



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.  
*Patricia A. Johnson*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of §  
Vocational Nurse License Number 186341 §  
issued to ESTHER RUTH WHITE §

ORDER OF THE BOARD

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ESTHER RUTH WHITE, Vocational Nurse License Number 186341, hereinafter referred to as Respondent.

This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent's license to practice as a vocational nurse in the State of Texas is in current status.
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent received a Certificate in Vocational Nursing from Navarro College at Mexia, Texas, on August 9, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on October 24, 2002.
4. Respondent's nursing employment history is unknown.
5. On or about May 12, 2015, Respondent was issued the sanction of SUSPEND/PROBATE by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated May 12, 2015, is attached and incorporated, by reference, as part of this Order.

6. On or about May 13, 2016, Respondent failed to comply with the Agreed Order SUSPEND/PROBATE issued on May 12, 2015, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Three-A (III-A), of the Order which states, in pertinent part:

A....RESPONDENT SHALL successfully complete the following remedial education courses (s) **within one (1) year of entry of this Order, unless otherwise specifically indicated: A course in Texas nursing jurisprudence and ethics** that shall be a minimum of six (6) hours in length.

7. On or about May 13, 2016, Respondent failed to comply with the Agreed Order SUSPEND/PROBATE issued on May 12, 2015, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Three-B (III-B), of the Order which states, in pertinent part:

B....RESPONDENT SHALL successfully complete the following remedial education courses (s) **within one (1) year of entry of this Order, unless otherwise specifically indicated: The course "Detecting and Preventing Abuse and Neglect..."** A 5.0 contact hours workshop presented in various locations by the Texas Department of Aging and Disability Services.

8. On or about May 13, 2016, Respondent failed to comply with the Agreed Order SUSPEND/PROBATE issued on May 12, 2015, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Three-C (III-C), of the Order which states, in pertinent part:

C....RESPONDENT SHALL successfully complete the following remedial education courses (s) **within one (1) year of entry of this Order, unless otherwise specifically indicated: 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.

9. Formal Charges were filed on January 10, 2017.
10. Formal Charges were mailed to Respondent on January 17, 2017.
11. On August 8, 2017, the Board received a statement from Respondent voluntarily surrendering the right to practice nursing in Texas.

### 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(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 186341, heretofore issued to ESTHER RUTH WHITE, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

### TERMS OF ORDER

NOW, THEREFORE, IT IS ORDERED that the **VOLUNTARY SURRENDER** of Vocational Nurse License Number 186341, heretofore issued to ESTHER RUTH WHITE, to practice nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:


1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself/himself as a vocational nurse, or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until at least one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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.

Effective this 8th day of August, 2017.

TEXAS BOARD OF NURSING

By:   
\_\_\_\_\_  
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

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In the Matter of § AGREED  
Vocational Nurse License Number 186341 §  
issued to ESTHER RUTH WHITE § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ESTHER RUTH WHITE, Vocational Nurse License Number 186341, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on February 16, 2015.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Navarro College at Mexia, Mexia, Texas, on August 9, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on October 24, 2002.
5. Respondent's vocational nursing employment history includes:

10/2002 - 02/2003	LVN	Elmwood Nursing Home Marlin, Texas
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Respondent's vocational nursing employment history continued:

02/2003 - 04/2009	LVN	Limestone County Detention Center Groesbeck, Texas
04/2009 - 02/2011	LVN	The Manor Healthcare Residence Mexia, Texas
02/2011 - 07/2013	LVN	Elmwood Nursing Home Marlin, Texas
07/2013 - 10/2013	Unknown	
10/2013 - 06/2014	LVN	Hearne Healthcare Hearne, Texas
06/2014 - 08/2014	LVN	Copperas Hollow Nursing and Rehabilitation Caldwell, Texas
08/2014	LVN	Caldwell Nursing Home Caldwell, Texas
08/2014 - Present	LVN	Lampstand Nursing and Rehabilitation Bryan, Texas

6. On or about May 26, 2014, while employed as a Licensed Vocational Nurse with Hearne Healthcare Center, Hearne, Texas, Respondent was physically and verbally abusive to Resident B.K. in that she forcefully grabbed the resident's arm/hands, twisted them behind her back, and yelled "I will beat the shit out of you." Respondent's conduct created an unsafe environment and unnecessarily exposed the patient to abuse and injury. Additionally, Respondent's conduct was likely to injure the patient in that it could have result in the patient suffering from adverse reactions and/or physical, mental or emotional harm.
  
7. On or about July 2014, while employed as a Licensed Vocational Nurse with Copperas Hollow Nursing and Rehabilitation, Caldwell, Texas, Respondent was physically and verbally abusive to resident B.A. in that she bent her arm behind her back and yelled at her. Respondent's conduct created an unsafe environment and unnecessarily exposed the patient to abuse and injury. Additionally, Respondent's conduct was likely to injure the patient in that it could have result in the patient suffering from adverse reactions and/or physical, mental or emotional harm.

8. In response to Finding of Fact Number Six (6), Respondent states that she used two hands, one on the resident and one on the phone, and asks where she would get another hand to bend her arm back. Respondent states that the allegation of bending her arm behind her back seems a little far fetch and states that she doesn't even curse. In response to Finding of Fact Number Seven (7), Respondent states that on the evening in question, she was trying to reason with the resident to leave the room, and the aide was standing 15 to 20 feet away egging the resident on. Respondent states that the resident was standing with her walker, and after several unsuccessful attempts to coax the resident out of the room, the resident raised her hand to strike Respondent and Respondent put her hand to block that blow. Respondent explains that the only way to safely get the resident out of the conference room was to put her hands on the resident's shoulders and guide her out. Respondent states that she then had to get her walker and push it forward. Respondent states that other than turning the resident around, she did not touch the resident.

### 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)(J) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(C) &(6)(F).~~
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 186341, heretofore issued to ESTHER RUTH WHITE, 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 186341, previously issued to ESTHER RUTH WHITE, 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. The course "Detecting and Preventing Abuse and Neglect ...," a 5.0 contact hour workshop presented in various locations by the Texas Department of Aging and Disability Services.
- 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, providing direct patient care in a licensed healthcare setting, for a minimum of sixty-four (64) hours per month for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as a nurse have elapsed. Any quarterly period without continuous employment with the same employer for all three (3) months will not count towards completion of this requirement. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.

**V. 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.

**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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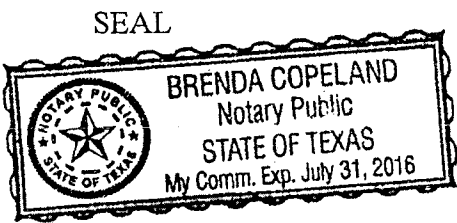
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed-Order. I 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 21 day of April, 2015.

Esther Ruth White  
ESTHER RUTH WHITE, Respondent

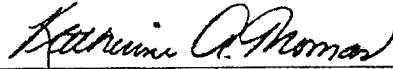
Sworn to and subscribed before me this 21 day of April, 2015.



Brenda Copeland  
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 21<sup>st</sup> day of April, 2015, by ESTHER RUTH WHITE, Vocational Nurse License Number 186341, and said Order is final.

Effective this 12<sup>th</sup> day of May, 2015.



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