



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 700405 and Vocational §
Nurse License Number 148490 §
issued to MARIA JONINE ARABIA a/k/a §
MARIA BINKLEY § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MARIA JONINE ARABIA, Registered Nurse License Number 700405 and Vocational Nurse License Number 148490, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on September 26, 2011, by Katherine A. Thomas, MN, RN, FAAN, 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 inactive status.

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4. Respondent received a Certificate in Vocational Nursing from Galen Health Institute, San Antonio, Texas, on July 18, 1994, and an Associate Degree in Nursing from Excelsior College, Albany, New York, on September 9, 2003. Respondent was licensed to practice vocational nursing in the State of Texas on September 19, 1994, and Respondent was licensed to practice professional nursing in the State of Texas on September 16, 2003.
5. Respondent's complete nursing employment history is unknown.
6. On or about October 4, 2007, Respondent was arrested by the Alamo Heights Police Department, San Antonio, Texas, for ASSAULT PUBLIC SERVANT-BI 2 COUNTS , a 3rd Degree felony offense, and for RESIST ARREST SEARCH OR TRANSP, a Class A misdemeanor offense.

On or about March 20, 2009, Respondent pled Nolo Contendere to ASSAULT BODILY INJURY COUNT II , a Class A misdemeanor offense committed on October 4, 2007, in the 175th District Court of Bexar County, Texas, under Cause No. 2007CR10767. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of six (6) months, and ordered to pay a fine and court costs. On or about September 17, 2009, Respondent was discharged from probation.

7. In response to Finding of Fact Number Six (6), Respondent states: On October 4, 2007, she was arrested for a reason unknown to her. The arrest was a brutal physical arrest, causing her to become alarmed and defensive. Due to the force of the several officers who physically detained her from behind, she was struggling to get away. In the course of these events, she was accused of "biting an officer." There were never any charges filed against her for the initial cause, because there was not just cause. However, she faced felony charges for causing bodily injury to a public servant. In March 2009, the case against her was settled. The charge was reduced to a misdemeanor and she was placed on deferred adjudication with six months of community supervision, which expired on September 20, 2009. This type of behavior is neither common, nor representative of her character. This was an isolated incident, all caused by being arrested without just cause in the first place. She holds the utmost respect for her nursing license and that is why she battled these charges for nearly two years and has served her restitution.
8. On or about February 12, 2008, Respondent submitted an Online Renewal Document Registered and Licensed Vocational Nurse to the Texas Board of Nursing, in which Respondent provided false, deceptive, and/or misleading information, in that Respondent answered "No" to the question:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

- A. been convicted of a misdemeanor?
- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
- D. received deferred adjudication?
- E. been placed on community supervision or court ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court martial; Article 15 violation; or received any form of military judgment/punishment/action?"

Respondent failed to disclose that on or about October 4, 2007, Respondent was arrested by the Alamo Heights Police Department, San Antonio, Texas, for ASSAULT PUBLIC SERVANT-BI 2 COUNTS, a 3rd Degree felony offense, and for RESIST ARREST SEARCH OR TRANSP, a Class A misdemeanor offense.

- 9. In response to Finding of Fact Number Eight (8), Respondent states: It was not her intention to mislead the Board regarding the arrest. She misread the question that read whether or not she had been convicted of a criminal offense. She apologizes sincerely for the error and oversight on her part. She suffered through a stressful period of the time from September of 2007 to April of 2009, which included many life-changing events.
- 10. On or about March 22, 2010, Respondent voluntarily notified the Board of all details related to the incident of 10/4/07 and appropriately submitted all required legal documentation. The Board did not respond or take action at that time. First notification of investigation from the Board was sent to Respondent on or about 9-12-11.

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 violations of Section 301.452(b)(2)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(I)&(13).
- 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 700405 and Vocational Nurse License Number 148490, heretofore issued to MARIA JONINE ARABIA, 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 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.

(2) 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>

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:

(3) 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.

(4) 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.

(5) 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 SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(6) 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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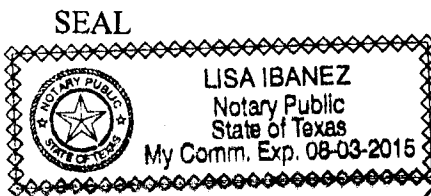
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I 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 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 27 day of December, 2011.

Maria Jonine Arabia
MARIA JONINE ARABIA, Respondent

Sworn to and subscribed before me this 27 day of December, 2011.



Lisa Ibanez

Notary Public in and for the State of Texas.

[Signature]
Attorney for Respondent

Signed this 28th day of December, 2011.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 27th day of December, 2011 , by MARIA JONINE ARABIA, Registered Nurse License Number 700405 and Vocational Nurse License Number 148490, and said Order is final.

Effective this 14th day of February , 20 12 .



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



I certify this to be a true copy of the records on file with th Texas Board of Nursing.

Date: _____

Signed: _____