



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.  
*Stephanie O'Hanrahan*  
Executive Director of the Board

**In the Matter of  
Permanent Vocational Nurse  
License Number 185979  
Issued to TABATHA ANN HERRERA,  
Respondent**

§ **BEFORE THE TEXAS**  
§  
§  
§  
§ **BOARD OF NURSING**

**ORDER OF TEMPORARY SUSPENSION**

**TO: TABATHA ANN HERRERA  
PO BOX 83  
PONTOTOC, TX 76869**

A public meeting of the Texas Board of Nursing was held on September 17, 2018 at 333 Guadalupe, Room 3-460, Austin, Texas, in which the Temporary Suspension of Permanent Vocational Nurse License Number 185979, issued to TABATHA ANN HERRERA was considered pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE. Staff of the Texas Board of Nursing appeared and presented evidence and information concerning the conduct of TABATHA ANN HERRERA and whether her continued practice as a nurse would constitute a continuing and imminent threat to the public welfare.

After review and due consideration of the evidence and information presented, the Board finds that the following charge is substantiated:

On or about July 5, 2018, Respondent failed to comply with the Agreed Order issued to her on May 29, 2015, by the Texas Board of Nursing. On or about July 5, 2018, Respondent produced a specimen for a random drug screen, which resulted positive for Codeine. Respondent reported to drinking and using medications not prescribed to her. Noncompliance is the result of Respondent's failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) contract during its term.

The Texas Board of Nursing further finds that, given the nature of the charges concerning her fitness to practice, the continued practice of nursing by TABATHA ANN HERRERA constitutes a continuing and imminent threat to public welfare and that the temporary suspension of Permanent Vocational Nurse License Number 185979, is justified pursuant to Section 301.4551, TEXAS OCCUPATIONS CODE.


NOW, THEREFORE, IT IS ORDERED that Permanent Vocational Nurse License Number 185979, issued to TABATHA ANN HERRERA, to practice nursing in the State of Texas be, and the same is/are, hereby SUSPENDED IMMEDIATELY in accordance with Section 301.4551, TEXAS OCCUPATIONS CODE.

IT IS FURTHER ORDERED that a probable cause hearing be conducted in accordance with Section 301.455(c) not later than seventeen (17) days following the date of the entry of this order, and a final hearing on the matter be conducted in accordance with 301.455(d) not later than the 61<sup>st</sup> day following the date of the entry of this order.

Entered this 17<sup>th</sup> day of September, 2018.

TEXAS BOARD OF NURSING

BY:

  
KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR

**In the Matter of  
Permanent Vocational Nurse  
License Number 185979  
Issued to TABATHA ANN HERRERA,  
Respondent**

§ **BEFORE THE TEXAS**  
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§  
§ **BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TABATHA ANN HERRERA, is a Vocational Nurse holding License Number 185979, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

### **CHARGE I.**

On or about July 5, 2018, Respondent failed to comply with the Agreed Order issued to her on May 29, 2015, by the Texas Board of Nursing. On or about July 5, 2018, Respondent produced a specimen for a random drug screen, which resulted positive for Codeine. Respondent reported to drinking and using medications not prescribed to her. Noncompliance is the result of Respondent's failure to comply with all requirements of the Texas Peer Assistance Program for Nurses (TPAPN) contract during its term.

A copy of the Findings of Fact, Conclusions of Law, and Agreed Board Order dated May 29, 2015, is attached and incorporated, by reference, as part of this Order.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(9)&(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33.

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).


NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on adopted Disciplinary Sanction Policies related to Substance Use Disorders and Other Alcohol and Drug Related Conduct, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order dated February 9, 2010, and Order dated May 29, 2015.

Filed this 17<sup>th</sup> day of September, 2018.

TEXAS BOARD OF NURSING

  
James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Jena Abel, Deputy General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 24036103

Jessica DeMoss, Assistant General Counsel  
State Bar No. 24091434

Helen Kelley, Assistant General Counsel  
State Bar No. 24086520

Skyler Landon Shafer, Assistant General Counsel  
State Bar No. 24081149

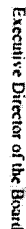
Jacqueline A. Strashun, Assistant General Counsel  
State Bar No. 19358600

John Vanderford, Assistant General Counsel  
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-8657  
F: (512) 305-8101 or (512) 305-7401

Attachments: Order of the Board dated February 9, 2010.  
Order of the Board dated May 29, 2015.

D(2018.04.12)

[illegible]

§ AGREED  
§  
§ ORDER

## FINDINGS OF FACT

- Care Inn of Llano  
Llano, Texas

C40esp

## Respondent's vocational nursing employment history continued:

12/2003 - 09/2005	Unknown	
09/2005 - 11/2008	LVN	Country Home Health Mason, Texas
11/2008 - 03/2009	Unknown	
03/2009 - 05/2010	LVN	Hill Country Health Care Llano, Texas
06/2010 - 08/2011	LVN	Concho Health and Rehab Eden, Texas
08/2011 - 09/2012	Unknown	
09/2012 - 01/2015	LVN	Menard Manor Menard, Texas
02/2015 - Current	CNA	Menard Manor Menard, Texas

6. On or about February 9, 2010, Respondent's license to practice vocational nursing in the State of Texas was issued the sanction of a **WARNING WITH STIPULATIONS**. Respondent has successfully completed the terms of the order. A copy of the Findings of Fact, Conclusions of Law and Order, dated February 9, 2010, is attached and incorporated, herein, by reference, as part of this Order.
7. At the time of the incidents in Findings of Fact Numbers Eight (8), through Eleven (11), Respondent was employed as a Licensed Vocational Nurse with Menard Manor and Retirement Center, Menard, Texas, and had been in that position for approximately two (2) years and four (4) months.
8. On or about January 22, 2015, through January 23, 2015, while employed as a Licensed Vocational Nurse with Menard Manor and Retirement Center, Menard, Texas, Respondent signed out narcotics from the facility's Individual Controlled Drug Record for Patient P.M., but failed to document, or completely and accurately document the administration of the narcotics including signs, symptoms, and responses to the medication in the patients' Medication Administration Records and/or nurses notes. Respondent's conduct was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patients, which could result in an overdose and Respondent's conduct placed the hospital in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

9. On or about January 22, 2015, through January 23, 2015, while employed as a Licensed Vocational Nurse with Menard Manor and Retirement Center, Menard, Texas, Respondent signed out Norco from the facility's Individual Controlled Drug Record Patient P.M. in excess frequency and/or dosage of the physician's order. Respondent's conduct was likely to injure the patient in that the administration of Norco in excess frequency and/or dosage of the physician's order could result in the patient suffering from adverse reactions.
10. On or about January 22, 2015, while employed as a Licensed Vocational Nurse with Menard Manor and Retirement Center, Menard, Texas, Respondent lacked fitness to practice nursing in that she exhibited signs of impairment such as having slurred speech, appeared to be sleepy/drowsy, and nearly fell down. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patient's condition, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
11. On or about January 27, 2015, while employed as a Licensed Vocational Nurse with Menard Manor and Retirement Center, Menard, Texas, Respondent lacked fitness to practice nursing in that she told her employer that she had been very depressed and had suicidal thoughts. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patient's condition, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
12. In response to Finding of Fact Numbers Eight (8), through Eleven (11), Respondent states that she left work early due to illness and did not complete appropriate documentation (pain scale effectiveness) as she was going to complete it the next day. Respondent states that she realizes that it was wrong and it should have been done immediately. Respondent states that she gave Resident P.M. two (2) Norco 10/325 at 6-6:30am and another PRN dose at 9-9:30am because she was taught that she had an hour before to one hour after. Respondent states that she recently learned that this rule does not apply to PRN medications. Respondent states that she was extremely sick and was seen at a clinic where she was diagnosed with a UTI and a kidney stone. Respondent states that several days later, she was admitted to the hospital for pylonephritis and was very sick. Respondent states that she was very depressed and began crying when she was told that she was being terminated. Respondent states that the DON and Administrator noticed that she changed and she told them that "yes, sometimes I just wants to die" but did not have thoughts on how she would do it. Respondent states that she admitted herself to Rivercrest where she stayed for five (5) days and was diagnosed with PTSD, along with some depression. Respondent further states that she reapplied with Menard Manor and is currently working as a full time CNA.
13. Respondent's conduct as described in the preceding Finding(s) of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.
14. Respondent's conduct as described in the preceding Finding(s) of Fact resulted from or was significantly influenced by Respondent's substance use disorder and/or mental illness.

15. Respondent's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

### 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)(D)&(1)(T) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(E),(4),(5),(10)(B)&(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10),(12)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 185979, heretofore issued to TABATHA ANN HERRERA, 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.
6. The Board may, in its discretion, order a nurse to participate in a peer assistance program approved by the Board if the nurse would otherwise have been eligible for referral to peer assistance pursuant to Section 301.410, Texas Occupations Code.

### 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 185979, previously issued to TABATHA ANN HERRERA, to practice nursing in Texas is hereby **SUSPENDED** and said suspension is **ENFORCED** until Respondent:

- A. Applies to, is accepted into, and completes enrollment in the Texas Peer Assistance Program for Nurses (TPAPN), including payment of a non-refundable participation fee in the amount of three hundred fifty dollars (\$350.00); and
- B. Waives confidentiality and provides a copy of the fully executed TPAPN



**participation agreement to the Board.**

IT IS FURTHER AGREED, upon verification of successful completion of the above requirements, the Suspension will be **STAYED**, and **RESPONDENT** will be placed on **PROBATION** for such a time as is required for **RESPONDENT** to successfully complete the **TPAPN AND** until Respondent fulfills the additional requirements of this Order.

- C. **RESPONDENT SHALL** pay all re-registration fees, if applicable, and **RESPONDENT'S** licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.
- D. **RESPONDENT SHALL** comply with all requirements of the TPAPN participation agreement during its term and **SHALL** keep all applicable license(s) to practice nursing in the State of Texas current.
- E. **RESPONDENT SHALL CAUSE** the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.
- F. This Order **SHALL** apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- G. This Order **SHALL** be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- H. 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 suspension being stayed:

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.

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. 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.

### V. EFFECT OF NONCOMPLIANCE

SHOULD RESPONDENT fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in 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.

**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

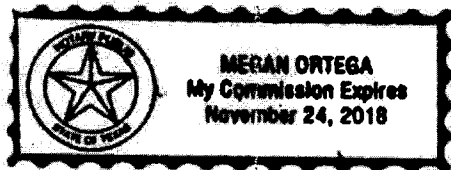
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. By my signature on this Order, I agree to the entry of this Order and all conditions of said Order to obtain disposition of the allegations through peer assistance and to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing, and 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 27 day of May, 2015.

Tabatha A. Herrera  
TABATHA ANN HERRERA, Respondent

Sworn to and subscribed before me this 27 day of May, 2015.


SEAL



Megan Ortega  
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 27<sup>th</sup> day of May, 2015, by TABATHA ANN HERRERA, Vocational Nurse License Number 185979, and said Order is final.

Effective this 29<sup>th</sup> day of May, 2015.



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 Licensed Vocational Nurse	§	AGREED
License Number 185979	§	
issued to TABATHA ANN HERRERA	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of TABATHA ANN HERRERA, Vocational Nurse License Number 185979, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated 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 offered on April 27, 2009, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

## 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.
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 Central Texas College-Brady, Brady, Texas, on August 10, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on October 15, 2002.
5. Respondent's complete Vocational Nursing employment history includes:

10/02-06/03	LVN	Care Inn of Llano Llano, Texas
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Respondent's complete Vocational Nursing employment history includes (continued):

06/03-02/04	LVN	Mason Care Center Mason, Texas
02/04-03/04	LVN	MKM Home Health Mason, Texas
03/04-08/05	Unknown	
08/05-11/08	LVN	Country Home Health Mason, Texas
11/08-Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Country Home Health, Mason, Texas, and had been in this position for approximately three (3) years and three (3) months.
7. On or about November 2008, through December 2008, while employed as a Licensed Vocational Nurse with County Home Health, Mason, Texas, Respondent violated professional boundaries of the nurse/client relationship in that Respondent admitted that she did the following:
  - made unscheduled visits to patients homes, without notifying her advising Registered Nurse or Administration. Additionally, Respondent would enter these patients' homes unsupervised if no one was home;
  - visited patients as a "friend", which included taking them to lunch, helping them with household issues, or visited them with her children;
  - accepted food and gifts from patients;
  - bought patients gifts and groceries and then made unscheduled visits to deliver these items; and
  - fostered and maintained friendships with patients.

Respondent's conduct was likely to injure patients in that boundary violations can cause confusion between the needs of the nurse and those of the patient.

8. On or about November 2008, through December 2008, while employed as a Licensed Vocational Nurse with Country Home Health, Mason, Texas, Respondent made unscheduled patient home health visits on multiple occasions, but failed to document these visits in the patients' medical record. Respondent's conduct deprived subsequent care givers of essential information on which to base their ongoing medical care.

9. In response to Finding of Fact Number Seven (7) and Eight (8)), Respondent states that she made these visits as a friend, which included doing favors for these patients, having lunch, and visiting with them. Respondent states that these patients are people she has known for a long time, who also know her family. Additionally, Respondent states that her employers knew about her going to the patients' homes as a friend as these employers do the same thing. Respondent states that she did enter a patient's home if they asked her to and filled their med box and informed her advising Registered Nurse that these visits done at the patient's request. Respondent states that she would not enter a patient's home unless they were aware or were home.

#### 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 violations of Section 301.452(b)(10) & (13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(J), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(C),(6)(D)&(H).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 185979, heretofore issued to TABATHA ANN HERRERA, including revocation of Respondent's license to practice Vocational nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, 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 this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in compact states.



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

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to TABATHA ANN HERRERA, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(2) 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.state.tx.us/disciplinaryaction/stipscourses.html>

(3) 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. *Information regarding this workshop may be found at the following web address:*  
<http://www.learningext.com/products/generalce/critical/ctabout.asp>

(4) RESPONDENT SHALL pay a monetary fine in the amount of Five-Hundred Dollars (\$500). RESPONDENT SHALL pay this fine 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.

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF**

**UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) RESPONDENT SHALL be supervised by a Registered Nurse or 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.

(8) 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 Registered Nurse or Licensed Vocational Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

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

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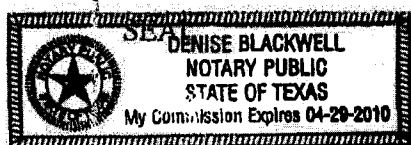
RESPONDENT'S CERTIFICATION

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 violations 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 this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and 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 to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 23<sup>rd</sup> day of December, 2009.

Tabatha A. Herrera  
TABATHA ANN HERRERA, Respondent

Sworn to and subscribed before me this 23<sup>rd</sup> day of December, 2009.



Denise Blackwell  
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 23rd day of December, 2009, by TABATHA ANN HERRERA, Vocational Nurse License Number 185979, and said Order is final.

Effective this 9th day of February, 2010.



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

