



BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse	§	AGREED
License Number 189384	§	
issued to JOELY DANIELLE LOPEZ	§	ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 189384, issued to JOELY DANIELLE LOPEZ, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Temple Junior College, Temple, Texas, on May 10, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on July 3, 2003.
5. Respondent's employment history includes:

7/2003-2/2004	Unknown
3/2004-1/2005	LVN Rosewood Living Center Killeen, Texas

Respondent's employment history continued:

1/2005-4/2005	LVN Temple Living Center East Temple, Texas
5/2005	Unknown
6/2005-3/2011	LVN Outreach Health Services Killeen, Texas
4/2011-Present	Unknown

6. At the time of the incident, Respondent was employed as a LVN with Outreach Health Services, Killeen, Texas, and had been in this position for five (5) years and nine (9) months.
7. On or about March 10, 2011, while employed with Outreach Health Service, Killeen, Texas, and assigned to care for Patient J.F. a two year old child, Respondent bit the child on the right forearm leaving a bruise the size and shape of her mouth and teeth. Respondent's conduct was likely to injure the patient in that it exposed the patient unnecessarily to a risk of experiencing physical, emotional and/or psychological harm.
8. On April 3, 2012, Respondent plead guilty to the charge Injury to a Child, a 3rd degree felony offense, under 22.04 Penal Code. As a result of her plea, adjudication of guilt was deferred and Respondent was placed on Community Supervision for ten (10) years.
9. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license(s) to practice nursing in the State of Texas.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 301.452(b)(3),(10)&(13), Texas Occupations Code and 301.4535(a)(7), and 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B) and 22 TEX. ADMIN. CODE §217.12(1)(A),(4),(6)(C)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Vocational License Number 189384, heretofore issued to JOELY DANIELLE LOPEZ, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational Nurse License Number 189384, heretofore issued to JOELY DANIELLE LOPEZ, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: five (5) years have passed from the date Respondent successfully completes and is dismissed from community service, as is outlined in Finding of Fact Number Eight (8).
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

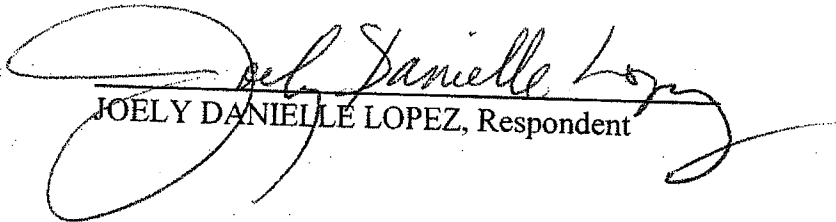
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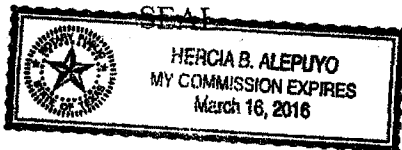
RESPONDENT'S CERTIFICATION

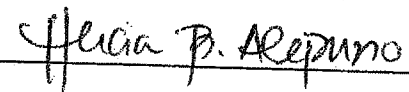
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 14 day of May, 2012.


JOELY DANIELLE LOPEZ, Respondent

Sworn to and subscribed before me this 14 day of MAY, 2012.




Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Vocational Nurse License Number 189384, previously issued to JOELY DANIELLE LOPEZ.



Effective this 16th day of May, 2012.

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