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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.
Patricia R. Thomas
Executive Director of the Board

BOARD OF VOCATIONAL NURSE EXAMINERS * STATE OF TEXAS
VS. *
BERNICE GRACE LOPEZ * COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of BERNICE GRACE LOPEZ, an Applicant for Licensure by examination, hereinafter called Applicant.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Applicant of its intent to take disciplinary action with respect to said Application for Licensure, as a result of a subsequent investigation. Said investigation produced evidence indicating that Applicant has been convicted of a crime of the grade of felony or a crime of a lesser grade which involves moral turpitude, in violation of Article 4528c, Section 10 (a) (3), Revised Civil Statutes of Texas, in the following manner:

- a. On or about July 9, 1996, Applicant submitted her Application for Licensure by Examination to the Board of Vocational Nurse Examiners for the State of Texas. On said Application, Applicant answered "yes" to the question(s) asking: "Have you ever been convicted of a felony or misdemeanor other than a minor traffic violation".
- b. On or about January 12, 1987, Applicant was convicted of the Felony offense of: AGGRAVATED UNLAWFUL POSSESSION OF A CONTROLLED SUBSTANCE in the District Court 24th Judicial District Victoria County, Texas under Cause Number 86-8-12,460.

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c. Applicant has been convicted of a crime which the Board considers to be directly related to the duties and responsibilities of a Licensed Vocational Nurse. Said conviction is inconsistent with the basic duties and responsibilities inherent in the occupation of vocational nursing in that said occupation requires knowledge and familiarity of drugs, and compliance with drug laws.

By Applicant's signature on this Order, Applicant neither admits nor denies the truth of the matters previously set out in this Order with respect to the above mentioned investigation. By Applicant's signature on this Order, Applicant acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

By their notarized signature on this Order, Applicant does hereby waive the right to a formal Complaint, Notice of Hearing, and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED, that BERNICE GRACE LOPEZ is hereby allowed to take the examination for licensure, and upon obtaining a passing score, be issued a license to practice vocational nursing in the State of Texas. Said license shall be suspended, with said suspension stayed and placed on probation for a period of eighteen (18) months.

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The probation of said license is subject to the following stipulations, to wit:

1. That if Applicant's place of employment, name, address or telephone number changes, Applicant is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said notification shall be in the form of a written letter or report.
2. That Applicant shall comply with Federal, State, and local laws, and all the provisions of the Vocational Nurse Act and Rules and Regulations of the Board.
3. That by copy of this Board Order Applicant shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.
4. That Applicant shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a monthly basis for the first six (6) months of probation. Thereafter, and throughout the remainder of said probation, Applicant shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a quarterly.
5. That any period(s) of nursing unemployment must be documented in writing by Applicant and submitted to the Board office, as provided in Stipulation No. 4.
6. That Applicant shall work only under the supervision of a licensed medical professional (M.D., R.N., L.V.N.) who is physically present on the work premises during Applicant's shift assignment(s), throughout the term of probation.
7. That Applicant shall not be employed by a nurse registry, temporary nurse employment agency, home health agency, or as a private duty nurse, throughout the term of probation.
8. That Applicant shall not be the only licensed medical professional in the facility throughout the term of probation.
9. That Applicant shall and hereby agrees to remain free of alcohol and all unprescribed controlled substances. Any controlled or legend medication must be prescribed by a physician knowledgeable about the disease of addiction, as well as Applicant's history, and it is incumbent upon Applicant to insure such physician knowledge. In all such cases, the prescribed drugs must be verified in writing to the Board by the prescribing physician.

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10. That Applicant shall submit to random periodic blood alcohol and urine drug screen(s) upon demand of the Board staff throughout the term of probation. Respondent shall submit to a drug screening panel consisting of the following: Alcohol, Amphetamines, Barbiturates, Benzodiazepines, Cannabinoids, Cocaine, Hydrocodone, Meperidine, Opiates, Propoxyphene, PCP, Morphine, Codeine, Methadone, and Methaqualone. Said screen(s) shall be properly monitored with adherence to chain of custody procedures. A positive result shall be legally confirmed by Gas Liquid Chromatography/Mass Spectrometry (GCMS). The results of said screen(s) shall be submitted directly to the Board office by the laboratory. The expense of said screen(s) shall be borne by Respondent. The report of a positive drug screen shall be considered a violation of probation.

11. That Applicant shall provide the Board a telephone number by which Applicant may be contacted between the hours of 8:00 a.m. and 5:00 p.m. on weekdays. Applicant must maintain with the Board, during the term of this probation, a current telephone number in order for the Board to request random blood alcohol and urine drug screens, as provided in Stipulation No. 10. An inability to contact Respondent by telephone to request said required drug screens shall be considered a violation of probation.

12. That Applicant shall be responsible for causing his/her probation officer to submit satisfactory reports directly to the Board office on a quarterly basis, throughout the term of probation. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.

13. That if Applicant is discharged from court ordered probation, prior to the completion of this probationary term, Applicant shall be responsible for causing his/her probation officer to submit a final satisfactory report directly to the Board office.

14. That Applicant shall successfully complete nursing program course(s) encompassing the following areas of study Nursing Ethics, and submit documentation of successful course completion to the Board office within the first year of probation. Applicant shall be responsible for locating said course(s) and obtaining prior written approval of Board staff prior to committing to said course(s). Said course(s) shall be in-house at a community college, university or nursing program, and/or tutored by a state approved, licensed nursing program faculty member. Failure to successfully complete said course(s) within the time-frame stipulated, shall be considered a violation of probation. The expense of said course(s) shall be borne by Applicant.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.

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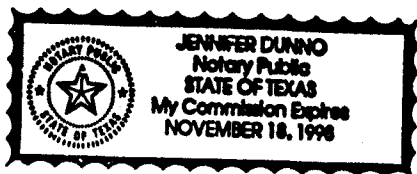
Dated this the 8th day of August, 1996

Bernice Lopez
Signature of Applicant
504 South Bridge
Current Address
Victoria, TX 77901
City, State and Zip
512-572-0961
Area Code and Telephone Number

The State of Texas
County of Victoria

Before me, the undersigned authority, on this day personally appeared BERNICE GRACE LOPEZ, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

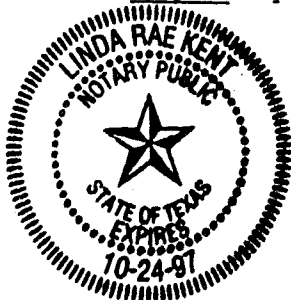
SWORN TO AND SUBSCRIBED before me this the 8 day of August, 1996.



Jennifer Dunno
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires Nov 18, 1998

Marjorie A. Bronk
Marjorie A. Bronk, R.N.
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 19th day of August, 1996.



Linda Rae Kent
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of September, 1976,
a true and correct copy of the foregoing Order was served by placement in the
U.S. Mail, first class, and addressed to the following person(s):

Bernice Lopez
504 South Bridge
Victoria, Texas 77901

Marjorie A. Bronk, R.N.
Marjorie A. Bronk, R.N.
Executive Director
Agent for the Board of Vocational Nurse Examiners



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BOARD OF VOCATIONAL NURSE EXAMINERS

333 GUADALUPE STREET, SUITE 3-400

AUSTIN, TEXAS 78701

512/305-8100

April 23, 1998

BERNICE LOPEZ
212 SPUR
VICTORIA TX 77904

Dear Ms. Lopez:

You have successfully completed your term of probation as stipulated by the Board of Vocational Nurse Examiners.

All pertinent information will remain in your permanent records. We urge you in the future to promote and uphold the ethical standards a Licensed Vocational Nurse should practice.

If you have any questions concerning this matter, please do not hesitate to contact our office.

Sincerely,

Carolyn Hudson
Carolyn Hudson
Investigator