



Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of §
Registered Nurse License Number 658455 §
issued to JENNIFER LEE GARZA §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 658455, issued to JENNIFER LEE GARZA, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice professional nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received an Associate Degree in Nursing from Austin Community College, Austin, Texas, on December 1, 1998. Respondent was licensed to practice professional nursing in the State of Texas on February 22, 1999.
4. Respondent's complete professional nursing employment history is unknown.
5. On or about January 20, 2012 through March 13, 2012, while employed with Brushy Creek Family Physicians, Round Rock, Texas, Respondent obtained or attempted to obtain prescriptions and refills for Fioricet and Clonazepam from Target Pharmacy, Austin, Texas, and CVS Pharmacy, Austin, Texas, under the name Jennifer Garza or Jenny Garza, through the use of unauthorized, fraudulent telephonically communicated prescriptions. Respondent's conduct was likely to deceive the pharmacy and possession of Fioricet and Clonazepam through the use of an unauthorized, fraudulent telephonically communicated prescription is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

6. On or about October 16, 2012, Respondent entered a plea of "Guilty" to PRESCRIPTION FRAUD, a Third Degree Felony offense committed on July 16, 2012, in the 368th Judicial District Court, Williamson County, under Cause No. 12-1182-K368. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and she was placed on probation for a period of four (4) years. Additionally, Respondent was ordered to pay a fine and court costs.
7. Formal Charges were filed on May 8, 2013.
8. Formal Charges were mailed to Respondent on May 13, 2013.
9. On September 10, 2013, the Board received a statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's statement, dated September 9, 2013, is attached and incorporated herein by reference as part of this Order.
10. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
11. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

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(10)(E),(11)(B)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(3)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 658455, heretofore issued to JENNIFER LEE GARZA, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.

7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 658455, heretofore issued to JENNIFER LEE GARZA, to practice nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title of "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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.

Effective this 10th day of September, 2013.

TEXAS BOARD OF NURSING



By:

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

September 9, 2013

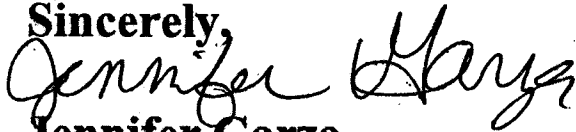
To: The Texas Nursing Board

Re: Jennifer Garza

License # 658455

I wish to voluntarily surrender my license. I do not wish to pursue this matter any longer.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Garza".

Jennifer Garza

91 Skyview Terrace

Leander, Tx 78641(New Address)

RECEIVED SEP 10 2013