



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 Vocational Nurse § AGREEED
License Number 187794 §
issued to SYLVIA GUZMAN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of SYLVIA GUZMAN, Vocational Nurse License Number 187794, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2)&(10). Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on July 7, 2011, by Katherine A. Thomas, MN, RN, Executive Director.

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 Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
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 the University of Texas at Brownsville and Texas Southmost College, Port Isabel, Texas, on December 18, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on January 31, 2003.
5. Respondent's nursing employment history includes:

02/2003 - 01/2006

LVN

La Hacienda Health Care
Harlingen, Texas

5. Respondent's nursing employment history continued:

09/2004 - 06/2005	LVN	Cameron County Carrizales Detention Center Brownsville, Texas
07/2005 - 01/2006	LVN	Whispering Palms Brownsville, Texas
02/2006 - unknown	LVN	Cameron County Carrizales- Rucker Detention Center Brownsville, Texas

6. On or about April 27, 2006, Respondent submitted a Texas Online Renewal Document to the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you been convicted, adjudicated guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests (excluding minor traffic violations) since the last renewal? This includes expunged offenses and deferred adjudication with or without prejudice of guilt. Please note that Driving Under the Influence, Driving While Intoxicated, and Public Intoxication must be reported and are not considered minor traffic violations."

Respondent failed to disclose that on October 6, 2004, she was convicted of the Class B Misdemeanor offense of Driving While Intoxicated, in the County Court at Law Number 3, Cameron County, Texas, under Cause Number 04CCR0002814. As a result of the conviction, Respondent was placed on probation for a period of nine (9) months and ordered to pay a fine and court costs. Respondent's conduct was deceiving and may have affected the Board's decision to renew her license.

7. In response to Finding of Fact Number Six (6), Respondent states that "I thought at the time, I did not have to report a misdemeanor because I had complied with the court conditions, and it was not considered a felony charge. If it is required by the State Board of Nursing to reprimand me for my actions, I, of course, am willing to take full responsibility." On May 11, 2004, Respondent explains that she had worked long hours and had gone with co-workers to a restaurant to celebrate a birthday. "While at the restaurant I had a couple of margaritas to go with my meal. I then decided to drive home, feeling tired, but not impaired. I was pulled over due to my brake light not working properly. The officer asked where I had been previously, I mentioned I had been out for a late dinner." Respondent states the officer asked her if drinks were included and when she said they were, he had her perform a sobriety test, which she failed. Respondent states she was charged with a misdemeanor class B for driving under the influence of alcohol. Respondent asserts "I have learned since the incident after the education program of alcohol and drug abuse, having a few drinks is not worth driving from point A to point B, risking people's lives, my own and my career that I have worked so hard to accomplish."

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)(2) & (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(I).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 187794, heretofore issued to SYLVIA GUZMAN, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION WITH A FINE, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.*

(2) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00). RESPONDENT SHALL pay this fine within forty five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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 when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. 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 to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 22 day of August, 2011.

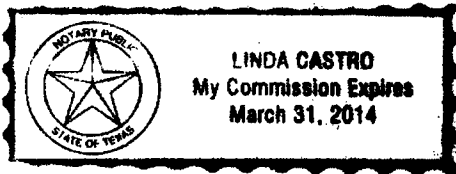
Sylvia Guzman
SYLVIA GUZMAN, Respondent

Sworn to and subscribed before me this 22 day of August, 2011.

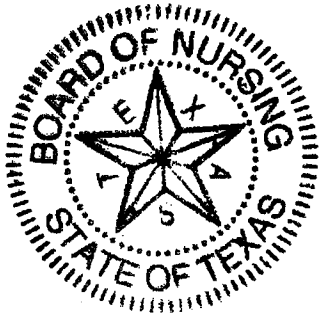
SEAL

Linda Castro

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 ratify and adopt the Agreed Order that was signed on the 22nd day of August, 2011, by SYLVIA GUZMAN, Vocational Nurse License Number 187794, and said Order is final.



Effective this 1st day of September, 2011.

Katherine A. Thomas

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