



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.  
*William C. Thomas*  
Executive Director of the Board

IN THE MATTER OF  
PERMANENT VOCATIONAL NURSE  
LICENSE NUMBER 306578  
ISSUED TO  
BARBARA SELINA HERNANDEZ

§  
§  
§  
§  
§  
§

BEFORE THE TEXAS  
BOARD OF NURSING  
ELIGIBILITY AND  
DISCIPLINARY COMMITTEE

**ORDER OF THE BOARD**

TO: BARBARA SELINA HERNANDEZ  
304 W. 4<sup>TH</sup> STREET  
ALICE, TX 78332

During open meeting held in Austin, Texas, on March 18, 2014, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Vocational Nurse License Number 306578, previously issued to BARBARA SELINA HERNANDEZ, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 18th day of March, 2014.

TEXAS BOARD OF NURSING



BY:

KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed November 13, 2013.

Re: Permanent Vocational Nurse License Number 306578  
Issued to BARBARA SELINA HERNANDEZ  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 19<sup>th</sup> day of March, 2014, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

BARBARA SELINA HERNANDEZ  
304 W. 4<sup>TH</sup> STREET  
ALICE, TX 78332

BY:



KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of	§	BEFORE THE TEXAS
Permanent Vocational Nurse	§	
License Number 306578	§	
Issued to BARBARA SELINA HERNANDEZ,	§	
Respondent	§	BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, BARBARA SELINA HERNANDEZ, is a Vocational Nurse holding License Number 306578, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

#### CHARGE I.

On or about May 13, 2012, Respondent failed to comply with the Eligibility Corrective Action issued to her on March 1, 2011, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Two (2) of the Eligibility Corrective Action which states, in pertinent part:

(2) PETITIONER SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00) within forty-five (45) days of licensure ....

A copy of the March 1, 2011, Eligibility Corrective Action, Findings of Fact and Conclusions of Law, is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) &(10), Texas Occupation Code, and is a violation of 22 TEX. ADMIN. CODE §217.12 (11)(B).

#### CHARGE II.

On or about March 28, 2013, Respondent failed to comply with the Eligibility Corrective Action issued to her on March 1, 2011, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number One (1) of the Eligibility Corrective Action which states, in pertinent part:

(1) PETITIONER SHALL, within one year (1) year of licensure, successfully complete a course in Texas nursing jurisprudence and ethics....

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) &(10), Texas Occupation Code, and is a violation of 22 TEX. ADMIN. CODE §217.12 (11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.texas.gov/disciplinaryaction/discp-matrix.html](http://www.bon.texas.gov/disciplinaryaction/discp-matrix.html).

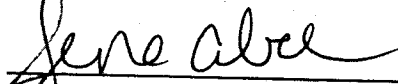
NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Eligibility Corrective Action dated March 1, 2011.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK

CONTINUED ON NEXT PAGE

Filed this 13<sup>th</sup> day of November, 2013.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Jena Abel, Assistant General Counsel  
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel  
State Bar No. 24066924

John R. Griffith, Assistant General Counsel  
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460

Austin, Texas 78701

P: (512) 305-6811

F: (512) 305-8101 or (512)305-7401

Attachments: Eligibility Corrective Action dated March 1, 2011

D/2012.06.19

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of	§	ELIGIBILITY
BARBARA SELINA HERNANDEZ	§	
PETITIONER for Eligibility for Licensure	§	CORRECTIVE ACTION

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of the Application by Examination, which has been processed as a Petition for Declaratory Order pursuant to 22 TEX. ADMIN. CODE §217.2(b) and §213.30, and the supporting documents filed by BARBARA SELINA HERNANDEZ, hereinafter referred to as Petitioner, together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that PETITIONER may be ineligible for licensure pursuant to Section 301.452(b)(2)&(10) and 301.453, Texas Occupations Code.

PETITIONER waived representation by counsel and agreed to the entry of this Corrective Action offered on February 9, 2011, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. On or about August 4, 2009, PETITIONER submitted an Application by Examination requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.253, 301.257 and 301.258, Texas Occupations Code; and the Board's Rules at 22 TEX. ADMIN. CODE §217.2(b) and §213.30.
2. PETITIONER waived representation by counsel and agreed to the entry of this Corrective Action.

3. Petitioner received a Certificate in Vocational Nursing from Coastal Bend College, Beeville, Texas, on August 14, 2009.
4. PETITIONER completed the Application by Examination and answered "No" to the question which reads: *"For any criminal offense, including those pending appeal, have you:*
  - 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 have 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?"*
5. PETITIONER failed to truthfully disclose the following criminal history, to wit:
  - A. On or about August 21, 2007, Petitioner entered a plea of Guilty to SALE OF ALCOHOL BEVERAGE TO A MINOR (a Class A misdemeanor offense committed on February 10, 2007), in the County Court At Law #7, Travis County, Texas, under Cause No. 500293. Following the plea, Petitioner entered into an Agreement to Participate in the Travis County Deferred Prosecution Program.

On August 21, 2007, Cause No. 500293, was dismissed in the County Court at Law No. 3, Travis County, Texas, for the reason: Petitioner received deferred prosecution.
6. There is no evidence of any subsequent criminal conduct.
7. The above action constitutes grounds for corrective action pursuant to Section 301.652, Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.32(2)(D).
8. The Board has jurisdiction over this matter pursuant to Sections 301.453 and 301.651 *et seq.*, Texas Occupations Code.
9. Petitioner has sworn that, with the exception of matters disclosed in connection with the Application by Examination, her past behavior conforms to the Board's professional character requirements at 22 TEX. ADMIN. CODE §213.27.
10. Petitioner presented no evidence of behavior which is inconsistent with good professional character.



11. The Executive Director considered evidence of Petitioner's past behavior in light of the character factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character.
12. The Executive Director considered evidence of Petitioner's past criminal conduct in light of the considerations and criteria provided in 22 TEX. ADMIN. CODE §§213.28 & 213.33, and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
13. Licensure of PETITIONER poses no direct threat to the health and safety of patients or the public provided PETITIONER complies with the conditions outlined in this Corrective Action.
14. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of PETITIONER'S disclosures.
15. PETITIONER has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.
16. PETITIONER shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

#### CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Sections 301.452 and 301.453, Texas Occupations Code.
2. On or about August 4, 2009, PETITIONER submitted an Application by Examination requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.253, 301.257 and 301.258, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.2(b) and §213.30.
3. Petitioner's history reflects conduct which may constitute grounds for denial of a license under Section 301.452(b)(2)&(10), Texas Occupations Code.
4. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
5. The Board may resolve violations of and potential ineligibility for licensure under the Nursing Practice Act and the Board's Rules and Regulations Relating to Nurse Education, Licensure and Practice with Corrective Action pursuant to Section 301.651 *et seq.*, Texas Occupations Code.

6. The Board may license an individual who has been previously convicted, adjudged guilty by a court, pled guilty or pled nolo contendere to any crime whether or not a sentence was imposed upon consideration of the factors set out in 22 TEX. ADMIN. CODE §213.28 and evaluating the direct relationship to nursing according to 22 TEX. ADMIN. CODE §213.28 and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
7. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
8. This Corrective Action is conditioned upon the accuracy and completeness of PETITIONER'S disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to Revocation of Petitioner's license(s).

#### CORRECTIVE ACTION

NOW, THEREFORE, IT IS AGREED that, upon meeting the requirements for graduation of an appropriate program in nursing education and payment of any required fees, PETITIONER is ELIGIBLE to sit for the National Council Licensure Examination for Practical Nurses (NCLEX-PN® Examination) and/or the National Council Licensure Examination for Registered Nurses (NCLEX-RN® Examination), as applicable.

IT IS FURTHER AGREED that PETITIONER SHALL be eligible for temporary authorization to practice as a Graduate Vocational Nurse (GVN) and/or Graduate Nurse (GN), as applicable, in the State of Texas.

IT IS FURTHER AGREED that, upon payment of any required fees, and upon attaining a passing grade on the appropriate National Council Licensure Examination, PETITIONER shall be issued the applicable license to practice nursing in the State of Texas, and all licenses issued to PETITIONER shall be subject to the following CORRECTIVE ACTION:

PETITIONER SHALL obtain and read the Texas Nursing Practice Act, and the Rules and Regulations Relating to Nurse Education, Licensure and Practice.

PETITIONER 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.*

(1) PETITIONER SHALL, within one (1) year of licensure, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER 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. PETITIONER 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 PETITIONER'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Corrective Action, 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.state.tx.us/disciplinaryaction/stipscourses.html>

(2) PETITIONER SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). PETITIONER SHALL pay this fine within forty-five (45) days of licensure. 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 Corrective Action, this matter shall be closed and this Corrective Action shall remain confidential. However, should PETITIONER fail to successfully complete the terms of this Corrective Action, this matter shall be terminated immediately and shall be treated as a disciplinary proceeding under Subchapter J, Texas Occupations Code. Further, should PETITIONER commit a subsequent violation of the Nursing Practice Act or Board Rules, this Corrective Action shall be treated as prior disciplinary action.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

### PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past criminal conduct, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except that which has already been disclosed in my Application and/or Petition, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452 and 301.453, as well as Chapter 53, Section 53.001 *et seq.*, of the Texas Occupations Code, and 22 TEX. ADMIN. CODE 213.27, 213.28, 213.29, and 213.30, which are incorporated by reference as a part of this Corrective Action. I agree with all terms of this Corrective Action. I agree to inform the Board of any other grounds for denial of licensure prior to accepting any permit or license from the Texas Board of Nursing.

I understand that if I fail to comply with all terms and conditions of this Corrective Action, 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.

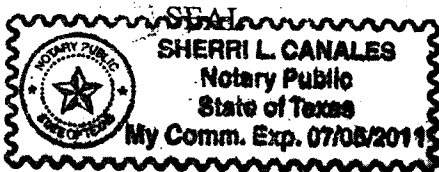
I understand that I can be represented by an attorney in this matter. I waive representation and request that the Executive Director of the Texas Board of Nursing enter this Corrective Action.

Signed this 25<sup>th</sup> day of February, 2011.

Barbara Selina Hernandez  
BARBARA SELINA HERNANDEZ, PETITIONER

Sworn to and subscribed before me this 28<sup>th</sup> day of February, 2011.

Sherril L. Canales  
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 Corrective Action that was signed on the 25th day of February, 2011, by BARBARA SELINA HERNANDEZ, PETITIONER for Eligibility for Licensure.

Effective this 1st day of March, 2011.



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

