



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 Registered Nurse	§	AGREED
License Number 703840 and	§	
Vocational Nurse License	§	
Number 153687 issued to	§	
MICHAEL ANTHONY VASQUEZ	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MICHAEL ANTHONY VASQUEZ, Registered Nurse License Number 703840 and Vocational Nurse License Number 153687, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on December 28, 2011, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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(s).
2. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas. Respondent holds a license to practice vocational nursing in the State of Texas which is currently in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Odessa College, Monahans, Texas, on August 11, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on September 11, 1995. Respondent received an Associate Degree in Nursing from Odessa College, Odessa, Texas, on December 1, 2003. Respondent was licensed to practice professional nursing in the State of Texas on March 9, 2004.

5. Respondent's nursing employment history includes:

10/95 - 03/04	LVN	Avalon Place Odessa, Texas
03/04 - 08/05	RN	Star Care Home Health Odessa, Texas
08/05 - 01/10	RN	Nurses Unlimited, Inc. Odessa, Texas
02/10 - Present	RN/DON	Senior Care Centers Midland, Texas

6. At the time of the initial incident, Respondent was employed as a disease management nurse with Nurses Unlimited, Inc., Odessa, Texas, and had been in this position for four (4) years and three (3) months.

7. On or about November 11, 2009, while employed with Nurses Unlimited, Inc., Odessa, Texas, Respondent falsified a patient's signature on a "Notice of Medicare Provider Non-Coverage" form for Patient Medical Record Number 22329. The patient was admitted to Medical Center Hospital, Odessa, Texas, on November 10, 2009 and discharged on November 12, 2009. Respondent's conduct was deceptive and created an inaccurate medical record.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that the patient's payor source had changed from Medicare to Humana HMO. Respondent states he was directed by QA to inform the patient that this change could and likely would result in some significant out of pocket expenses for him as they were out-of-network. The patient was very upset by this news and related that he had also been told by his primary care physician that this insurance change would result in him having to find a new doctor as he was also out-of-network. The patient called Humana and complained as he felt he had been misled into changing his benefits. The patient was told by Humana that his insurance would be switched back immediately and he completed the necessary paperwork to return to a traditional Medicare program.

In November 2010, Respondent states he was contacted within his Nurses Unlimited, Inc. email account by Team Leader M. Bennett, RN. She wanted some documents changed for the patient because they received information that he was again being covered by Medicare. Respondent states that M. Bennett asked him to change the assessments to match the billing records, but he refused. Respondent states that M. Bennett advised him that she would inform S. Nease, RN who was their supervisor that he refused to make the change.

Respondent states that he was unable to speak with Ms. Nease about the issue. M. Bennett informed him that Ms. Nease approved a change to the assessment since it was a billing issue change. Respondent states he still did not change the assessment as requested.

In December, Respondent states he was directed via email and post-it notes to change the patient's assessment data in the medical records to flow with the billing records created by M. Bennett. Ultimately, Respondent states he did make a change to the last assessment to fit the billing at the direction of M. Bennett. Respondent states he only changed one date in the total medical record to fit the billing information and that none of the assessment was altered. Respondent states he refused to make any other changes to the records, but agreed to change the date on the last record because he still recalled the assessment data was accurate.

In January 2011, the QA Nurse, N. Rhodes informed Respondent that the assessment filed for the patient was returned because he was in the hospital on the date in question.

9. On or about August 20, 2011, Respondent completed a course in Nursing Jurisprudence and Ethics through Ames High, San Antonio, Texas, which would have been a requirement for this Order.

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)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(1)(C),(6)(A)&(6)(H).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 703840 and Vocational Nurse License Number 153687, heretofore issued to MICHAEL ANTHONY VASQUEZ, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH

STIPULATIONS AND 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(s) is/are 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 Texas Board of Nursing 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 nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation.

RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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, within one (1) year of entry of this Order, successfully complete 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 program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding Board-approved courses may be found at the following Board website address:*
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

(3) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500). 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, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND

RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS 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 STIPULATION PERIOD:

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(6) RESPONDENT 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 RESPONDENT, 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 experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency, with the exception of Respondent's current employment as Alternate Director of Nursing with Home Care Plus, Midland, Texas. Should Respondent's current employment as Alternate Director of Nursing with Home Care Plus, Midland, Texas cease or change, RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year(s) of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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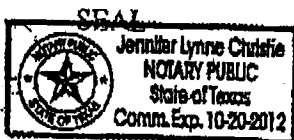
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation 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 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 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) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 31 day of January, 2012.

[Signature]
MICHAEL ANTHONY VASQUEZ, Respondent

Sworn to and subscribed before me this 31 day of January, 2012.



Jennifer Christie
Notary Public in and for the State of Texas

Approved as to form and substance.

[Signature]
Jon Porter, Attorney for Respondent

Signed this 6th day of February, 2012.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 31st day of January, 2012, by MICHAEL ANTHONY VASQUEZ, Registered Nurse License Number 703840 and Vocational Nurse License Number 153687, and said Order is final.

Effective this 20th day of March, 2012.



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