



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  
Vocational Nurse License Number 119368 §  
issued to GAIL FIELDS § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of GAIL FIELDS, Vocational Nurse License Number 119368, 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 June 29, 2016.

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 Panola College, Carthage, Texas, on March 1, 1985. Respondent was licensed to practice vocational nursing in the State of Texas on December 2, 1987.
5. Respondent's nursing employment history includes:  
  
12/87 - 09/14                      Unknown

Respondent's nursing employment history continued:

09/14 - 11/15            LVN            Jordan Health Services - Pediatrics  
Tyler, Texas

09/15 - Present            LVN            Highland Pines Nursing & Rehab  
Longview, Texas

6. On or about November 19, 1991, Respondent's license to practice vocational nursing in the State of Texas was issued a Suspend/Probate by the Board of Vocational Nurse Examiners. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated November 19, 1991, is attached and incorporated, by reference, as part of this Order.
7. On or about September 14, 1993, Respondent's license to practice vocational nursing in the State of Texas was issued an Enforced Suspension by the Board of Vocational Nurse Examiners. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated September 14, 1993, is attached and incorporated, by reference, as part of this Order.
8. On or about June 10, 1997, Respondent's license to practice vocational nursing in the State of Texas was Reinstated by the Board of Vocational Nurse Examiners. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated June 10, 1997, is attached and incorporated, by reference, as part of this Order.
9. On or about June 10, 2003, Respondent's license to practice vocational nursing in the State of Texas was issued a Reprimand by the Board of Vocational Nurse Examiners. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated June 10, 2003, is attached and incorporated, by reference, as part of this Order.
10. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Jordan Health Services, Tyler, Texas, and had been in that position for eleven (11) months.
11. On or about August 28, 2015, through November 17, 2015, while employed as a Licensed Vocational Nurse with Jordan Health Services - Pediatrics, Tyler, Texas, and assigned to Patient Number 634163202, Respondent submitted falsified nursing visit documentation for visits that were not completed. Respondent's conduct created an inaccurate medical record, and was likely to injure the patient in that subsequent care givers would rely on her documentation to base their decisions for further care.
12. On or about August 28, 2015, through November 17, 2015, while employed as a Licensed Vocational Nurse with Jordan Health Services - Pediatrics, Tyler, Texas, and assigned to Patient Number 634163202, Respondent submitted fraudulent time sheets for hours that she did not actually work. Respondent's conduct was deceptive, and was likely to defraud the facility of monies paid to Respondent for hours not actually worked.

13. In response to Findings of Fact Numbers Eleven (11) and Twelve (12), Respondent states she did not work on the following dates: 8/28/15, 10/08/15, 10/09/15, 10/23/15, 10/29/15, and 11/02/15. Respondent further states she did work on the following dates: 09/14/15, 09/17/15, 09/22/15, 10/05/15, 10/16/15, 10/27/15, 10/30/15, and 11/17/15; however, she either arrived late or left early on those dates.

### 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)&(10)(B).
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 119368, heretofore issued to GAIL FIELDS, 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, subject to ratification by the Texas Board of Nursing, that Vocational Nurse License Number 119368, previously issued to GAIL FIELDS, to practice nursing in Texas is hereby **SUSPENDED** with the suspension **STAYED** and Respondent is hereby placed on **PROBATION**, in accordance with the terms of this Order, for a minimum of two (2) years **AND** until Respondent fulfills the requirements 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. A Board-approved course in nursing documentation that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. Home study

courses and video programs will not be approved.

- C. 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](http://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 in the State of Texas, providing direct patient care in a clinical 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. **Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL be directly 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. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on 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. **Indirect Supervision:** For the remainder of the stipulation/probation period, 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.
- E. **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. FURTHER COMPLAINTS**

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

**VII. 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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RESPONDENT'S CERTIFICATION

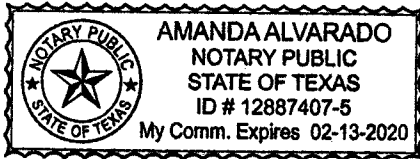
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said 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 27 day of August, 2016.

Gail Fields  
GAIL FIELDS, Respondent

Sworn to and subscribed before me this 27 day of August, 2016.

SEAL



Amanda Alvarado  
Notary Public in and for the State of TX



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 27th day of August, 2016, by GAIL FIELDS, Vocational Nurse License Number 119368, and said Order is final.

Effective this 13th day of September, 2016.



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



is on file or is of record in the offices of the Texas Board of Nursing  
Executive Director of the Board  
*Marjorie A. Bronk*

BOARD OF VOCATIONAL NURSE EXAMINERS

STATE OF TEXAS

VS.

GAIL FIELDS aka  
GAIL STOKER

COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the matter of vocational nurse license number 119368, held by GAIL FIELDS aka GAIL STOKER, hereinafter called Respondent.

A sworn Complaint dated September 30, 1991 has been filed and served on the Respondent, which alleges violations of the Vocational Nurse Act, Texas Revised Civil Statutes Annotated, Article 4528c, and grounds to take disciplinary action against Respondent.

A prehearing conference was held on October 29, 1991, at the office of the Board of Vocational Nurse Examiners. The conference was conducted by Marjorie A. Bronk, R.N., Executive Director of the Board, assisted by Annie Mae Parker, L.V.N., member of the Board of Vocational Nurse Examiners. Respondent was present and was not represented by counsel.

The conference was attended by Cynthia Kinton, Investigator for the Board, and Chris Maczka, Assistant Attorney General. By her notarized signature on this Order, Respondent does hereby waive the right to Notice of Formal

AGREED BOARD ORDER

Re: Gail Fields aka Gail Stoker, LVN #119368

Page 2

119368

Hearing and a Formal Hearing of the Complaint before the Board, and to judicial review of this disciplinary action after this Order is endorsed by the Board.

After reviewing the Complaint and information provided at the prehearing conference, Respondent agrees to the entry of an Order dispensing with the need for further proceedings on the Complaint. By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the allegations stated in the Complaint. By Respondent's signature on this Order, Respondent acknowledges that she has read and understood this Order and has approved it for consideration by the Board. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

THEREFORE, PREMISES CONSIDERED, The Board of Vocational Nurse Examiners does hereby order that license number 119368, heretofore issued to GAIL FIELDS aka GAIL STOKER be suspended, suspension stayed and placed on probation for a period of six (6) months.

The probation of said license is subject to the following stipulations to wit:

1. That Respondent shall cause her nursing employer(s) to submit satisfactory reports to the board office on a quarterly basis throughout the term of probation.
2. That Respondent must enroll in or audit and successfully complete a nursing course encompassing the following areas of study: Pharmacology and documentation and submit documentation of successful course completion to the

AGREED BOARD ORDER

Re: Gail Fields aka Gail Stoker, LVN #119368

119368

Page 3

board office prior to the end of probation. Respondent shall be responsible for locating said course(s) and obtaining approval of board staff prior to enrollment or audit. Said course(s) shall be in-house at a community college, university, or nursing program, or tutored by a state-approved, licensed nursing program faculty member. The expense of said course(s) shall be borne by Respondent.

3. That any period(s) of unemployment must be documented in writing by Respondent and submitted directly to the Board office on a quarterly basis throughout the term of probation.

4. Further, that if Respondent's place of employment, name, address or telephone number changes, Respondent is to notify the Board office immediately.

5. It is also ordered that GAIL FIELDS aka GAIL STOKER shall comply with all the provisions of Article 4528c, Revised Civil Statutes of Texas.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.

Dated this the 27 day of October, 1997

Gail Fields  
Signature of Respondent

12227 Quail Dr Apt 203  
Current Address

Polk Springs, Tx. 75780  
City, State and Zip

214-286-0456  
Area Code and Telephone Number

AGREED BOARD ORDER

Re: Gail Fields aka Gail Stoker, LVN #119368

Page 4

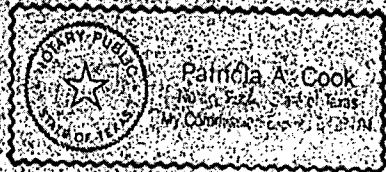
119368

The State of Texas

County of Brewster

Before me, the undersigned authority, on this day personally appeared GAIL FIELDS aka GAIL STOKER who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me this the 29<sup>th</sup> day of October, 1997



Pamela A. Cook  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS  
My Commission Expires 3-27-94

Marjorie A. Bronk, R.N.  
Agent for the Board of  
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 30<sup>th</sup> day of October, 1997

Pamela A. Cook  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS



ENDORSEMENT OF THE BOARD  
To The Agreed Board Order  
in the matter of Vocational Nurse  
License No. 119368  
Issued to GAIL FIELDS  
aka GAIL STOKER

At its regularly called session, 19th day of November, 1991, came on to be considered the indicated Agreed Board Order pertaining to GAIL FIELDS, aka GAIL STOKER. The Board having reviewed the contents of said Order, the Order should be, and is hereby, endorsed as an Order of the Board and made an official act of the Board of Vocational Nurse Examiners for the State of Texas.

Said Order is rendered this the 19th day of November, 1991.

Ann J. Clark L  
Clara L. Lippel  
Angie Mae Parker L.V.N.  
Virginia M. Bauman  
Betty Ann McEmore  
Charlotte J. Safford L.V.N.

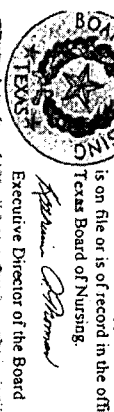
Rozie A. Parkers  
Sharon L. Johnson  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CERTIFICATE OF SERVICE

I hereby certify that on the 22<sup>nd</sup> day of November, 1991,  
a true and correct copy of the foregoing Order was served by placement in the  
U.S. Mail, first class, and addressed to the following person(s):

Gail Fields  
12227 Quail Drive, Apt #203  
Baich Springs, Texas 75180

Marjorie A Bronk  
Marjorie Bronk, R.N.  
Executive Director  
Agent for the Board of Vocational Nurse Examiners



IN THE MATTER OF	§	BEFORE THE
	§	
	§	STATE OFFICE OF
	§	
GAIL FIELDS, L.V.N.	§	ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

The staff of the Board of Vocational Nurse Examiners initiated this action seeking disciplinary action against a licensee for violating an Agreed Board Order. The staff requested that the Respondent's license be suspended until a required course is successfully completed. This proposal finds that the subject license should be suspended as requested by the staff.

I.

PROCEDURAL HISTORY

On January 8, 1993, the staff of the Board of Vocational Nurse Examiners (the Board) filed a sworn Complaint against GAIL FIELDS (Respondent) alleging that the Respondent violated the terms of an Agreed Order issued by the Board. The Board alleged that the Respondent's actions were in violation of TEX. REV. CIV. STAT. ANN. art. 4528c, §10, which warranted disciplinary action against the Respondent's license. The hearing set for April 19, 1993, was continued to July 12, 1993, at the Respondent's request.

The hearing commenced on July 12, 1993, in the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas. After the taking of evidence, the hearing concluded the same day. The Board's staff was represented by Deborah Leach, Assistant Attorney General of Texas. GAIL FIELDS appeared and represented herself at the hearing.

II.

JURISDICTION AND NOTICE

The Board of Vocational Nurse Examiners has jurisdiction over this matter pursuant to TEX. REV. CIV. STAT. ANN. art. 4528c, §10. The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this proceeding, including the authority to issue a proposal for decision with proposed findings of fact and conclusions of law pursuant to TEX. REV. CIV. STAT. ANN. art. 6252-13f.



Notice of the Board's intention to institute disciplinary action, dated August 10, 1992, was properly addressed and sent by certified mail, return receipt requested, to the Respondent, 12227 Quail Drive, Apt. 203, Balch Spring, Texas 75180, her address of record at the time, pursuant to TEX. REV. CIV. STAT. ANN. art. 6252-13a, §18(c). The notice letter was received and signed for by the Respondent on August 12, 1992. On September 25, 1992, a copy of the complaint against the Respondent was mailed by certified mail, return receipt requested, to the Respondent at the same address. The Post Office returned the complaint letter to the Board marked, "Unclaimed." On January 8, 1993, a second copy of the complaint against the Respondent was mailed by certified mail, return receipt requested, to the Respondent at the same address. The Post Office returned the second complaint letter to the Board marked, "Unclaimed." Notice of the hearing, dated March 22, 1993, was properly addressed and sent by certified mail, return receipt requested, to the Respondent at Route 3, Box 119-A-14, Trinity, Texas 75862, pursuant to TEX. REV. CIV. STAT. ANN. art. 6252-13a, §13. The Respondent's agent received the notice letter. Subsequent to the granting of a continuance at the Respondent's request, a second notice of the hearing, dated June 18, 1993, was properly addressed and sent by certified mail to GAIL FIELDS at 10501 Steppington Drive, #127, Dallas, Texas 75230. The Respondent appeared for the hearing.

### III.

#### DISCUSSION

On November 19, 1991, the Board endorsed an Agreed Board Order in which the Respondent's license to practice vocational nursing in the State of Texas was suspended, the suspension was stayed and the Respondent was placed on probation for a period of six months. The Order contained stipulations which required that the Respondent successfully complete a nursing program course encompassing the areas of Pharmacology and Documentation and submit proof of course completion to the Board before the end of the period of probation. On October 29, 1991, the Respondent signed the Agreed Order and accepted its conditions.

On February 5, 1992, the Board received a letter from the Respondent advising that she was enrolled in the required course. On May 22, 1992, the Board received a letter from the Respondent advising that she had completed the course and was awaiting her grade. On August 3, 1992, the Board received a letter from the Respondent advising that she had not received a passing grade in the required course.

At hearing the Respondent asked that she be given another opportunity to take and pass the required course.

The Board has authority to take disciplinary action against its licensees under TEX. REV. CIV. STAT. ANN. art. 4528c §10(a) which states, in part, "(a) The Board may ... may suspend or may revoke the license of any practitioner of vocational nursing for ... (1) violation of this Act or of any rule, regulation, or order issued under this Act."

As shown by the evidence, the Respondent not only took the course as required, she attempted to keep the Board advised of her progress. Unfortunately she failed her final exam. As a consequence the Respondent is in violation of the Agreed Order which required her to successfully complete the course by May 19, 1992. Considering the effort expended by the Respondent, the Administrative Law Judge agrees with the staff in recommending that the Respondent's license to practice vocational nursing in the State of Texas be suspended pending successful course completion.

The Board has authority suspend the Respondent's license and to require that she successfully complete the specified course prior to reinstatement of her license. Such authority is set out at 22 TAC §239.41(d) which states, "In taking action to revoke or suspend a license, the board may, in its discretion, specify the terms and conditions upon which reinstatement shall be considered."

#### IV.

#### PROPOSED FINDINGS OF FACT

1. GAIL FIELDS (the Respondent), a vocational nurse licensed by the State of Texas, holds license number 119368.
2. A sworn complaint against the Respondent was filed with the Board of Vocational Nurse Examiners for the State of Texas.
3. Proper and timely notice of the hearing and of the complaint was mailed to the Respondent by certified mail sent to her record address.
4. The Respondent was present at the hearing.
5. The Respondent was not represented by counsel at the hearing.
6. On November 19, 1991, the Board endorsed an Agreed Board Order in which the Respondent's license to practice vocational nursing in the State of Texas was suspended, the suspension was stayed and the Respondent was placed on probation for a period of six months. The Order contained stipulations which required that the Respondent successfully complete a nursing program course

encompassing the areas of Pharmacology and Documentation and submit proof of course completion to the Board before the end of the period of probation.

7. On October 29, 1991, the Respondent signed the Agreed Order and accepted its conditions.
8. On February 5, 1992, the Board received a letter from the Respondent advising that she was enrolled in the required course.
9. On May 22, 1992, the Board received a letter from the Respondent advising that she had completed the course and was awaiting her grade.
10. On August 3, 1992, the Board received a letter from the Respondent advising that she had not received a passing grade in the required course.

V.

#### PROPOSED CONCLUSIONS OF LAW

1. The Board of Vocational Nurse Examiners has jurisdiction over this matter pursuant to TEX. REV. CIV. STAT. ANN. art. 4528c, §10.
2. A sworn complaint against the Respondent was filed with the Board of Vocational Nurse Examiners for the State of Texas in accordance with TEX. REV. CIV. STAT. ANN. art. 4528c, §10(d).
3. Service of proper and timely notice of the hearing and of the complaint was effected upon the Respondent pursuant to TEX. REV. CIV. STAT. ANN. art. 6252-13a and 22 TAC §239.23.
4. The Board has authority to take disciplinary action against its licensees under TEX. REV. CIV. STAT. ANN. art. 4528c §10(a) which states, in part, "(a) The Board may ... suspend or may revoke the license of any practitioner of vocational nursing for ... (1) violation of this Act or of any rule, regulation, or order issued under this Act..."
5. Based upon Findings of Fact Nos. 6 - 10, the Respondent has violated the terms of an Order issued by the Board of Vocational Nurse Examiners which Order was issued under the authority of TEX. REV. CIV. STAT. ANN. art. 4528c.

6. The Respondent's actions constitute a violation of TEX. REV. CIV. STAT. ANN. art. 4528c, §10(a)(1) and warrant disciplinary action against her license pursuant to that statute.
7. The Board, has provided by rule, found at 22 TAC §239.41(d), "In taking action to revoke or suspend a license, the board may, in its discretion, specify the terms and conditions upon which reinstatement shall be considered."

Signed and entered this 30<sup>th</sup> day of July, 1993.

  
\_\_\_\_\_  
Earl A. Corbitt  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS



IN THE MATTER OF  
PERMANENT LICENSE  
NUMBER 119368  
ISSUED TO  
GAIL FIELDS, LVN

§  
§  
§  
§  
§  
§  
§

BEFORE THE BOARD OF  
VOCATIONAL NURSE EXAMINERS  
IN AND FOR THE  
STATE OF TEXAS

ORDER OF THE BOARD

TO: GAIL FIELDS  
10501 Steppington Drive #127  
Dallas, Texas 75230

During open meeting at Austin, Texas, the Board of Vocational Nurse Examiners finds that after proper and timely notice was given, the above-styled case was heard by an Administrative Law Judge who made and filed a proposal for decision containing the Administrative Law Judge's findings of fact and conclusions of law. The proposal for decision was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein.

The Board of Vocational Nurse Examiners, after review and due consideration of the proposal for decision, and exceptions and replies filed, if any, adopts the findings of fact and conclusions of law of the Administrative Law Judge as if fully set out and separately stated herein. All proposed findings of fact and conclusions of law not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that License Number 119368 heretofore issued to GAIL FIELDS to practice vocational nursing in the State of Texas be, and the same is hereby, suspended until such time as GAIL FIELDS successfully completes a nursing course encompassing the areas of study of Pharmacology and Documentation, and submits documentation of successful course completion to the Board office.

Passed and approved at the regular meeting of the Board of Vocational Nurse Examiners in and for the State of Texas at Austin, Texas, on the 14<sup>th</sup> day of September, 1993.

Entered this 14<sup>th</sup> day of September, 1993.

Doris A. Larkman

Phyllis Lewis

Olga Robinson

Jane Sifford W.D.

Betty Ann McMenon

Cliff L. Lusk

Marjorie Speck

Melba Lee-Kelsey W.D.

Cecilia M. Dancy

Virginia M. Bauman

Sandra Knight W.D.

00119368

BOARD OF VOCATIONAL NURSE EXAMINERS \* STATE OF TEXAS  
VS. \*  
\*  
\*  
GAIL FIELDS \* COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the matter of vocational nurse license number 119368, previously held by GAIL FIELDS, hereinafter called Applicant.

The Board of Vocational Nurse Examiners previously found that Applicant had violated the Vocational Nurse Act, or a rule, regulation or Order issued under the Vocational Nurse Act, Texas Revised Civil Statutes Annotated, Article 4528c. Applicant has submitted a written request for reinstatement of said previously held license.

A prehearing conference was held on Monday, May 12, 1997, at the office of the Board of Vocational Nurse Examiners. The conference was conducted by Marjorie A. Bronk, R.N., Executive Director of the Board, assisted by Kathleen Powell, LVN and Betty E. Sims, RN, members of the Board of Vocational Nurse Examiners. Applicant was present and was not represented by counsel.

AGREED BOARD ORDER  
RE: GAIL FIELDS, LVN #119368  
PAGE 2

The conference was attended by Kathleen S. Davies, Investigator for the Board, and Lynn Bey-Roode, Assistant Attorney General. By their notarized signature on this Order, Applicant does hereby waive the right to Notice of Formal Hearing and a Formal Hearing on the Application for Reinstatement before the Board, and to judicial review of this disciplinary action after this Order is endorsed by the Board.

After reviewing the matters relative to the request for reinstatement at the prehearing conference, Applicant agrees to the entry of an Order dispensing with the need for further action on this reinstatement request. By Applicant's signature on this Order, Applicant acknowledges that they have read and understood this Order and have approved it for consideration by the Board. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas Employers.

ORDER OF THE BOARD

NOW IT IS ORDERED that license number 119368, previously issued to GAIL FIELDS, to practice vocational nursing in the State of Texas be, and the same is hereby reinstated, without stipulations.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.



AGREED BOARD ORDER  
RE: GAIL FIELDS, LVN #119368  
PAGE 3

Agreed to this the 12 day of May, 1997.

Gail Fields  
Signature of Applicant

130 S. Jordan Rd #106  
Current Address

Garland, TE. 75042  
City, State and Zip

(214) 595-5364  
Area Code and Telephone Number

The State of Texas  
County of Tarrant

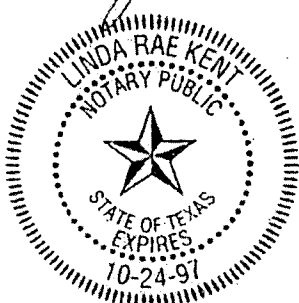
Before me, the undersigned authority, on this day personally appeared GAIL FIELDS, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me this the 12<sup>th</sup> day of May, 1997.

Kathleen S. Davis  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS  
My Commission Expires 3/15/99

Marjorie A. Bronk  
Marjorie A. Bronk, R.N.  
Agent for the Board of  
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 3<sup>rd</sup> day of June, 1997.



Linda Rae Kent  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

00119368

AGREED BOARD ORDER  
RE: GAIL FIELDS, LVN #119368  
PAGE 4

ENDORSEMENT OF THE BOARD  
To The Agreed Board Order  
in the matter of Vocational Nurse  
License No. 119368  
Issued to Gail Fields

At its regularly called session, on the 10th day of June 1997, came on to be considered the indicated Agreed Board Order pertaining to Gail Fields. The Board having reviewed the contents of said Order, the Order should be, and is hereby, endorsed as an Order of the Board and made an official act of the Board of Vocational Nurse Examiners for the State of Texas.

Said Order is rendered on this the 10th day of June 1997.

<u>Carl McCowan</u>	<u>Melba Lee Gray, LVN</u>
<u>Lillian Eadem</u>	_____
<u>Franklin B. B...</u>	_____
<u>Paul Robinson</u>	_____
<u>Gene Cherry, LVN</u>	_____
<u>Donna ...</u>	_____
<u>Hinger Brenner</u>	_____
_____	_____



BOARD ORDER  
RE: GAIL FIELDS, LVN #119368  
PAGE: 5

CERTIFICATE OF SERVICE

I hereby certify that on the 13<sup>th</sup> day of June, 1997,  
a true and correct copy of the foregoing Order was served by placement in the  
U.S. Mail, first class, and addressed to the following person(s):

GAIL FIELDS  
120 S JUIPTER ROAD NO 106  
GARLAND, TEXAS 75042

Marjorie A Bronk, R.N.  
Marjorie A. Bronk, R.N.  
Executive Director  
Agent for the Board of Vocational Nurse Examiners

BOARD OF VOCATIONAL  
NURSE EXAMINERS

VS.

GAIL FIELDS-GIVENS

\*  
\*  
\*  
\*  
\*  
\*

STATE OF TEXAS

COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of vocational nurse license number 119368 held by GAIL FIELDS-GIVENS, hereinafter called Respondent.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Respondent of its intent to take disciplinary action with respect to said license held by Respondent, as a result of a complaint and subsequent investigation. Said investigation produced evidence indicating that Respondent has been convicted of a crime of the grade of a misdemeanor that relates to the practice of vocational nursing and/or involves moral turpitude, in violation of the Texas Occupations Code, Chapter 302, Section 302.402 (a) (3) (B), in the following manner:

I.

a. On or about October 9, 2002, Respondent submitted her Renewal Application to the Board of Vocational Nurse Examiners for the State of Texas. On said Renewal, Respondent answered "yes" to the question asking: "Have you ever been convicted of a misdemeanor other than a minor traffic violation?"

II.

a. On or about December 18, 2001, Respondent was convicted of the misdemeanor offense of Theft by Check, in the County Court at Law of Harrison County, Texas, under

AGREED BOARD ORDER  
RE: GAIL FIELDS-GIVENS, LVN #119368  
PAGE 2

Cause No. 2001-0937. As a result of said conviction, Respondent was placed on probation for a period of six (6) months and ordered to pay a fine of \$100.00 and court costs.

b. Applicant has been convicted of a crime which the Board considers to be directly related to the duties and responsibilities of a Licensed Vocational Nurse. Said convictions are inconsistent with the basic duties and responsibilities inherent in the occupation of vocational nursing in that said occupation requires that a Licensed Vocational Nurse not commit any offenses involving fraud, dishonesty, or deceit.

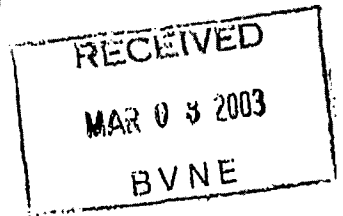
By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the matters previously set out in this Order with respect to the above-mentioned investigation. By Respondent's signature on this Order, Respondent acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

By their notarized signature on this Order, Respondent does hereby waive the right to a formal Complaint, Notice of Hearing and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

**ORDER OF THE BOARD**

**NOW THEREFORE, IT IS ORDERED** that license number 119368, heretofore issued to GAIL FIELDS-GIVENS to practice vocational nursing in the State of Texas be, and the same is hereby **REPRIMANDED**.

AGREED BOARD ORDER  
RE: GAIL FIELDS-GIVENS, LVN #119368  
PAGE 3



This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until ratified by a majority of the Board present and voting, at its next regularly called session.

Dated this the 24<sup>th</sup> day of February, 2003.

Gail Fields-Givens  
Signature of Respondent

3403 W. Grand Ave.  
Current Address

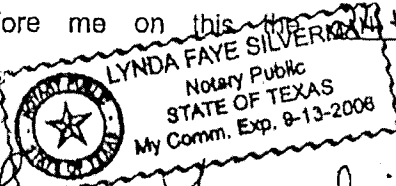
Marshall, TX 75670  
City, State and Zip

903 / 935-0343  
Area Code and Telephone Number

The State of Texas  
County of Harrison

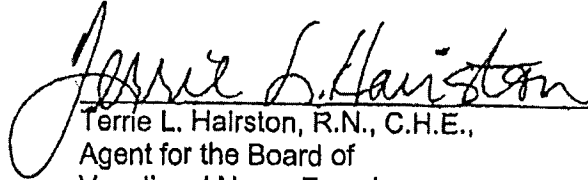
Before me, the undersigned authority, on this day personally appeared GAIL FIELDS-GIVENS, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me on this the 24<sup>th</sup> day of February, 2003.

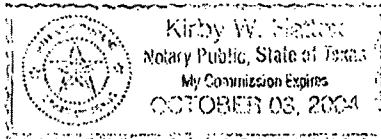



Lynda Faye Silverman  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

AGREED BOARD ORDER  
RE: GAIL FIELDS-GIVENS, LVN #119368  
PAGE 4

  
Terrie L. Hairston, R.N., C.H.E.,  
Agent for the Board of  
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the  
10TH day of June, 2003.

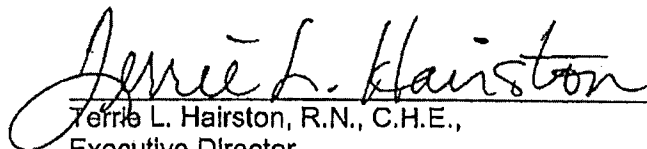


  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

BOARD ORDER  
RE: GAIL FIELDS-GIVENS, LVN #119368  
PAGE 5

WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Board Order, notarized on the 24<sup>th</sup> day of February, 2003 by GAIL FIELDS-GIVENS, license number 119368 and that Said Order is Final.

Effective this 10<sup>th</sup> day of June, 2003.

A handwritten signature in cursive script that reads "Terrie L. Hairston". The signature is written in black ink and is positioned above a horizontal line.

Terrie L. Hairston, R.N., C.H.E.,  
Executive Director  
On Behalf of Said Board

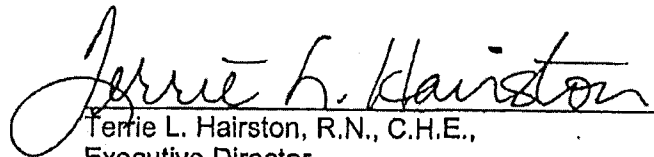


BOARD ORDER  
RE: GAIL FIELDS-GIVENS, LVN #119368  
PAGE 6

CERTIFICATE OF SERVICE

I hereby certify that on the 13<sup>th</sup> day of June, 2003, a true and correct copy of the foregoing **BOARD ORDER** was served by placement in the U.S. Mail first class mail, and addressed to the following person(s):

GAIL FIELDS-GIVENS  
3403 W. GRAND AVENUE  
MARSHALL, TEXAS 75670

  
Terrie L. Hairston, R.N., C.H.E.,  
Executive Director  
Agent for the Board of Vocational Nurse Examiners



**BOARD OF VOCATIONAL NURSE EXAMINERS**

333 GUADALUPE STREET, SUITE 3-400

AUSTIN, TEXAS 78701

(512) 305-8100



accurate, and true copy of the document which  
is on file or is of record in the offices of the  
Texas Board of Nursing  
*Terrie L. Hairston*  
Executive Director of the Board

June 13, 2003

GAIL FIELDS-GIVENS  
3403 W. GRAND AVENUE  
MARSHALL, TEXAS 75670

Dear Ms. Fields-Givens:

The enclosed Agreed Board Order has been ratified by the Board of Vocational Nurse Examiners and is now in effect.

If you have any questions concerning this matter, please contact the Enforcement Division.

Sincerely,

*Terrie L. Hairston*  
Terrie L. Hairston, R.N., C.H.E.,  
Executive Director

EES/cd

Enclosure: Agreed Order