



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

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In the Matter of § AGREED  
Vocational Nurse License Number 221438 §  
issued to GINGER GALLARDO § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of GINGER GALLARDO, Vocational Nurse License Number 221438, 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)(8), 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 April 27, 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 delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Vista College, El Paso, Texas, on January 10, 2009. Respondent was licensed to practice vocational nursing in the State of Texas on April 14, 2009.
5. Respondent's nursing employment history is unknown.
6. On or about September 18, 2015, Respondent's application for a license to practice as a practical nurse in the State of Arizona was Denied by the Arizona State Board of Nursing, Phoenix, Arizona. A copy of the Arizona State Board of Nursing's Order of Denial, dated September 18, 2015, is attached and incorporated, by reference, as part of this Order.

7. Regarding the conduct outlined in Finding of Fact Number Six (6), Respondent admits that she plead guilty to Possession of Marijuana in 2011, and she admits that she was arrested for shoplifting which is pending. Respondent denies neglecting any patient and taking any items from a patient's residence. Respondent also denies answering questions inappropriately on an employment application.
8. Formal Charges were filed on January 4, 2016.
9. Formal Charges were mailed to Respondent on January 5, 2016.

### 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 cause pursuant to Section 301.452(b)(8), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 221438, heretofore issued to GINGER GALLARDO.
4. 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

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#### I. ~~SANCTION AND APPLICABILITY~~

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS** 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. **A Board-approved course in physical assessment** with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include physical assessment of all body systems. The clinical component SHALL include physical assessment of live patients in a clinical setting; Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.
- 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. 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 four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) 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.

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- 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 four (4) quarters [one (1) year] of employment as a nurse.

## V. DRUG AND ALCOHOL RELATED REQUIREMENTS

- A.** While under the terms of this Order, RESPONDENT SHALL abstain from the use of alcohol, tramadol and all controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to a pain management and/or chemical dependency evaluation by a Board approved evaluator. The performing evaluator must submit a written report meeting the Board's requirements to the Board's office within thirty (30) days from the Board's request.
- B.** While working as a nurse under the terms of this Order, RESPONDENT SHALL submit to random periodic screens for alcohol, tramadol, and controlled substances. The Board will provide instructions on how to enroll in the Board's drug and alcohol testing program following the entry of this Order and screening will begin when Respondent obtains employment and submits the Notification of Employment form to the Board.
- For the first three (3) month [1<sup>st</sup> quarter] period RESPONDENT works as a nurse under the terms of this Order, random screens shall be performed at least once per week.
  - For the next three (3) month [2<sup>nd</sup> quarter] period, random screens

- shall be performed at least twice per month.
- For the next six (6) month period [3<sup>rd</sup> & 4<sup>th</sup> quarters], random screens shall be performed at least once per month.
- For the remainder of the stipulation/probation period, if any, random screens shall be performed at least once every three (3) month quarterly period.

All random screens SHALL BE conducted through urinalysis. Screens obtained through urinalysis are the sole method accepted by the Board. Any test result for a period of time in which the RESPONDENT is not working as a nurse under the terms of this Order will not count towards satisfaction of this requirement. All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation/probation period.

**Specimens shall be screened** for at least the following substances and their metabolites:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

**A Board representative may appear** at the RESPONDENT'S place of employment ~~at any time during the stipulation period and require~~ RESPONDENT to produce a specimen for screening.

**Consequences of Positive or Missed Screens.** Any positive result for which RESPONDENT does not have a valid prescription or refusal to submit to a drug or alcohol screen may subject RESPONDENT to further disciplinary action, including TEMPORARY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of Respondent's license(s) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas. Further, failure to report for a drug screen, excessive dilute specimens, or failure to call in for a drug screen may be considered the same as a positive result or refusal to submit to a drug or alcohol screen.

## 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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RESPONDENT'S CERTIFICATION

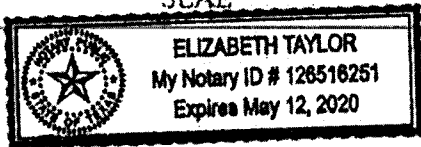
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary 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 18th day of November, 20 16.

Ginger Gallardo  
GINGER GALLARDO, Respondent

Sworn to and subscribed before me this 18th day of November, 20 16.

SEAL



Elizabeth Taylor  
Notary Public in and for the State of Texas

Approved as to form and substance.

Oscar San Miguel  
Oscar San Miguel, Attorney for Respondent

Signed this 18th day of November, 20 16.



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 18th day of November, 2016, by GINGER -GALLARDO, Vocational Nurse License Number 221438, and said Order is final.

Effective this 13th day of December, 2016.



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

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF APPLICATION  
FOR LICENSE BY:  
GINGER GALLARDO AKA GINGER  
RODRIGUEZ,  
TO PRACTICE PRACTICAL  
NURSING IN THE STATE OF ARIZONA

ORDER OF DENIAL

NO. 1505058

On September 18, 2015, the Arizona State Board of Nursing ("Board") considered the application for licensure of Ginger Gallardo ("Applicant").

**FINDINGS OF FACT**

1. On or about September 3, 2014, Applicant submitted a practical nurse application by endorsement to the Board. Based upon information obtained during the application process, the Board conducted an investigation.

2. On or about May 28, 2011, according to El Paso Police Department (Texas) report number 11-148228, police stopped a vehicle for a traffic offense. Applicant was a passenger and the officer could smell the odor of marijuana in the vehicle. The officer searched the vehicle and found a cigarette pack with two rolled up "joints" and a glass pipe. Applicant admitted it belonged to her stating, "...they're just joints Sir, we just wanted to have some fun." Applicant was cited and booked into jail on a charge of Possession of Marijuana < 2 oz. On or about December 15, 2011, according to El Paso County Criminal Court (Texas) case number 20110C05234, Applicant was convicted pursuant to a guilty plea of Possession of Marijuana, a misdemeanor.

3. On or about August 26, 2013, according to Tucson Police Department (Arizona) report number 1308260295, police responded to a report of a shoplifting at a local Target store in

Tucson, Arizona. Applicant had been followed on surveillance cameras and was observed stealing from various departments. Police questioned Applicant who admitted that she walked into the store with the intention to steal, by taking a purse and stealing several items. On or about September 9, 2013, according to Tucson City Court (Arizona) case number CR13091543, Applicant failed to appear for the initial hearing and a warrant was issued for her arrest. The warrant is still active.

4. Applicant was employed by Synergy Home Care in Tucson, Arizona as a Caregiver, and on June 13, 2014, while on duty, Applicant was unavailable in the room after she left (Patient A) sitting in a chair, and (Patient A) fell off the chair and was on the floor with a hematoma on the side of her head and she also had a black eye. The facility investigated on June 27, 2014 and Applicant made untrue statements regarding (Patient A)'s fall. Applicant said she had been in the restroom when (Patient A) fell; however, (Patient A) told staff that Applicant "was asleep on the couch snoring" when (Patient A) fell the first time. Applicant told supervisor there was no blood after (Patient A)'s fall, but the following Caregiver on the next shift with the same (Patient A) reported there was blood on the floor when she came on duty and protocol would have been for Applicant to call 911 to have (Patient A) assessed. Applicant also violated protocol by putting (Patient A) in bed within an hour of hitting her head. (Patient A) reported she had a second fall on September 21, 2014, but she was reluctant to tell the supervisor what happened during the second fall. She said that Applicant left her home, leaving (Patient A) alone from 2:30 p.m. to 5:30 p.m., and (Patient A) fell shortly after 2:30 and lay on the floor with a hematoma on her right eye for nearly 3 hours. (Patient A) said when Applicant returned she picked (Patient A) up and put her to bed. (Patient A) said Applicant apologized "over and over again and told her not to tell work as she can't afford to lose her job." Tucson Police were called

to investigate. Tucson Police Department Detective Cruise submitted his report to the Pima County Attorney's Office for a charge of Neglect of a Vulnerable Adult, but the Pima County Attorney's Office declined to prosecute.

5. Applicant was employed by Synergy Home Care in Tucson, Arizona as a Caregiver from June 2014 to July 2014. On June 23, 2014, missing items from a patient's room were reported. A number of (Patient A)'s pills (Hydrocodone) were missing. The Caregiver who followed Applicant during the next shift indicated, "(Patient A) had one older bottle with 20 pills in it, and picked up another on May 14, (2014) with 60 pills. Since May 14, (2014), (Patient A) had only taken 21 pills. Yesterday's count 25 pills are left which meant 34 pills were missing. Med count needed to be done." In addition, (Patient A) noticed money was missing from her wallet when Applicant left her home at the end of her shift. On or about June 25, 2014, Applicant was sent for drug screen, which was to be completed by 5:00 pm. Applicant was unable to go that day, citing many excuses, but went for the test in the morning. The test results were negative. On July 2, 2014, Applicant was interviewed at Synergy's home office and told she was being terminated for "(Patient A) neglect" and "timecard fraud." Applicant refused to sign the termination document. The termination document indicated Applicant was not to be rehired.

6. On September 16, 2014, Applicant filled out an application for employment as an LPN at Nurse Core in Tucson, Arizona. She answered, "No", to the question, "Have you ever been convicted of a crime?" She failed to disclose a conviction in Texas in 2011 for Possession of Marijuana. On December 11, 2014, Applicant was terminated from employment for being a "no call/no show" on numerous occasions.

7. On June 17, 2015, Board staff mailed a letter to Applicant with a Board issued questionnaire enclosed containing instructions to complete and return the requested documents

by August 17, 2015. On June 30, 2015, the letter was returned to the Board as undeliverable by the United States Postal Service. On or about July 1, 2015, Board staff attempted to reach Applicant via email message. Applicant did not respond. On or about August 3, 2015, Board staff attempted to reach Applicant via telephone call, but the number was no longer a working number.

### CONCLUSIONS OF LAW

In light of the above Findings of Fact, the Board has cause to deny the application for licensure of practical nurse pursuant to A.R.S. § 32-1663(A) and (B), as defined in A.R.S. § 32-1601(22) (b) (Committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude. In either case, conviction by a court of competent jurisdiction or a plea of no contest is conclusive evidence of the commission); (d) (Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public); (h) (Committing an act that deceives, defrauds or harms the public) (j) (Violating a rule that is adopted by the Board pursuant to this chapter) (effective August 2, 2012) and A.A.C. § R4-19-403 (1) (A pattern of failure to maintain minimum standards of acceptable and prevailing nursing practice); (2) (Intentionally or negligently causing physical or emotional injury); (5) (Abandoning or neglecting a patient who requires immediate nursing care without making reasonable arrangement for continuation of care); (9) (Failing to take appropriate action to safeguard a patient's welfare or follow policies and procedures of the nurse's employer designed to safeguard the patient); (15) (Removing, without authorization, any money, property, or personal possessions, or requesting payment for services not performed from a patient, employer, co-worker, or member of the public); (18) (Obtaining, possessing, administering, or using any narcotic, controlled substance,

or illegal drug in violation of any federal or state criminal law, or in violation of the policy of any health care facility, school, institution, or other work location at which the nurse practices); (25) (Failing to: a. Furnish in writing a full and complete explanation of a matter reported pursuant to A.R.S. § 32-1664); (26) (Making a false or misleading statement on a nursing assistant or health care related employment or credential application concerning previous employment, employment experience, education, or credentials); (31) (Practicing in any other manner that gives the Board reasonable cause to believe the health of a patient or the public may be harmed) (effective September 8, 2014.)

**ORDER**

NOW THEREFORE, IT IS ORDERED that the application of Ginger Gallardo for a license to practice as a practical nurse in the State of Arizona is denied and any temporary license issued to Applicant is hereby revoked. Pursuant to A.A.C. R4-19-609, the effective date of the Order of Denial is upon expiration of the time for filing an appeal, 30 days after the date of service of the Order of Denial.

IT IS FURTHER ORDERED that Applicant is not eligible to reapply for said license pursuant to A.A.C. R4-19-404 for at minimum, five years from the effective date of the Order of Denial.

IT IS FURTHER ORDERED that Applicant shall immediately cease and desist the practice of nursing in the State of Arizona and is not eligible to practice nursing in Arizona under the privilege of any Compact state without prior approval from the Arizona Board of Nursing.

PURSUANT TO A.R.S. § 41-1092.03, any person aggrieved by this Order may apply to the Board, in writing, within thirty days of receipt and request a public hearing with respect to this Order. If you request a public hearing with respect to this Order, you also have the right to

request an informal settlement conference by filing a written request with the Board, pursuant to A.R.S. § 41-1092.06, no later than 20 days before the scheduled hearing. The conference will be held within 15 days after receipt of your request. Please note that you waive any right to object to the participation of the Board's representative in the final administrative decision of the matter if it is not settled at the conference. For answers to questions regarding the appeals process, contact the Hearing Department at (602) 771-7844.

Dated this 18th day of September, 2015.

SEAL

ARIZONA STATE BOARD OF NURSING

*Joey Ridenour R.N. M.N. F.A.A.N.*

Joey Ridenour, R.N., M.N., F.A.A.N.  
Executive Director

JR/BJR: rc

COPY mailed this 7th day of October, 2015, by First Class Mail and by Certified Mail No. 7015 0640 0007 1010 9263 to:

GINGER GALLARDO  
7449 E 19TH ST  
TUCSON, AZ 85710

By: Richard Carr  
Legal Secretary