



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.  
*Stephanie P. Thomas*  
Executive Director of the Board

IN THE MATTER OF PERMANENT  
VOCATIONAL NURSE  
LICENSE NUMBER 163595  
ISSUED TO  
LYDIA GONZALES,  
RESPONDENT

§ BEFORE THE TEXAS  
§ BOARD OF NURSING  
§ ELIGIBILITY AND  
§ DISCIPLINARY COMMITTEE

**ORDER OF THE BOARD**

TO: Lydia Gonzales  
7435 Pinetex Dr  
Humble, Texas 77396

During open meeting held in Austin, Texas, on **September 13, 2016**, 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 163595, previously issued to LYDIA GONZALES, to practice nursing in the State of Texas be, and the same is 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 13th day of September, 2016.

TEXAS BOARD OF NURSING

BY:



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

Attachment: Formal Charge filed .

d17r(lvn)(2016.05.11)

Re: Permanent Vocational Nurse License Number 163595  
Issued to LYDIA GONZALES  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 10<sup>th</sup> day of September, 2016, 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

Lydia Gonzales  
7435 Pinetex Dr  
Humble, Texas 77396

Via USPS First Class Mail

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 163595 §  
Issued to LYDIA GONZALES, §  
Respondent § BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, LYDIA GONZALES, is a Vocational Nurse holding License Number 163595, 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 February 23, 2016, while licensed as a Vocational Nurse, and seeking employment with Medicare Pediatric Nursing, Stafford, Texas, Respondent submitted an application in which she provided false, deceptive, and/or misleading information. Respondent identified herself as a Registered Nurse bearing Permanent Certificate Number 658459, which was issued by the Texas Board of Nursing to a different licensee. Pursuant to Board records, Respondent holds a license to practice vocational nursing, not a license to practice professional nursing. Respondent's conduct was likely to deceive the facility and could have affected the decision to offer employment.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(H)&(6)(I).

#### CHARGE II.

On or about February 25, 2016, while licensed as a Vocational Nurse, and seeking employment with Medicare Pediatric Nursing, Stafford, Texas, Respondent submitted an application in which she provided false, deceptive, and/or misleading information. Respondent checked "No" to the question referring to any disciplinary action by the Texas Board of Nursing, when in fact she was issued a Reprimand with Stipulations and a Fine by the Texas Board of Nursing on June 6, 2015. Respondent's conduct was likely to deceive the facility and could have affected the decision to offer employment.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(H)&(6)(I).

### CHARGE III.

On or about February 25, 2016, while licensed as a Vocational Nurse, and seeking employment with Advocate Pediatric Home Care, Conroe, Texas, Respondent submitted an application in which she provided false, deceptive, and/or misleading information. Respondent identified herself as a Registered Nurse bearing Permanent Certificate Number 873653, which was issued by the Texas Board of Nursing to a different licensee. Pursuant to Board records, Respondent holds a license to practice vocational nursing, not a license to practice professional nursing. In addition, Respondent submitted another licensee's Driver License and Social Security Card. Respondent's conduct was likely to deceive the facility and could have affected the decision to offer employment.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(H)&(6)(I).

### CHARGE IV.

On or about April 20, 2016, Respondent entered a plea of Guilty to FORGERY, a 3<sup>rd</sup> Degree felony offense committed on February 25, 2016, in the 221<sup>st</sup> Judicial District Court of Montgomery County, Texas, under Case No. 16-03-02610. 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 three (3) years, and ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(13).

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 and TEX. OCC. CODE Ch. 53. 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 to the extent applicable, based on the Formal Charges, the Board will rely on adopted Disciplinary Guidelines for Criminal Conduct; and on adopted policies related to Behavior Involving Lying and Falsification; and related to Behavior Involving Fraud, Theft, and Deception, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of 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, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

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: Order dated June 16, 2015.

Filed this 27<sup>th</sup> day of June, 2015.

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

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

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

Jessica Lance, Assistant General Counsel  
State Bar No. 24091434

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

Jacqueline A. Strashun, Assistant General Counsel  
State Bar No. 19358600

John Vanderford, Assistant General Counsel  
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-8657  
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated June 16, 2015.



Executive Director of the Board  
Katherine A. Thomas  
is on file or is of record in the offices of the  
Texas Board of Nursing.

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of  
Vocational Nurse License Number 163595  
issued to LYDIA GONZALES

§ AGREED  
§  
§ ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LYDIA GONZALES, Vocational Nurse License Number 163595, 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 notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on February 2, 2015.

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 notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Lone Star College, Kingwood, Texas, on August 5, 1997. Respondent was licensed to practice vocational nursing in the State of Texas on August 28, 1997.
5. Respondent's vocational nursing employment history includes:

7/1997 - 1999	Charge Nurse	Nexion-Humble Healthcare Humble, Texas
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Respondent's vocational nursing employment history continued:

7/1999 - 12/2001	Assistant Director of Nursing	Mariner - Green Acres of Humble Humble, Texas
12/2001 - 2002	Wound Care Nurse	Mariner - Green Acres of Humble Humble, Texas
12/2002 - 3/2005	Charge Nurse	Nexion-Humble Healthcare Humble, Texas
4/2005 - 11/2005	Unknown	
12/2005 - 11/2007	Charge Nurse	Park Manor of Humble Humble, Texas
12/2005 - 11/2010	Charge Nurse	Oakmont - Humble Nursing and Rehabilitation Center Humble, Texas
6/2010 - 5/2011	Unit Manager	Park Manor of Humble Humble, Texas
5/2011 - 10/2011	Charge Nurse	Regent Care of Kingwood Kingwood, Texas
11/2011	Unknown	
12/2011 - 1/2012	Assistant Director of Nursing	Forum at Memorial Woods Houston, Texas
2/2012 - 7/2013	Unknown	
8/2013 - 10/2013	LVN	Home Health Services Carrollton, Texas
11/2013 - 12/2013	Unknown	
1/2014 - 4/2014	Unit Manager	Broadmoore at Creekside Spring, Texas



Respondent's vocational nursing employment history continued:

5/2014	Unknown	
6/2014	LVN	Children's Home Care Houston, Texas
7/2014 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Home Health Services, Carrollton, Texas, and had been in that position for two (2) months.
7. On or about October 6, 2013, while employed as a Vocational Nurse with Home Health Services, Carrollton, Texas, Respondent falsified records for Patient P.L.T. in that she completed the Pediatric Private Duty Nursing Flow Sheet indicating that she arrived at said patient's home at 6:00 A.M. and departed at 12:00 A.M. Respondent subsequently admitted that she arrived at said patient's home at 9:00 A.M. and departed at 8:00 P.M. Respondent's conduct resulted in an inaccurate medical record and was likely to deceive subsequent caregivers who relied on the accuracy of the information while providing care to the patient.
8. On or about October 7, 2013, while employed as a Vocational Nurse with Home Health Services, Carrollton, Texas, Respondent submitted a fraudulent time sheet for seven (7) hours that she did not work. Respondent admitted that the hours were added to receive forty (40) hours for the week. Respondent's conduct was deceiving and was likely to defraud Home Health Services of monies for payment of hours she did not work.
9. On or about June 18, 2014, while employed as a Vocational Nurse with Children's Home Care, Houston, Texas, Respondent failed to provide nursing care to Patient T.G. in that she left said patient's home approximately fifteen (15) minutes after her shift began. Subsequently, the ventilator dependent patient was left without nursing care for the remainder of the shift. Respondent's conduct exposed the patient unnecessarily to risk of harm in that leaving the nursing assignment could have resulted in the patient not getting the care needed.
10. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent admits that she kept false records and submitted a false time sheet. These events stand in clear contrast to the record of her seventeen (17) year career. Respondent merely suffered a momentary lapse of judgment in her record-keeping. Respondent subsequently reported herself to her supervisors. This self-reporting was entirely motivated by her own shame in as to her conduct.
11. Formal Charges were filed on June 10, 2014.

12. Formal Charges were mailed to Respondent on June 12, 2014.

### 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)(B)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C), (4),(6)(A),(6)(H)&(12).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 163595, heretofore issued to LYDIA GONZALES, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

### TERMS OF ORDER

#### I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **REPRIMAND WITH STIPULATIONS AND FINE** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

## II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to 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.

## III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) within one (1) year of the effective date of this Order, unless otherwise specifically indicated:

- A. A Board-approved course in Texas nursing jurisprudence and ethics that 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. Home study courses and video programs will not be approved.
- B. 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/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

**IV. MONETARY FINE**

RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00) 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.

**V. EMPLOYMENT REQUIREMENTS**

In order to complete the terms of this Order, RESPONDENT must work as a nurse, providing direct patient care in a licensed healthcare setting, for a minimum of sixty-four (64) hours per month for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as a nurse have elapsed. Any quarterly period without continuous employment with the same employer for all three (3) months will not count towards completion of this requirement. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.

C. **Indirect Supervision:** RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

D. **Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT and these reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month quarterly period for eight (8) quarters [two (2) years] of employment as a nurse.

**VI. RESTORATION OF UNENCUMBERED LICENSE(S)**

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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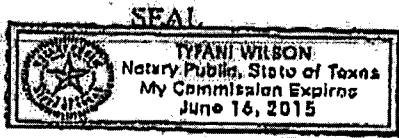
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RESPONDENT'S CERTIFICATION

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 entry of this 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 7<sup>th</sup> day of MAY, 2015  
LUDIA GONZALES  
LUDIA GONZALES, Respondent

Sworn to and subscribed before me this 7<sup>th</sup> day of May, 2015.



Tiffani Wilson  
Notary Public in and for the State of Texas

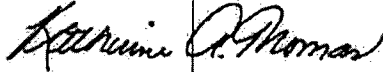
Approved as to form and substance.

[Signature]  
Ellen Kazim, Attorney for Respondent

Signed this 7<sup>th</sup> day of May, 2015.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 7<sup>th</sup> day of May, 2015, by LYDIA GONZALES, Vocational Nurse License Number 163595, and said Order is final.

Effective this 16<sup>th</sup> day of June, 2015.



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