ALJ concurs. The ALJ also agrees that Respondent’s February 2024 offense warrants more severe sanction.

The Disciplinary Matrix does not establish tiers or sanction levels for conduct sanctionable under Act section 301.452(b)(3), but the factors listed in Board Rules 213.28(h) and .33(c) and in Chapter 53 apply to this analysis. In Respondent’s favor, he provided recommendation letters from a friend and a former colleague, both of

²¹ Tex. Occ. Code § 301.453(a).

whom spoke highly of him.²² He said he has a strong support network of family and friends, and his son's testimony showed their close bond.²³ Since February 2024, there is no evidence of subsequent criminal activity.²⁴ There also is no evidence of actual or potential harm to patients or the public based on Respondent's conduct.²⁵

On the other hand, many considerations weigh against Respondent. The writers of the recommendation letters did not know about Respondent's most recent offense, and it is unknown how that would have affected their opinions. Respondent has a history of drug-related offenses, most committed in 2018 and 2019. Though he proved sustained sobriety to have his license reinstated in 2023, his most recent offense occurred barely a year after the Reinstatement Order issued.²⁶ He was an adult and the offenses cannot be dismissed as youthful indiscretions.²⁷ Respondent will be on supervision for nearly four more years, until October 2029, although there is a possibility of early release.²⁸

Importantly, Respondent did not fully acknowledge or explain his recent offense.²⁹ He minimized the incident, stating that the quantity of drugs was

²² 22 Tex. Admin. Code § 213.28(h)(6); Tex. Occ. Code § 53.023(a)(7). Although Respondent did not submit copies of the letters, Staff did not object to them being read into evidence.

²³ 22 Tex. Admin. Code § 213.28(h)(15).

²⁴ 22 Tex. Admin. Code § 213.28(h)(3); Tex. Occ. Code § 53.023(a)(3).

²⁵ 22 Tex. Admin. Code § 213.33(c)(1).

²⁶ 22 Tex. Admin. Code § 213.28(h)(1); Tex. Occ. Code § 53.023(a)(1).

²⁷ 22 Tex. Admin. Code § 213.28(h)(2); Tex. Occ. Code § 53.023(a)(2).

²⁸ 22 Tex. Admin. Code § 213.28(h)(10).

²⁹ 22 Tex. Admin. Code § 213.28(h)(14).

“minute” and nearly failed to meet the felony threshold. He offered no explanation for how the pipe and drugs got into his car or to whom they belonged, if they were not his. Further, he stated his sobriety date is now the same date as his arrest (February 21, 2024), meaning he has had issues with addiction since the Reinstatement Order was issued. However, he did not explain what steps he took to reestablish sobriety. He also failed to discuss what he is doing to stay sober, other than a reference to a friend who helps him with cognitive behavioral techniques.³⁰

Relatedly, Respondent does not acknowledge that his February 2024 offense shows a lack of fitness to practice nursing. Drug offenses directly relate to the nursing profession because substance use can impair a nurse’s ability to provide safe, effective care, and working as a nurse would give Respondent access to drugs, including controlled substances. The Reinstatement Order restored Respondent’s license conditioned on his compliance with the measures the Board deemed necessary to protect patients and the public, including abstention from drugs. Respondent failed to honor those conditions and consequently the Board can be expected to have less confidence in his ability to practice safely. Instead of recognizing this consequence, Respondent seeks permission to keep practicing. The jobs he identified (drug counselor, nurse in a correctional facility, or shipboard nurse) are not particularly suited to ensuring he is practicing safely; rather, they appear to be jobs that Respondent thinks might hire him despite the

³⁰ 22 Tex. Admin. Code § 213.28(h)(5); Tex. Occ. Code § 53.023(a)(5). It is unclear whether Respondent’s probation officer approved practicing cognitive behavioral techniques “in lieu of” support groups or whether the Board has also deemed these sessions satisfactory for purposes of the Reinstatement Order, which requires support group participation. However, Staff did not include in its notice of hearing any allegations related to failure to attend support groups, so the ALJ does not consider the matter further.

Reinstatement Order's employment restrictions. His prioritization of his financial goals over the importance of patient safety indicates he does not currently have the requisite fitness to practice nursing.³¹

Respondent was subject to prior disciplinary action by the Board through the Reinstatement Order.³² There are multiple violations currently at issue (failure to complete classes and a new offense).³³ The Reinstatement Order has not had the desired effect of deterring Respondent from repeating his drug-related conduct.³⁴ When a licensee has been the subject of Board disciplinary action previously, the Board shall consider more severe action.³⁵ There is no evidence of actual harm to patients or the public,³⁶ but Respondent did not prove any other mitigating factors the Board should consider.³⁷ Under the circumstances, the ALJ finds that revocation is the most appropriate sanction.

³¹ 22 Tex. Admin. Code § 213.28(h)(16).

³² 22 Tex. Admin. Code § 213.33(c)(6). The Reinstatement Order states that it is a "settlement agreement" pursuant to Act section 301.463(d). Staff Ex. 9 at 11. Act section 301.463(b) provides that an agreed disposition of a complaint, including an agreed settlement, is considered a disciplinary order for purposes of administrative hearings regarding the practice of nursing.

³³ 22 Tex. Admin. Code § 213.33(c)(13).

³⁴ 22 Tex. Admin. Code § 213.33(c)(9).

³⁵ Tex. Occ. Code § 301.4531(c)(2).

³⁶ 22 Tex. Occ. Code § 213.33(c)(1).

³⁷ Respondent read two recommendation letters into the record but acknowledged the writers were unaware of his 2024 arrest. This makes their opinions far less useful to the Board in evaluating the totality of Respondent's conduct. Respondent testified that he has a strong support network, but he did not provide concrete evidence of how he regained sobriety and maintains it, other than a reference to cognitive behavioral techniques he works on with a friend (who may or may not have expertise in the area). There is no evidence of criminal activity after February 2024, but persons under community supervision can be expected to be more cautious; the Board needs evidence Respondent can be trusted to practice with autonomy.

V. FINDINGS OF FACT

1. Mario Alberto Mejia (Respondent) holds Registered Nurse License No. 729339, issued by the Texas Board of Nursing (Board) on October 18, 2006.
2. Between 2018 and 2019, Respondent was arrested multiple times for, and entered guilty pleas to, offenses involving possession of methamphetamine.
3. Respondent checked himself into a rehabilitation facility in April 2019 and completed a 100-day treatment program.
4. On June 2, 2020, the Board accepted Respondent's voluntary surrender of his nursing license.
5. Effective January 19, 2023, the Board issued an order (Reinstatement Order) reinstating Respondent's nursing license subject to certain requirements, including completion of courses in nursing jurisprudence and ethics and in critical thinking, and abstention from drugs and alcohol. The Reinstatement Order also placed restrictions on the types of shifts and duties Respondent could accept as a nurse.
6. The Reinstatement Order modified or waived some employment restrictions for a position Respondent secured as an operating room nurse at Altus Houston Hospital (Altus).
7. Altus was acquired by another hospital and Respondent was laid off. He has been unable to find another nursing job that will accommodate the restrictions of the Reinstatement Order.
8. On February 21, 2024, police stopped Respondent for a traffic violation and found methamphetamine in his car, along with a glass pipe with burn marks on it.
9. Respondent was charged with the state jail felony offense of possession of a controlled substance and pleaded guilty.
10. On November 15, 2024, in Case No. 100944-CR, the 299th District Court of Brazoria County entered an order finding that the evidence substantiated

Respondent's guilt but deferred adjudication of the matter and placed him on five years of community supervision.

11. The staff (Staff) of the Board opened an investigation into Respondent's conduct and proposed disciplinary action. Respondent requested a hearing before the State Office of Administrative Hearings (SOAH).
12. On October 10, 2025, Staff served Respondent with a Notice of Hearing that 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 factual matters asserted or an attachment that incorporated by reference the factual matters asserted in the complaint or petition filed with the state agency.
13. SOAH Administrative Law Judge Pratibha J. Shenoy convened a hearing on the merits via videoconference on November 24, 2025. Assistant General Counsel Eugene Clayborn represented Staff, and Respondent represented himself. The record was held open for Respondent to submit additional documents and for Staff to file objections, if any. Respondent failed to make any submissions, and the record was closed on December 16, 2025.
14. There is no evidence of actual or potential harm to patients or the public based on Respondent's conduct.
15. Despite no evidence of harm, Respondent's February 2024 offense directly relates to his practice of nursing because substance use can impair a nurse's ability to provide safe, effective care, and working as a nurse offers access to drugs, including controlled substances.
16. Respondent minimized his 2024 offense, stating that it involved a minute quantity of drugs, the drugs did not belong to him, and he had not known the glass pipe was in the car.
17. Respondent has not completed the classes required by the Reinstatement Order.
18. Respondent failed to abstain from drugs and alcohol, a limitation the Board deemed necessary for him to safely return to nursing practice.

19. Although there is a possibility of early release, Respondent is currently scheduled to remain on probation until October 2029.
20. Respondent's sobriety date prior to the issuance of the Reinstatement Order was April 20, 2019. His sobriety date is now February 21, 2024. There is no evidence of the specific steps he took to reestablish his sobriety.
21. Respondent is working on incorporating cognitive behavioral techniques with a friend's help, but there is no other evidence of concrete steps he has taken to rehabilitate himself since his February 2024 offense.
22. Respondent does not currently possess the fitness required to practice nursing safely and effectively.

VI. CONCLUSIONS OF LAW

1. The Board has jurisdiction over the licensing and discipline of nurses. Tex. Occ. Code ch. 301.
2. SOAH has jurisdiction over contested cases referred by the Board, including the authority to issue a proposal for decision with findings of fact and conclusions of law. Tex. Occ. Code § 301.459; Tex. Gov't Code ch. 2003.
3. Respondent received adequate and proper notice of the hearing on the merits. Tex. Occ. Code § 301.454; Tex. Gov't Code §§ 2001.051-.052.
4. Staff had the burden of proving its allegations and any aggravating factors, and Respondent had the burden of proving any mitigating factors. 1 Tex. Admin. Code § 155.427.
5. The standard of proof is a preponderance of the evidence. *Granek v. Tex. State Bd. of Med. Exam'rs*, 172 S.W.3d 761, 777 (Tex. App.—Austin 2005, no pet.).
6. Respondent is subject to sanction because, by failing to comply with a Board order, he committed unprofessional conduct in the practice of nursing that is likely to deceive, defraud, or injure a patient or the public. Tex. Occ. Code § 301.452(b)(10); 22 Tex. Admin. Code § 217.12(11)(B).

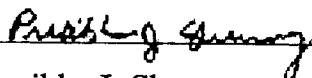
7. Respondent is also subject to sanction because he was placed on deferred adjudication community supervision for a felony offense. Tex. Occ. Code § 301.452(b)(3).
8. To determine the appropriate disciplinary sanction to be imposed in this case, the Board must consider the factors set forth in 22 Texas Administrative Code section 213.28(h) and the Board's Disciplinary Matrix, 22 Texas Administrative Code section 213.33(b).
9. Respondent established one mitigating factor the Board may consider: the absence of actual or potential harm to patients or the public resulting from his conduct. 22 Tex. Admin. Code § 233.33(c)(1).
10. The Board may consider the following aggravating factors: issuance of a prior disciplinary action by the Board; the need for deterrence; and multiple violations at issue. 22 Tex. Admin. Code § 213.33(c)(6), (9), (13).
11. When a licensee has been the subject of Board disciplinary action previously, the Board shall consider more severe action. Tex. Occ. Code § 301.4531(c)(2).

VII. RECOMMENDATION

The Board should revoke the registered nurse license held by Mario Alberto Mejia.

Signed February 11, 2026

ALJ Signature:



Pratibha J. Shenoy

Administrative Law Judge

State Office of Administrative Hearings

Kristofer S. Monson
Chief Administrative Law Judge

March 4, 2026

Eugene Clayborn, Assistant General Counsel
Texas Board of Nursing

VIA EFILE TEXAS

Mario Alberto Mejia, RN
3005 8th St.
Bay City, TX 77414

VIA REGULAR MAIL

RE: SOAH Docket Number 507-26-02428;
Texas Board of Nursing v. Mario Alberto Mejia

Dear Parties:

Please be advised that the time period to file exceptions to the Proposal for Decision (PFD) issued in the above-referenced hearing has expired and neither party filed exceptions. Therefore, the Administrative Law Judge recommends that the PFD be adopted as written. Because the State Office of Administrative Hearings has concluded its involvement in the matter, the case is being returned to the **Texas Board of Nursing**.

CC: Service List