



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
Registered Nurse License Number 939613 §
issued to LORRAINE MARIE HABAN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LORRAINE MARIE HABAN, Registered Nurse License Number 939613, 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)(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 July 31, 2018.

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 a Diploma in Nursing from Mount Carmel College, Columbus, Ohio, on July 1, 1982. Respondent was licensed to practice professional nursing in the State of Texas on February 13, 2018.
5. Respondent's nursing employment history is unknown.
6. On or about September 25, 2017, Respondent provided inaccurate and misleading information when she submitted an Endorsement Application for Registered Nurses in the State of Texas and answered "No" to the following question:

"Are you currently the target or subject of a grand jury or governmental agency investigation?"

Respondent failed to disclose she was under investigation and had a pending matter before the New Mexico Board of Nursing.

Respondent's conduct was deceptive and may have affected the Board's decision to issue a professional nursing license.

7. On or about June 8, 2018, Respondent's New Mexico Registered Nurse license and Certified Registered Nurse Anesthetist license were issued a letter of reprimand, a fine of \$300.00, and a requirement to complete a course in "Professional Boundaries in Nursing" through a Settlement Agreement for Consent to Discipline and Order entered with the New Mexico Board of Nursing, Albuquerque, New Mexico. A copy of the Settlement Agreement for Consent to Discipline and Order from the New Mexico Board of Nursing dated June 8, 2018, is attached and incorporated by reference as part of this Order.
8. In response to Finding of Fact Number Seven (7), Respondent states her violation of the Nursing Practice Act was not willful. Respondent states she was unaware at the time that the conduct for which she was disciplined was prohibited. Respondent states she satisfied the terms of the agreement and her New Mexico license is active and unencumbered.

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)(A),(6)(H)&(6)(I).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(8)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 939613, heretofore issued to LORRAINE MARIE HABAN.
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 RESPONDENT SHALL receive the sanction of **REMEDIAL EDUCATION WITH 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. As a result of this Order, Respondent's license(s) will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state.

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. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders," which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

IV. 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.*

V. MONETARY FINE

RESPONDENT SHALL **pay a monetary fine in the amount of two hundred and 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.

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, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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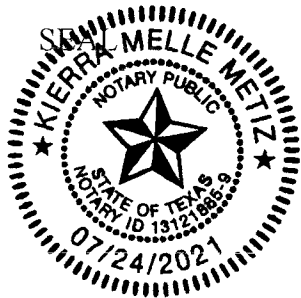
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RESPONDENT'S CERTIFICATION

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 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 24th day of September, 2018.
Lorraine Marie Haban
LORRAINE MARIE HABAN, Respondent

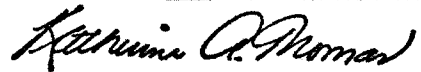
Sworn to and subscribed before me this 24th day of September, 2018.



Kierra Melle Metz
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 24th day of September, 2018, by LORRAINE MARIE HABAN, Registered Nurse License Number 939613, and said Order is final.

Effective this 28th day of September, 2018.

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

**BEFORE THE BOARD OF NURSING
FOR THE STATE OF NEW MEXICO**

**IN THE MATTER OF:
LORRAINE HABAN**

**License No. CRNA 01152, RN-77358, RN/0001187022
Respondent.**

Cause No. 185-16-06Aa, b, c

**SETTLEMENT AGREEMENT
FOR CONSENT TO DISCIPLINE
AND ORDER**

A complaint charging Lorraine Haban, ("Respondent") with violation of the Nurse Practice Act has been received by the New Mexico Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements, and the responsibilities of the Board, the Respondent consents to the discipline outlined herein under the following terms and conditions:

1. Jurisdiction: Respondent is a nurse licensed in New Mexico under the Nursing Practice Act, NMSA 1978, Section 61-3-1 to -31, and is subject to the jurisdiction of the New Mexico Board of Nursing;
2. Voluntariness: The respondent enters into this settlement agreement and consent to discipline voluntarily and without duress or coercion;
3. Board Approval: This Agreement is subject to Board approval. If this agreement is approved by the board, the discipline set out herein will be imposed. If this Agreement is rejected by the board, the matter may proceed to the initiation of formal disciplinary action and issuance of a Notice of Contemplated Action ("NCA") against Respondent.
4. If this agreement is rejected by the Board, no statements or admissions made by Respondent as part of this settlement agreement will be used against the respondent in any subsequent disciplinary action resulting from the allegations of this complaint;
5. Waivers: Respondent is aware of and understands Respondent's right to have formal charges filed against Respondent and Respondent's right to an administrative hearing in this matter. The Respondent understands the following rights related to that hearing:
 - a. to be represented by a member of their profession and/or counsel at the hearing;
 - b. to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation;
 - c. to cross-examine witnesses and to challenge evidence presented; and

**I certify this to be a true copy of the
records on file with the New Mexico
Board of Nursing.**

Signed:

Ernestine Garcia Lopez

- d. to take an appeal from any final adverse decision.

Understanding these rights, Respondent knowingly and voluntarily waives these rights.

6. Allegations: Respondent acknowledges the evidence of the alleged conduct received by the Board in this matter and outlined below justifies the finding of violations of the Nursing Practice Act or the regulations promulgated under that Act and are the basis for the discipline imposed pursuant to this Agreement.

- a. It was discovered that Respondent had written her spouse a total of 47 prescriptions for Hydrocodone over a two (2) year time period. There was one additional prescription for Xanax during the same period.
- b. This behavior crossed professional boundaries.

7. Consent to Discipline: Subject to Board approval, Respondent agrees to the following discipline:

- a. Letter of Reprimand
- b. Fine of \$300.00
- c. CE class with "Professional Boundaries in Nursing (3 contact hours)

8. Reportable Discipline: Respondent understands that the discipline imposed pursuant to this Agreement constitutes formal disciplinary action by the Board. This action is reportable to entities including, but not limited to, the National Practitioners Data Bank, NURSIS (National Nursys Database), the licensing authority of any state or jurisdiction, governmental entities including federal and state agencies, and any private or public health care facility. The following discipline will be reported:

- a. Violation: D2 Non-sexual Dual Relationship or Boundary Violation
- b. Violation: 50 Failure to Maintain Adequate or Accurate Records
- c. Action: 1140 Reprimand or Censure
- d. Action: 1173 Public Available Fine/Monetary Penalty

9. Multi-State Privilege: Pursuant to the Nurse Licensure Compact, while Respondent's license is encumbered by the discipline imposed pursuant to this Agreement, Respondent may not work outside of New Mexico under a multi-state license privilege.

10. Non-Compliance: Respondent agrees that any failure to comply with any of the discipline imposed pursuant to this Agreement may result in further disciplinary action by the Board's Executive Director may file an Order to Show Cause, requiring the Respondent to show cause why the Board should not find Respondent in violation of the discipline imposed pursuant to this Agreement and impose any lawful sanctions or

penalties and/or take any other disciplinary action up to and including revocation of Respondent's license.

11. Contact Information: During the term of any discipline imposed pursuant to this Agreement Respondent agrees to notify the Board office of any change in employment or home address within ten (10) calendar days.

I have read and understand the above Settlement Agreement and Consent to Discipline and hereby agree to its terms.

5/16/18
DATE


RESPONDENT

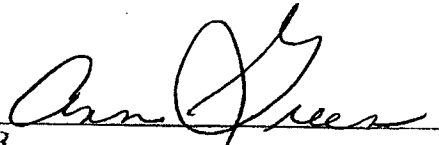
ORDER

This proposed Settlement Agreement comes before the Board during a properly scheduled public meeting with a quorum present and majority voting in the affirmative, this Agreement is:

ACCEPTED and the discipline set out in the agreement is hereby imposed.

REJECTED.

6/8/18
DATE


CHAIR,
NEW MEXICO BOARD OF NURSING

CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of the *Settlement Agreement and Consent to Discipline* was served upon the parties of record according to the individual means cited below on this the ___ day of _____ :

NM Board of Nursing
Administrative Prosecutor
Alfred Quintana, Esq.
6301 Indian School Road, NE, #710
Albuquerque, NM 87110
via email: alfred.quintana@state.nm.us