

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Vocational Nurse License Number 223211 §
issued to JENNIFER M HART § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JENNIFER M HART, Vocational Nurse License Number 223211, 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)(2), (8) & (10), 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 November 30, 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 Onondaga-Madison County BOCES, Syracuse, New York, on November 24, 2008. Respondent was licensed to practice vocational nursing in the State of Texas on August 25, 2009.
5. Respondent's nursing employment history includes:
08/09 - 01/11 LVN Staffing Agency Unknown

Respondent's nursing employment history continued:

02/11 - 12/11	LVN	Cottages at Round Rock Round Rock, Texas
12/11- 03/12	Unknown	
03/12 - 11/12	LVN	Brookdale Senior Living Lakeway, Texas
11/12 - 02/13	Unknown	
02/13 - 05/13	LVN	Nurse's Unlimited Austin, Texas
06/13 - 08/13	LVN	Southwood Care Center Austin, Texas
09/13 - 05/14	Unknown	
06/14 - Present	LVN	MGA Healthcare Phoenix, Arizona

6. On April 18, 2014, Respondent was issued the sanction of Remedial Education through an Agreed Order by Board. Respondent successfully completed the terms of the Order on March 16, 2015. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated April 18, 2014, is attached and incorporated, by reference, as part of this Order.
7. On or about April 22, 2009, Respondent submitted an endorsement application to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "no" to the following question:

"For any criminal offense, including those pending appeal, have you:
A. been convicted of a misdemeanor?"

Respondent failed to disclose that on or about April 1, 1992, she entered a plea of Guilty to and was convicted of OPERATING A MOTOR VEHICLE WHILE IMPAIRED BY ALCOHOL, a misdemeanor offense committed on September 3, 1991, in the City Court of Syracuse, Syracuse, New York, under report number 91-120388.

8. On or about August 10, 2016, Respondent was convicted of DRIVING WHILE INTOXICATED BAC > = 0.15, a Class A misdemeanor offense committed on November 15, 2012, in the Travis County Court at Law, Austin, Texas, under Cause Number C-1-CR-

13-402803. As a result of the conviction, Respondent was placed on probation for a period of two (2) years.

9. On or about August 16, 2016, Respondent's application 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 August 16, 2016, is attached and incorporated, by reference, as part of this Order.
10. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

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 §217.12(6)(I) & (13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2), (8) & (10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 223211, heretofore issued to JENNIFER M HART.
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 **WARNING WITH STIPULATIONS AND A 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 two hundred fifty dollars (\$250.00) 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 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.

- 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. **Incident Reporting:** RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.
- 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.

VI. 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 [1st 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 [2nd quarter] period, random screens shall be performed at least twice per month.
- For the next six (6) month period [3rd & 4th 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.

VII. PROBATION REPORTS

RESPONDENT SHALL CAUSE her probation officer to submit written reports on forms provided to the Respondent by the Board. The reports shall indicate the RESPONDENT'S compliance with the court ordered probation. The reports shall be furnished each and every three (3) month quarterly period until RESPONDENT is released from probation.

VIII. 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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Walk thru 1/9/2017
CXP

RESPONDENT'S CERTIFICATION

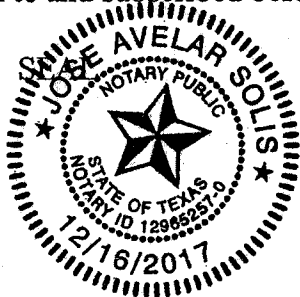
I understand that I have the right to legal counsel prior to signing this Agreed Order.

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 9th day of January 2017.

Jennifer M Hart
JENNIFER M HART, Respondent

Sworn to and subscribed before me this 9th day of January, 2017.



[Signature]
Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does

~~hereby ratify and adopt the Agreed Order that was signed on the 9th day of January, 2017, by~~

JENNIFER M HART, Vocational Nurse License Number 223211, and said Order is final.

Effective this 14th day of February, 20 17.



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



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 223211 §
issued to JENNIFER M. HART § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JENNIFER M. HART, Vocational Nurse License Number 223211, 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on March 10, 2014.

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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Onondaga-Madison CO Boces, Syracuse, New York, on November 24, 2008. Respondent was licensed to practice vocational nursing in the State of Texas on August 25, 2009.

5. Respondent's vocational nursing employment history includes:

08/2009 - 01/2011	LVN	Staffing Agency
		Unknown

Respondent's vocational nursing employment history continued:

02/2011 - 12/2011	LVN	Cottages at Round Rock Round Rock, Texas
12/2011 - 03/2012	Unknown	
03/2012 - 11/2012	LVN	Brookdale Senior Living Lakeway, Texas
11/2012 - 02/2013	Unknown	
02/2013 - 05/2013	LVN	Nurse's Unlimited Austin, Texas
06/2013 - 08/2013	LVN	Southwood Care Center Austin, Texas
08/2013 - Present	Unknown	

6. At the time of the incident in Finding of Fact Number Seven, (7), Respondent was employed as a Licensed Vocational Nurse with Southwood Care Center, Austin, Texas, and had been in this position for approximately two (2) months.
7. On or about August 22, 2013, while employed as a Licensed Vocational Nurse with Southwood Care Center, Austin, Texas, Respondent failed to report the alleged sexual abuse of Resident 2013036 to proper staff and/or authorities, in a timely manner. Respondent's conduct unnecessarily exposed the resident to risk of continued physical, mental and/or emotional harm.
8. In response to Finding of Fact Number Seven (7), Respondent explains that at 06:30 a.m., as she was going off shift, a resident approached her at the Nursing Station, in front of the DON, med aid, and another nurse, and stated out loud, "I wasn't wet but that guy wanted to check me anyway and felt my brief." Respondent states that although her shift was over, she validated the complaint, wrote a statement for the resident, and walked with the resident to the Administrator's office to drop off the complaint. Respondent further states that she did not have orientation nor a handbook, but did what she could so that the resident's complaint would be looked into. Respondent further states that she attempted to contact the Administrator but got the answering machine.
9. Formal Charges were filed on January 31, 2014.
10. Formal Charges were mailed to Respondent on February 4, 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)(Q) and 22 TEX. ADMIN. CODE §217.12(1)(A)&(6)(C).
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 223211, heretofore issued to JENNIFER M. HART, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of a REMEDIAL EDUCATION, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the

Board may have for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.*

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

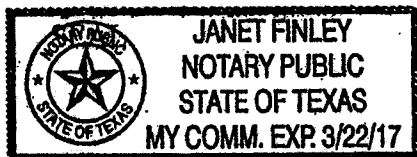
I understand that I have the right to legal counsel prior to signing this Agreed Order.

I 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 Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 14th day of April, 2014.

Jennifer M. Hart
JENNIFER M. HART, Respondent

Sworn to and subscribed before me this 14 day of April, 2014.



[Signature]
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 14th day of April, 2014, by JENNIFER M. HART, Vocational Nurse License Number 223211, and said Order is final.

Effective this 18th day of April, 2014.



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 PRACTICAL NURSE LICENSE BY
ENDORSEMENT OF:

JENNIFER M. HART

STATE OF ARIZONA
THE BOARD OF NURSING
COUNTY OF MARICOPA

**ORDER OF DENIAL
NO. 1509053**

On May 20, 2016, the Arizona State Board of Nursing ("Board") considered the application for practical nurse licensure of Jennifer M. Hart ("Applicant").

FINDINGS OF FACT

1. On or about August 13, 2015, Jennifer M. Hart, Applicant submitted a practical nurse application by endorsement to the Board. Based upon information obtained in the application process, the Board conducted an investigation.
2. On or about September 3, 1991, according to Syracuse Police Department of Syracuse, New York, report number 91-120388, Applicant was involved in a two vehicle accident at approximately 3:58 a.m. A breath test completed at 5:08 a.m. registered .13%. On or about April 1, 1992, per docket number 91/34988, Applicant pled guilty to Operating a Motor Vehicle While Impaired by Alcohol, a misdemeanor, in the City Court of Syracuse in Syracuse, New York. On or about February 19, 2016, during her interview, Applicant admitted to consuming alcohol prior to the accident.
3. On or about November 15, 2012, per Bee Cave Police Department in Bee Cave, Texas, incident report number: 12-00473, Applicant was involved in a two vehicle auto collision which resulted in injuries. The results of the blood test showed the alcohol content to be .0234

grams of alcohol per 100 millimeters of blood (equivalent to a Breath Alcohol Concentration (BAC) of .234). According to Austin Municipal Court in Austin, Texas, case number: 13300419, Applicant was charged with Intoxication Assault, a felony, for the collision which occurred on November 15, 2012. On or about October 30, 2013, the case was transferred to Travis County Court, case number: C-1-CR-13-402803, and the charges were reduced to Driving While Intoxicated with a BAC over .15, a misdemeanor. On or about February 19, 2016 during her interview Applicant admitted to consuming alcohol prior to driving.

4. On or about April 14, 2014, Applicant signed an Order (“Order”) for remedial education with Texas Board of Nursing (“Texas Board”), attached and incorporated by reference, related to allegations that Applicant had failed to timely report sexual abuse allegations by a patient. The Order limited Applicant’s nursing license to single state (Texas only), absent an agreement with the Texas Board and the nursing Board of the state where Applicant wished to work. On or about March 16, 2015, Applicant was notified of having met all requirements of the Texas Board and informing her of her eligibility to reinstate her licensure compact privileges.

5. During the time frame of approximately February 2, 2015-July 21, 2015, Applicant worked through MGA Healthcare of Phoenix at multiple sites in Arizona; specifically: Acuity Long Term Care of Mesa, AZ; Danville Services of Arizona, and from April 28, 2015-July 21, 2015, Five Star Quality Care/ The Gardens of Scottsdale, in Scottsdale, Arizona. These positions required a nursing license; however, Applicant did not have an Arizona nursing license, nor a multistate compact privilege between April 14, 2014 and March 16, 2015.

6. On or about August 13, 2015, with her application for Arizona nursing licensure, Applicant disclosed a conviction of Attempted Contact Assault, in Texas, in November of 2014. In her written statement, Applicant described an argument with two women who lived above her,

whom Applicant stated were making noise while she was trying to sleep. In a February 2016 investigative interview with Board staff, Applicant stated that she had taken sleeping pills in addition to consuming alcohol prior to the incident which resulted in police involvement and subsequent conviction.

7. On May 20, 2016, the Board considered the matter and voted to continue the investigation to allow Applicant the opportunity to obtain a psychological evaluation, to include a substance abuse evaluation, at no cost to the Board, by a Board approved licensed psychologist, and to include any additional testing deemed necessary by the evaluator, to be scheduled and completed within 45 days and then return to the Board. If the evaluation is not completed, based upon the findings of fact and statute/rule violations identified in the investigative report, deny licensure.

8. On May 20, 2016, Board Staff sent a letter asking Applicant to complete an evaluation within 45 days. Applicant did not obtain a psychological evaluation.

CONCLUSIONS OF LAW

In light of the above Findings of Fact, the Board has cause to deny the application for licensure of Jennifer M. Hart, pursuant to A.R.S. § 32-1663(A) and (B), as defined in A.R.S. § 32-1601(22)(d) Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public; (g) Willfully or repeatedly violating a provision of this chapter or a rule adopted pursuant to this chapter and (j) Violating this chapter or a rule that is adopted by the board pursuant to this chapter (effective August 2, 2012) and A.A.C. § R4-19-403(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 a patient; (17) A pattern of using or being under the influence of alcohol, drugs, or a similar substance to the extent that judgment may be impaired

and nursing practice detrimentally affected, or while on duty in any health care facility, school, institution, or other work location; (24) Practicing nursing without a current license or while the license is suspended and (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 January 31, 2009).

ORDER

NOW THEREFORE, IT IS ORDERED that the application of Jennifer M. Hart 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 16th day of August 2016.

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/SB:ld

COPY mailed this 16th day of August 2016, by First Class Mail and by Certified Mail No. 7015
0640 0007 1010 7771 and via secure e-mail to:

██████████@gmail.com

Jennifer M. Hart



By: Lynette Drafton
Legal Secretary



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 223211 §
issued to JENNIFER M. HART § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JENNIFER M. HART, Vocational Nurse License Number 223211, 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on March 10, 2014.

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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Onondaga-Madison CO Boces, Syracuse, New York, on November 24, 2008. Respondent was licensed to practice vocational nursing in the State of Texas on August 25, 2009.
5. Respondent's vocational nursing employment history includes:

08/2009 - 01/2011	LVN	Staffing Agency
		Unknown

Respondent's vocational nursing employment history continued:

02/2011 - 12/2011	LVN	Cottages at Round Rock Round Rock, Texas
12/2011 - 03/2012	Unknown	
03/2012 - 11/2012	LVN	Brookdale Senior Living Lakeway, Texas
11/2012 - 02/2013	Unknown	
02/2013 - 05/2013	LVN	Nurse's Unlimited Austin, Texas
06/2013 - 08/2013	LVN	Southwood Care Center Austin, Texas
08/2013 - Present	Unknown	

6. At the time of the incident in Finding of Fact Number Seven, (7), Respondent was employed as a Licensed Vocational Nurse with Southwood Care Center, Austin, Texas, and had been in this position for approximately two (2) months.
7. On or about August 22, 2013, while employed as a Licensed Vocational Nurse with Southwood Care Center, Austin, Texas, Respondent failed to report the alleged sexual abuse of Resident 2013036 to proper staff and/or authorities, in a timely manner. Respondent's conduct unnecessarily exposed the resident to risk of continued physical, mental and/or emotional harm.
8. In response to Finding of Fact Number Seven (7), Respondent explains that at 06:30 a.m., as she was going off shift, a resident approached her at the Nursing Station, in front of the DON, med aid, and another nurse, and stated out loud, "I wasn't wet but that guy wanted to check me anyway and felt my brief." Respondent states that although her shift was over, she validated the complaint, wrote a statement for the resident, and walked with the resident to the Administrator's office to drop off the complaint. Respondent further states that she did not have orientation nor a handbook, but did what she could so that the resident's complaint would be looked into. Respondent further states that she attempted to contact the Administrator but got the answering machine.
9. Formal Charges were filed on January 31, 2014.
10. Formal Charges were mailed to Respondent on February 4, 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)(Q) and 22 TEX. ADMIN. CODE §217.12(1)(A)&(6)(C).
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 223211, heretofore issued to JENNIFER M. HART, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of a REMEDIAL EDUCATION, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*
<http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the

Board may have for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.*

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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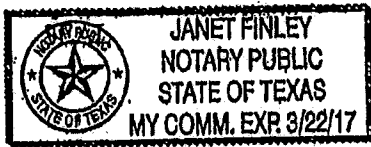
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RESPONDENT'S CERTIFICATION

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 Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 14th day of April, 2014.
Jennifer M Hart
JENNIFER M. HART, Respondent

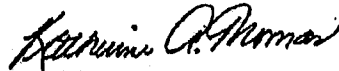
Sworn to and subscribed before me this 14 day of April, 2014.



[Signature]
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 14th day of April, 2014, by JENNIFER M. HART, Vocational Nurse License Number 223211, and said Order is final.

Effective this 18th day of April, 2014.



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