



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 § AGREED
Registered Nurse License Number 746907 §
& Vocational Nurse License Number 176251 §
issued to MARIA FERNANDA GARCIA-RIVERA § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MARIA FERNANDA GARCIA-RIVERA, Registered Nurse License Number 746907, and Vocational Nurse License Number 176251, 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)(10)&(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on July 29, 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 informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional and vocational nursing in the State of Texas.
4. Respondent received a certificate in Vocational Nursing from Southwest Texas Junior College, Del Rio, Texas, on May 13, 2000. Respondent was licensed to practice vocational nursing in the State of Texas on June 20, 2000. Respondent received an Associate Degree in Nursing from San Antonio College, San Antonio, Texas, on August 17, 2007. Respondent was licensed to practice professional nursing in the State of Texas on September 18, 2007.

5. Respondent's complete nursing employment history includes:

06/00-04/01	LVN	Mariner Post Acute Del Rio, Texas
04/01-08/07	LVN	Unknown (multiple companies within same building), Del Rio, Texas
09/07-01/09	RN	Unknown (multiple companies within same building), Del Rio, Texas
01/09-05/09	RN	Outreach Health Services San Antonio, Texas
05/09-12/10	RN	Regency Inc. Del Rio, Texas
01/11-07/11	Not employed in Nursing	
08/11-12/11	RN	Creative Solutions in Healthcare Fort Worth, Texas
01/12-12/12	RN/DON	Colonial Manor Care Center New Braunfels, Texas
01/13-Present	RN/DON	Town and Country Manor Boerne, Texas

6. At the time of the initial incident as stated in Finding of Fact Number Seven (7), Respondent was employed as a Registered Nurse/Director of Nursing with Colonial Manor Care Center, New Braunfels, Texas, and had been in this position for approximately three (3) months.
7. On or about March 14, 2012, while employed as Director of Nursing Services with Colonial Manor Care Center, New Braunfels, Texas, Respondent failed to comply with the mandatory reporting requirements of the Texas Occupation Code Chapter 301 (Nursing Practice Act), Subchapter I, in that she did not report the termination of a Charge Nurse, for practice related misconduct to the Texas Board of Nursing in a timely manner. Respondent's conduct denied officials of the State of Texas information needed to regulate the safe and effective delivery of nursing care.
8. In response to Finding of Fact Number Seven (7), Respondent states that she did not have the most accurate understanding of what constitutes practice-related conduct and that she now understands the best practice is to report any nurse termination 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 §217.11(1)(A)&(1)(K) and 22 TEX. ADMIN. CODE §217.12(2)&(11)(D).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 746907, and Vocational Nurse License Number 176251, heretofore issued to MARIA FERNANDA GARCIA-RIVERA, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Section 301.463(d) of the Act provides that an Agreed Disposition is a Settlement Agreement under Rule 408 of the Texas Rules of Evidence for purposes of civil and criminal litigation.

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 (\$250) dollars. 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 may be eligible for nurse licensure compact privileges, if any.

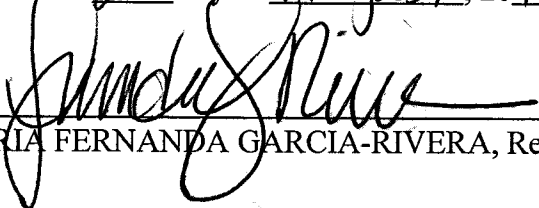
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RESPONDENT'S CERTIFICATION

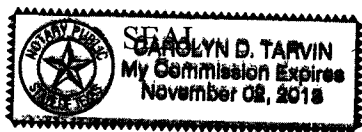
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to 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 26 day of August, 2013.



MARIA FERNANDA GARCIA-RIVERA, Respondent

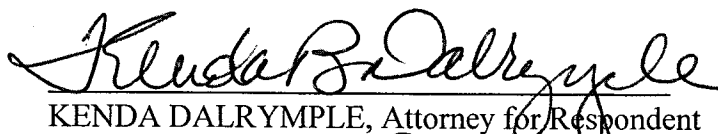
Sworn to and subscribed before me this 26 day of Aug, 2013.





Notary Public in and for the State of Texas

Approved as to form and substance.



KENDA DALRYMPLE, Attorney for Respondent

Signed this 13th day of September, 2013

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 26th day of August, 2013, by MARIA FERNANDA GARCIA-RIVERA, Registered Nurse License Number 746907, and Vocational Nurse License Number 176251, and said Order is final.

Effective this 18th day of September, 2013.



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