



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  
Registered Nurse License Number 767366 §  
issued to JENNIFER HERNANDEZ § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JENNIFER HERNANDEZ, Registered Nurse License Number 767366, 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 November 18, 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 professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from El Paso Community College on December 12, 2008. Respondent was licensed to practice professional nursing in the State of Texas on April 9, 2009.
5. Respondent's nursing employment history includes:
 

|               |                  |  |
|---------------|------------------|--|
| 4/2009-1/2010 | Unknown          |  |
| 2/2010-8/2010 | Registered Nurse | Del Sol Medical Center<br>El Paso, Texas |

Respondent's nursing employment history continued:

|                |                  |   |
|----------------|------------------|---|
| 9/2010-10/2010 | Registered Nurse | Hospice of El Paso<br>El Paso, Texas          |
| 10/2010-5/2012 | Registered Nurse | Bien Vivir Senior Services<br>El Paso, Texas  |
| 7/2012-4/2015  | Registered Nurse | El Paso Children's Hospital<br>El Paso, Texas |
| 5/2014-2/2015  | Registered Nurse | Child Crisis Center<br>El Paso, Texas         |
| 5/2015-Present | Unknown          |   |

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with El Paso Children's Hospital, El Paso, Texas, and had been in that position for eleven (11) months.
7. On or about June 17, 2013, while employed as a staff nurse on a pediatric hematology/oncology unit at El Paso Children's Hospital, El Paso, Texas, Respondent failed to administer medications, including those for the treatment of seizures, to Patient Medical Record Number 1346018 and, instead, Respondent left the medications at the bedside for the patient's mother to administer (including medications which were not prescribed). Respondent's conduct exposed the patient unnecessarily to risk of harm from ineffective treatment.
8. On or about December 9, 2014, while employed as a staff nurse on a pediatric hematology/oncology unit at El Paso Children's Hospital, El Paso, Texas, Respondent left a paralytic kit, that contains a supply of various high-risk medications, unattended, resulting in the kit being discovered by the housekeeping staff. Respondent's conduct exposed patients and support staff unnecessarily to risk of harm from exposure to unsecured medications.
9. On or about December 9, 2014, while employed as a staff nurse on a pediatric hematology/oncology unit at El Paso Children's Hospital, El Paso, Texas, Respondent handled medications inappropriately in that Respondent repeatedly tossed a bag of IV fluid containing D5 1/2NS with Potassium into the air and dropped it, which resulted in the destruction of the bag and wastage of the medical product. Respondent's conduct was reckless and was likely to deprive the hospital pharmacy reimbursement the cost of the medication.
10. On or about January 22, 2015, while employed as a staff nurse on a pediatric hematology/oncology unit at El Paso Children's Hospital, El Paso, Texas, Respondent failed to follow hospital policy and APHON (Association of Pediatric Hematology/Oncology

Nurses) certified provider protocol when Respondent neglected to have a second nurse double-check the chemotherapeutic medication Methotrexate before Respondent administered it to a patient. Respondent's conduct exposed the patient unnecessarily to risk of harm from failing to utilize appropriate medication safety measures.

11. On or about March 19, 2015, while employed as a staff nurse on a pediatric hematology/oncology unit at El Paso Children's Hospital, El Paso, Texas, Respondent failed to monitor and record the urine output of Patient Medical Record Number 1321904 as ordered by the physician. Respondent's conduct resulted in an incomplete medical record and exposed the patient unnecessarily to a risk of harm in that subsequent care givers would rely on her documentation to provide further care.
12. In response to Finding of Fact Numbers Seven (7) through Eleven (11), Respondent states:
  - All the nurses did this and she was told by the night shift charge nurse it was common practice.
  - It is considered normal and safe practice to leave these kits at bedside if the patient's medications render it necessary and they are routinely left unattended.
  - She tossed the bag once, laid it on the nurse's station and asked a CNA to hand it to her and the CNA playfully tossed it to her and the bag landed on the floor.
  - She immediately reported this to her charge nurse who counseled her.
  - She reported the incident to the oncoming day nurse as well and the medication was a by mouth medication.
  - She brought to the CNA's attention that the urine output had not been recorded on this patient and the CNA recorded the output at 07:10.

#### 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)(C),(1)(M)&(3)(A) and 217.12(1)(A),(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 767366, heretofore issued to JENNIFER HERNANDEZ.
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.

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## TERMS OF ORDER

### 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 medication administration** 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 be provided by the same Registered Nurse. The course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the six (6) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The clinical component SHALL focus on tasks of medication administration only. 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 licensed 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. **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. 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 23<sup>RD</sup> day of MARCH, 2016.

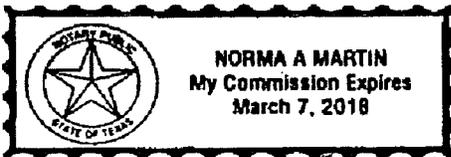
JENNIFER HERNANDEZ  
JENNIFER HERNANDEZ, Respondent

Sworn to and subscribed before me this 23<sup>RD</sup> day of MARCH, 2016.

NORMA A. MARTIN

Notary Public in and for the State of TEXAS

SEAL



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 23<sup>rd</sup> day of March, 2016, by JENNIFER HERNANDEZ, Registered Nurse License Number 767366, and said Order is final.

Effective this 21<sup>st</sup> day of April, 2016.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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