



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

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In the Matter of Vocational Nurse           §        AGREED  
License Number 300642                       §  
issued to EMILY CHERUTO                   §        ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of EMILY CHERUTO, Vocational Nurse License Number 300642, hereinafter referred to as Respondent.

~~Information received by the Board produced evidence that Respondent may be subject~~

to discipline pursuant to Section 301.452(b)(2),(8)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on August 2, 2012, by Katherine A. Thomas, MN, RN, FAAN, 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(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 Practical Nursing from Iowa Lakes Community College, Emmetsburg, Iowa on May 1, 2009. Respondent was licensed to practice vocational nursing in the State of Texas on May 19, 2011.
5. Respondent's complete nursing employment history is unknown.

6. On or about November 29, 2011, Respondent submitted a renewal application to the Texas Board of Nursing - Online Renewal Document-Licensed Vocational Nurse in which she provided false, deceptive, and/or misleading information, in that Respondent answered "no" to the following question:

"Are you currently the target or subject of a grand jury or governmental agency investigation?"

On or about September 14, 2011, Respondent received notice from the Iowa Board of Nursing with a Notice of Hearing and Statement of Charges, resulting in Respondent signing a Stipulation and Order from the Iowa State Board of Nursing on November 2, 2011 which was ratified by the Iowa Board of Nursing on December 1, 2011. A copy of the Notice of Hearing and Statement of Charges issued by the Iowa Board of Nursing dated September 14, 2011 is attached and incorporated by reference as a part of this Order. Respondent's conduct was deceiving and may have affected the Board's decision to renew her license.

- ~~7. On or about December 1, 2011, Respondent received a Stipulation and Order from the Iowa State Board of Nursing wherein Respondent received a civil penalty and was required to attend continuing education classes due to accusations of false documentation on a patient's medical records. A copy of the Stipulation and Order issued by the Iowa State Board of Nursing dated December 1, 2011 is attached and incorporated by reference as a part of this Order.~~

8. In response to Findings of Fact Numbers Six (6) and Seven (7), Respondent states she had a disagreement with her previous employer over documentation and has complied with the Iowa Board. Respondent further states she renewed her license but did not have any intention to lie to the board.

#### 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(s) of 22 TEX. ADMIN. CODE §217.12(6)(H)&(I).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2)(8)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 300642, heretofore issued to EMILY CHERUTO, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of a REMEDIAL EDUCATION 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 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.texas.gov/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. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of two hundred and 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, 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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CONTINUED ON NEXT PAGE.

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(s) 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

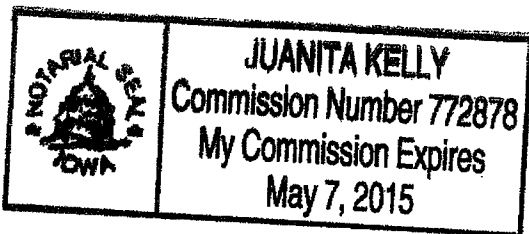
Signed this 13<sup>th</sup> day of September, 2012.

*Emily Cheruto*  
EMILY CHERUTO, Respondent

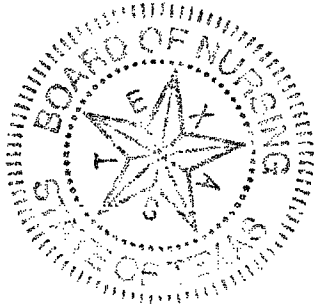
Sworn to and subscribed before me this 13<sup>th</sup> day of September, 2012.

SEAL

*Juanita Kelly*  
Notary Public in and for the State of Iowa



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 13<sup>th</sup> day of September, 2012, by EMILY CHERUTO, Vocational Nurse License Number 300642, and said Order is final.



Effective this 20<sup>th</sup> day of September, 2012.

A handwritten signature in cursive script that reads 'Katherine A. Thomas'.

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

10-666 BEFORE THE BOARD OF NURSING  
OF THE STATE OF IOWA

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IN THE MATTER OF:	)	CASE NO. 10-666
	)	
EMILY CHERUTO	)	
3612 Poteet Drive, #536	)	NOTICE OF HEARING AND
Dallas, TX 75150	)	STATEMENT OF CHARGES
	)	
Certificate and License No. P52610,	)	
	)	
RESPONDENT.	)	

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**COMES NOW** the Iowa Board of Nursing (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code Sections 17A.12(2), 17A.18(3), and 655 Iowa Administrative Code 4.16. Respondent was issued Iowa license no. P52610 on September 2, 2009. License no. P52610 is inactive.

**A. TIME, PLACE AND NATURE OF HEARING**

Hearing. A disciplinary contested case hearing shall be held on December 1, 2011, before the Board of Nursing. The hearing shall begin at 11:00 AM and shall be located at the Des Moines West Room, Holiday Inn, 1050 6<sup>th</sup> Avenue, Des Moines, Iowa.

Answer. You may file an Answer to this Notice of Hearing and Statement of Charges pursuant to 655 Iowa Administrative Code 4.22. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on prehearing matters, and be



present to assist and advise the Board at hearing.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 655 Iowa Administrative Code chapter 4. At hearing, you may appear personally or be represented by legal counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at hearing. If you need to request an alternative time or date for hearing, you must comply with the requirements of 655 Iowa Administrative Code 4.28. The hearing may be open to the public or closed to the public at your discretion.

Prosecution. The Office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Department of Justice, Licensing & Administrative Law Division, 2<sup>nd</sup> Floor, Hoover State Office Building, Des Moines, Iowa 50319.

Communications. You may not contact board members in any manner, including by phone, letter, or e-mail, about this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case.

## **B. LEGAL AUTHORITY AND JURISDICTION**

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 152, and 272C.

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code Chapters 17A, 147, 152, (152E when applicable) 272C and 655 Iowa Administrative Code Chapter 4.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code Section 17A.12(3) and 655 Iowa Administrative Code 4.31.

### **C. SECTIONS OF STATUTES AND RULES INVOLVED**

#### **COUNT I**

The Respondent is charged with knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of a profession, in violation of Iowa Code §147.55(3), as defined by 655 IAC 4.6 (3)"b)"for falsifying records related to nursing practice or knowingly permitting the use of falsified information in those records.

#### **FACTUAL CIRCUMSTANCES**


1. Respondent was employed at a long term care center from February 23, 2010, until her termination on August 20, 2010.
2. On August 19, 2010, a resident in Respondent's care fell. Per facility policy Respondent was to complete neurological assessments on residents after a fall. Respondent documented nine (9) assessments on the patient's medical record.
3. Respondent admitted to the Director of Nursing that she had not done seven (7) of the nine (9) assessments that she had documented.

#### **E. SETTLEMENT**

This matter may be resolved by settlement agreement pursuant to Iowa Code sections 17A.10, 17A.12, 272C.3 and 655 Iowa Administrative Code 4.9.

**F. PROBABLE CAUSE FINDING**

On September 14, 2011, the Iowa Board of Nursing found probable cause to file this Notice of Hearing and Statement of Charges.



Jane Hasek, RN, EdD  
Chairperson  
Iowa Board of Nursing

Copies to:

Sara Scott  
Department of Justice  
Licensing & Administrative Law Division  
Hoover Building, 2<sup>nd</sup> Floor  
Des Moines, IA 50319

Emily Cheruto  
Respondent

**IOWA BOARD OF NURSING**

This is to certify that this is a true and correct copy of records on file in this office pertaining

to Emily Cheruto

Tracey Westing Enforcement

BEFORE THE BOARD OF NURSING  
OF THE STATE OF IOWA

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IN THE MATTER OF:	)	
	)	
EMILY CHERUTO	)	CASE NO. 10-666
3612 Poteet Drive, #536	)	
Dallas, TX 75150	)	
	)	
Certificate and License No. P52610,	)	<b>STIPULATION AND ORDER</b>
	)	
RESPONDENT.	)	

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In accordance with the provisions of Iowa Code § 17A.12(5) and 655 IAC 4.9, and with full knowledge of the allegations in the Statement of Charges, filed September 14, 2011, Respondent expressly waives the right to a disciplinary hearing and voluntarily enters into this Stipulation and Order with the Board to resolve this matter.

The Respondent admits the Board has jurisdiction in this matter and voluntarily consents to the State's counsel presenting this agreement to the Board with the terms provided.

The Board's approval of this Stipulation and Order shall constitute resolution of a contested case proceeding and is a FINAL ORDER in this matter.

**STIPULATIONS**

1. Respondent will contact the assigned case manager **within thirty (30) days** from receipt of this Stipulation and Order and provide current information related to address, phone number and employment. Written notice of any change is required within five (5) days of the event.

2. Respondent will pay a civil penalty in the amount of \$350. Full payment must be received at the Board office within 7 months of the issuance of this Stipulation and Order. Remittance shall be by certified check or money order made payable to the Iowa Board of Nursing.

3. Respondent will complete 30 contact hours of continuing education that is applicable to professional ethics, and these hours may not be used for future license renewal. This requirement is to be completed within 7 months from issuance of this Stipulation and Order. Respondent must obtain case manager approval before enrolling in any course/s taken for the purpose of satisfying this requirement.

4. In the event Respondent fails to fulfill the requirements of this Stipulation and Order, the Board will issue a notice to Respondent that the license will be suspended within thirty days of the date the notice is served on Respondent. That suspension will occur automatically and without further Board action, unless Respondent files with the Board a request for hearing on the notice within twenty days of the date the notice is served. Satisfaction of the conditions set forth in the stipulations will immediately terminate the suspension and return Respondent's license to its appropriate status.

#### **FINAL ORDER**

By entering into this Stipulation and Order, Respondent voluntarily waives any rights to a contested case hearing and waives any objections to the terms of this agreement.

This Stipulation and Order is voluntarily submitted by Respondent to the Board for consideration.

Respondent is fully aware of the right to be represented by counsel in this matter.

Respondent understands the Notice of Hearing and Statement of Charges and this Stipulation and Order are public record and will be made available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 and 272C.

Respondent understands the Board is required by Federal law to report any adverse action to the National Practitioner Data Bank and Healthcare Integrity and Protection Data Bank.

This Stipulation and Order is subject to approval by the Board. If the Board fails to approve this proposed resolution, this document will have no force or effect to either party.

The Board's approval of this Stipulation and Order shall constitute a final written decision of the Board and will be filed as resolution of this disciplinary matter.

11/02/11  
Date

Emily Cheruto  
Emily Cheruto  
Respondent

This Stipulation and Order is approved by the Board on this 1st of December, 2011.

**IOWA BOARD OF NURSING**

This is to certify that this is a true and correct copy of records on file in this office pertaining

to Emily Cheruto

Wesley D. West Enforcement

Jane Hasek  
Jane Hasek, RN, EdD  
Chairperson  
Iowa Board of Nursing