



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 ORDER
BEVERLY MARKEATA WILLIS,	§	FOR
Vocational Nurse License Number 209275 and	§	
PETITIONER for Eligibility for Licensure	§	DISCIPLINE & ELIGIBILITY

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of Vocational Nurse License Number 209275 and the Petition for Declaratory Order, hereinafter referred to as the Petition, and supporting documents filed by BEVERLY MARKEATA WILLIS, hereinafter referred to as PETITIONER, requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.253, 301.257 and 301.258, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §213.30, together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that PETITIONER may be subject to discipline and ineligible for licensure pursuant to Sections 301.452(b)(10)&(13) and 301.453, Texas Occupations Code.

PETITIONER waived notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on May 3, 2017.

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 Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Petitioner waived notice and hearing, and agreed to the entry of this Order.
3. Petitioner's license to practice as a vocational nurse in the State of Texas is in current status.

4. Petitioner received a Certificate in Vocational Nursing from San Jacinto College North, Houston, Texas, on August 1, 2001. Petitioner was licensed to practice vocational nursing in the State of Texas on March 22, 2007.

5. Petitioner's nursing employment history includes:

3/2007 - 8/2010	Charge Nurse	Fundamental Winterhaven Healthcare Houston, Texas
9/2010 - 11/2012	Unknown	
12/2012 - 8/2016	Charge Nurse	Sava Senior Care Houston, Texas
12/2012 - 8/2016	Staff Nurse	Jacinto City Healthcare Houston, Texas
10/2015 - Present	Staff Nurse	San Jacinto Manor Deer Park, Texas
8/2016 - Present	Charge Nurse	Vista Continuing Care Rehabilitation Pasadena, Texas

6. On or about March 8, 2007, Petitioner was issued an ELIGIBILITY ORDER through an Agreed Order by the Texas Board of Nursing. A copy of the Agreed Order, including the Findings of Fact, Conclusions of Law, and Order dated March 8, 2007, is attached and incorporated herein by reference as part of this Order. On January 29, 2008, Petitioner satisfied all terms and conditions as set forth in the ELIGIBILITY ORDER issued on March 8, 2007, by the Texas Board of Nursing.
7. At the time of the incident, Petitioner was employed as a Staff Nurse with Jacinto City Healthcare, Houston, Texas, and had been in that position for three (3) years and eight (8) months.
8. On or about August 7, 2016, while employed as a Staff Nurse with Jacinto City Healthcare, Houston, Texas, Petitioner failed to ensure the safety of Resident D.T., an elderly dementia resident, when the resident was left outside in heated weather conditions. Subsequently, the resident was found unresponsive outside, required transport to the hospital where she was found with an 106.1 degree temperature, suffered second degree burns, and required further transport to a burn center where she later expired. Petitioner's conduct was likely to injure the patient from excess heat exposure and may have contributed to the patient's subsequent demise.

9. In response to the incident in Finding of Fact Number Eight (8), Petitioner states that the resident went outside to the outdoor facilities area. Petitioner states that the area is enclosed and that it is customary for residents to voluntarily exit into this area as the doors are never locked. Petitioner states that she went and checked on the resident and tried to bring her back into the facility, but that the resident resisted. Petitioner states that she was the only nurse in the area, and that she went to seek assistance. Petitioner states that a Nurse Aide from another area came to her assistance and that they jointly brought the resident back to her room. Petitioner states that the resident was given a shower, 911 was called, and the resident was quickly transported to the hospital. Petitioner states that reasonable steps were taken to ensure the safety of the resident.
10. On or about April 7, 2017, PETITIONER submitted the Petition requesting a determination of eligibility for licensure.
11. Petitioner is currently enrolled in a professional nursing program at Galveston College, Galveston, Texas, with an anticipated graduation date of 2018.
12. Petitioner completed the Petition and answered "Yes" to the question which reads as follows:
"For any criminal offense, including those pending appeal, have you:
A. *been convicted of a misdemeanor?*
B. *been convicted of a felony?*
C. *pled nolo contendere, no contest, or guilty?*
D. *received deferred adjudication?*
E. *been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?*
F. *been sentenced to serve jail or prison time? court-ordered confinement?*
G. *been granted pre-trial diversion?*
H. *been arrested or have any pending criminal charges?*
I. *been cited or charged with any violation of the law?*
J. *been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?*
(You may only exclude Class C misdemeanor traffic violations.)"
13. Petitioner disclosed the following criminal history, which has been addressed in Petitioner's ELIGIBILITY ORDER dated March 8, 2007
14. There is no evidence of any subsequent criminal conduct.
15. Petitioner has sworn that, with the exception of matters disclosed in connection with the Petition, her past behavior conforms to the Board's professional character requirements at 22 TEX. ADMIN. CODE §213.27.

16. The Executive Director considered evidence of Petitioner's past behavior in light of the character factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character.
17. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
18. Petitioner has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.
19. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Sections 301.452 and 301.453, Texas Occupations Code.
2. On or about April 7, 2017, Petitioner submitted the Petition requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.253, 301.257 and 301.258, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §213.30.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(2)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).
4. Petitioner's history reflects conduct which may constitute grounds for discipline and denial of a license under Section 301.452(b)(10)&(13), Texas Occupations Code.
5. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
6. The Board may license an individual who has been previously convicted, adjudged guilty by a court, pled guilty or pled nolo contendere to any crime whether or not a sentence was imposed upon consideration of the factors set out in 22 TEX. ADMIN. CODE §213.28 and evaluating the direct relationship to nursing according to 22 TEX. ADMIN. CODE §213.28 and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
7. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

TERMS OF ORDER

I. SANCTION AND ELIGIBILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that the Petition is hereby **GRANTED**, and upon meeting the requirements for graduation of an appropriate program in nursing education and payment of any required fees, PETITIONER is **ELIGIBLE** to sit for the National Council Licensure Examination for Registered Nurses (NCLEX-RN® Examination).

- A. PETITIONER SHALL NOT be eligible for temporary authorization to practice as a Graduate Nurse (GN) in the State of Texas.
- B. Upon payment of any required fees and upon attaining a passing grade on the NCLEX-RN® Examination, PETITIONER shall be issued the applicable license to practice nursing in the State of Texas, and, while under the terms of this Order, all licenses issued to PETITIONER are 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.

II. COMPLIANCE WITH LAW AND APPLICABILITY

While under the terms of this Order, PETITIONER 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.

- A. Until successfully completed, any and all licenses issued to Petitioner shall be subject to the terms of this Order.
- B. This Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. As a result of this Order, PETITIONER'S license(s) will be designated "single

state" and PETITIONER 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 PETITIONER wishes to work.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, Petitioner 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), Petitioner 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. Petitioner 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. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, PETITIONER 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:** PETITIONER 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, PETITIONER 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:** PETITIONER 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. PETITIONER 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 for Current Position as a Licensed Vocational Nurse with San Jacinto Manor, Deer Park, Texas:** for so long as PETITIONER remains employed as a Licensed Vocational Nurse with San Jacinto Manor, Deer Park, Texas, PETITIONER SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving PETITIONER, as well as documentation of any internal investigations regarding action by PETITIONER, to the attention of Monitoring at the Board's office.
- D. **Should PETITIONER's employment as a Licensed Vocational Nurse with San Jacinto Manor, Deer Park, Texas, cease or change:**
 - 1. **Direct Supervision:** Should PETITIONER's employment as a Licensed Vocational Nurse with San Jacinto Manor, Deer Park, Texas, cease or change while under the terms of this Order, PETITIONER must work as a nurse in the State of Texas and 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 for the remainder of the first year [four (4) quarters] of employment under the terms of

this Order, if any. Direct supervision requires another nurse, as applicable, to be working on the same unit as PETITIONER and immediately available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

2. **Indirect Supervision Following Completion of the First Year [four (4) quarters] of Employment:** Should PETITIONER's employment as a Licensed Vocational Nurse with San Jacinto Manor, Deer Park, Texas, cease or change while under the terms of this Order, PETITIONER must work as a nurse in the State of Texas and SHALL, for the remainder of the stipulation/probation period, 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 PETITIONER, 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 PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

- E. **Nursing Performance Evaluations:** PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the nurse who supervises the PETITIONER 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.

V. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against the PETITIONER'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.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

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

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

PETITIONER'S CERTIFICATION

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

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.27, 213.28, 213.29, and 213.30. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

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) and nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

Signed this 31 day of May, 2017.

Beverly Willis
BEVERLY MARKEATA WILLIS, PETITIONER

Sworn to and subscribed before me this _____ day of _____, _____.

SEAL

Notary Public in and for the State of _____


Approved as to form and substance.

Alejandro Mora
Alejandro Mora, Attorney for Petitioner

Signed this 31st day of May, 2017.

WHEREFORE PREMISES CONSIDERED, the Texas Board of Nursing does hereby accept and enter the Agreed Order for Discipline and Eligibility that was signed on the 31st day of May, 2017, by BEVERLY MARKEATA WILLIS, Vocational Nurse License Number 209275 and PETITIONER for Eligibility for Licensure, and said Order is final.

Effective this 20th day of July, 2017.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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