

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED
Registered Nurse License Number 678578	§	
& Vocational Nurse License Number 147938	§	
issued to APRIL DENISE HOOTEN	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of APRIL DENISE HOOTEN, Registered Nurse License Number 678578, and Vocational Nurse License Number 147938, 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),(3)&(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on February 1, 2013.

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 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 Hill Junior College, Hillsboro, Texas, on December 17, 1993, and received an Associate Degree in Nursing from the McClellan Community College, Waco, Texas, on May 10, 2001. Respondent was licensed to practice vocational nursing in the State of Texas on August 19, 1994, and was licensed to practice professional nursing in the State of Texas on July 3, 2001.

5. Respondent's nursing employment history is unknown.
6. On or about August 1, 2007, Respondent pled Guilty/Nolo Contendere to THEFT BY CHECK, a misdemeanor offense committed on November 14, 2006, in the County Court, Hill County, Texas, under Cause No. M0726-07. 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 twelve (12) months, and ordered to pay restitution in the amount of two hundred fifty-five dollars and eighty-nine cents (\$255.89), along with a fine and court costs.
7. On or about March 9, 2009, Respondent submitted an Online Renewal Document Registered Nurse to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that, she 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 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 August 1, 2007, Respondent pled Guilty/Nolo Contendere to THEFT BY CHECK, a misdemeanor offense committed on November 14, 2006, in the County Court, Hill County, Texas, under Cause No. M0726-07. 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 twelve (12) months.

8. In response to Findings of Fact Numbers Six (6) and Seven (7), Respondent states that she went through a divorce and moved in July 2006. She later found out that there were 2 checks written by her ex-husband on their account which had been turned in for non-payment. During the haste of everything and not knowing the checks needed to be covered, she closed the account and never received notice regarding the hot checks. She went to court and paid for the checks and court costs, and was told that if she did probation and all other things were waived, that in six months the case would dropped from her record. When renewing her license in March 2009, she made the mistake of thinking and assuming the case had been dismissed from her record. She honestly did not think she needed to report the offense on her renewal.

9. On or about January 24, 2013, Respondent pled Guilty to and was convicted of DRIVING WHILE INTOXICATED, a Class B misdemeanor offense committed on January 6, 2012, in the County Court at Law, Kaufman County, under Cause No. 12CL-0221. As a result of the conviction, Respondent was sentenced to confinement in the Kaufman County Jail for a period of one hundred eighty (180) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of twelve (12) months, and ordered to pay a fine and court costs.
10. Formal Charges were filed on November 30, 2012.
11. Formal Charges were mailed to Respondent on December 3, 2012.

### 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)(I)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2),(3)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 678578, and Vocational Nurse License Number 147938, heretofore issued to APRIL DENISE HOOTEN, 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 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.texas.gov/disciplinaryaction/stipscourses.html>.*

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(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 for the State of TEXAS 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 4<sup>th</sup> day of March, 2013.

April Denise Hooten  
APRIL DENISE HOOTEN, Respondent

Sworn to and subscribed before me this 4 day of MARCH, 2013.

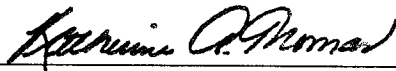
SEAL



Jan B. Lands  
Notary Public in and for the State of TEXAS

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 4th day of March, 2013, by APRIL DENISE HOOTEN, Registered Nurse License Number 678578, and Vocational Nurse License Number 147938, and said Order is final.

Effective this 15th day of March, 2013.



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