



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	§	AGREED
License Number 211530	§	
issued to LESLIE DENISE HOWARD	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LESLIE DENISE HOWARD, Vocational Nurse License Number 211530, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on July 29, 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 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 Houston Community College, Houston, Texas, on May 14, 2007. Respondent was licensed to practice vocational nursing in the State of Texas on September 11, 2007.
5. Respondent's vocational nursing employment history includes:

10/07-2/08

LVN

Allergy & Asthma Associates
Houston, Texas

Respondent's vocational nursing employment history continued:

3/08-7/08	Unknown	
8/08-11/08	LVN	Ultrastaff Houston, Texas
12/08-7/09	LVN	Encompass Home Health Houston, Texas
4/09-Present	LVN	Home Health Care Network Houston, Texas
9/10-Present	LVN	MyNurse Home Care, Inc. Pearland, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a vocational nurse with Encompass Home Health, Houston, Texas, and had been in this position for approximately eight (8) months.
7. On or about June 27, 2009, while employed with Encompass Home Health, Houston, Texas, Respondent falsified a Skilled Nursing Visit note for Patient Medical Record Number CLR00002902401, in that Respondent submitted documentation for a visit when the patient was hospitalized. Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to further care for the patient and was likely to defraud the agency of payment for a visit which was not performed.
8. On or about June 27, 2009, while employed with Encompass Home Health, Houston, Texas, Respondent submitted a fraudulent Agent Visit Drive Time/Mileage Report to receive compensation for a visit to Patient Medical Record Number CLR00002902401 that she had not performed. Respondent's conduct was likely to defraud the facility and patient of payment for a visit which was not performed.
9. In response to Finding of Fact Number Seven (7), Respondent states it was an honest mistake and no malicious intent was done. In addition, Respondent states the incident was an accident and she's sorry for what happened. She learned a great lesson.
10. Respondent submitted the following performance evaluations and reference letters on her behalf from individuals who work with her at her current employment of MyNurse Home Care Inc.:
 - 10.1 Employee Performance Evaluation dated December 1, 2010 (90 day review) shows a performance rating of "meets expectations" to "fully meets expectations" and states Respondent has good problem solving skills and is very dependable.

- 10.2 Employee Performance Evaluation dated November 1, 2011 (annual) shows a performance rating of "fully meets expectations" to "excellent" and states Respondent "has had a tough road with learning how to chart/document correctly and has hung in through the process." In addition, it states Respondent accepts constructive criticism well and is eager to be an excellent nurse.
- 10.3 Kristel Jamison, RN, ADON, MyNurse Home Care, Inc., who has worked with Respondent for one year, states that she believes Respondent is a conscience, caring nurse and speaks highly of Respondent's nursing skills, charting and commitment.
- 10.4 Letter dated November 1, 2011, provided by Misty Bays, LVN, Alternate Administrator, MyNurse Home Care, Inc., who has worked with Respondent since 2010 and has been in direct supervision of Respondent's documentation and charting for MyNurse Home Care Inc. states that Respondent has made great improvement in documentation and communication since she started with the company.
- 10.5 Letter dated November 1, 2011, provided by Shaala Srut, RN, CEO, DON, owner of MyNurse Home Care, Inc., who states that Respondent is a highly valued employee and states Respondent's charting and her eagerness to learn have improved since she began with the company in September 2010.
11. Respondent submitted the following performance appraisals and a reference letter on her behalf from her Director of Nursing who works with her at her current employment of Home Health Care Inc.:
 - 11.1 Performance Appraisal, signed by Brenda Smith, RN, DON, dated August 7, 2009 (90 day) shows a performance rating of "average" to "above average" and states Respondent "provides excellent nursing care to her patients and her submission of notes has improved greatly."
 - 11.2 Performance Appraisal, signed by Brenda Smith, RN, DON, dated April 29, 2011 (annual) shows a performance rating of "average" to "above average" and states Respondent "completes assignments that are accepted in a timely manner using good nursing standards."
 - 11.3 Letter received by the Board on March 14, 2012, provided by Brenda J. Smith, RN, DON, who works with her at her current employment of Home Health Care Network. Ms. Smith states Respondent has worked at their agency since April 2009. Ms. Smith continues to state that Respondent has been dependable, able to complete all tasks assigned, and her patients have felt confident in her skill.

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)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(D) and 217.12(1)(A), (1)(B),(1)(C),(6)(A)&(6)(G).
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 211530, heretofore issued to LESLIE DENISE HOWARD, 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 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 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, 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>

(3) 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*

t h e f o l l o w i n g B o a r d w e b s i t e a d d r e s s :

<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

(4) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250). 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 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:

(5) 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.

(6) 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.

(7) 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. Respondent may be deemed compliant with this stipulation for general supervision as long as she is employed by Home Health Care Network, and provided RESPONDENT meets stipulations five (5) through eight (8) and works a minimum of sixty-four (64) hours per month. In addition to the quarterly employment reports outlined in stipulation Eight (8) below, during her employment with Home Health Care Network, RESPONDENT SHALL cause her employer to submit any and all incident, counseling, variance, unusual occurrence and medical documentation or other error reports involving Respondent, as well as documentation of any internal investigations regarding action by Respondent, to the attention of the Monitoring Investigator at the Board's office. Should RESPONDENT'S employment with Home Health Care Network cease, then the terms of this stipulation remain in full force and effect. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) 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 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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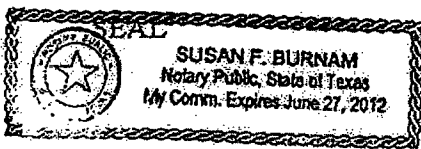
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. 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 26 day of March, 2012.

Leslie Denise Howard
LESLIE DENISE HOWARD, Respondent

Sworn to and subscribed before me this 26th day of March, 2012.



Susan F. Burnam
Notary Public in and for the State of Texas

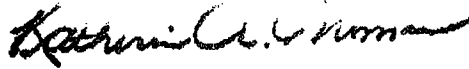
Approved as to form and substance.

Darrin Dest
Darrin Dest, Attorney for Respondent

Signed this 26 day of March, 2012.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 26th day of March, 2012, by LESLIE DENISE HOWARD, Vocational Nurse License Number 211530, and said Order is final.

Effective this 19th day of April, 2012.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas", written over a horizontal line.

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