



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

Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.texas.gov

Katherine A. Thomas, MN, RN, FAAN
Executive Director

October 8, 2018

Certified Mail No. 91 7199 9991 7037 9536 9702
Copy Via USPS First Class Mail

Jynsea McGuire
2613 N Midland Dr Apt 1907
Midland, Texas 79707

Dear Ms. McGuire:

We have reviewed and evaluated your Petition for Declaratory Order and the supporting information related to your eligibility for licensure under the Nursing Practice Act and the Board's Rules and Regulations Relating to Nurse Education, Licensure, and Practice.

It has been determined that, upon meeting the requirements for graduation and payment of any required fees, you will be eligible to sit for the National Council Licensure Examination for Registered Nurses (NCLEX-RN® Examination).

As you will recall, on October 26, 2017, you were issued an Order by the Board affecting your licensure or eligibility for licensure. Our records indicate that you have not yet successfully completed the terms of that Order. Therefore, although you will be eligible to receive a professional nursing license upon successful completion of the NCLEX-RN® Examination, the remaining terms of your prior Order will be applied to any professional nursing license issued to you by the Board. As a result, both your vocational and professional nursing licenses will be subject to the remaining requirements of the Order, a copy of which is attached hereto for your reference.

A new Order will not be issued to you. However, if your prior Order was not considered confidential, then this correspondence is public information, and the encumbrances from your prior Order that will be applied to your professional nursing license will be forwarded to the National Council of State Boards of Nursing, Inc., and the National Practitioner Data Bank (NPDB).

THIS LETTER DOES NOT SERVE AS YOUR AUTHORIZATION TO SIT FOR THE NCLEX-RN® EXAMINATION. Written authorization to sit for the NCLEX-RN® EXAMINATION will be issued by Pearson Vue within ten business days of the Board receiving the Affidavit of Graduation from your school of nursing.

Sincerely,
Mark W. Majek

Mark W. Majek
Director of Operations

MWM/238

Enclosure: Order dated October 26, 2017

S70(2018.10.08)

Members of the Board

Kathleen Shipp, MSN, RN, FNP
Lubbock, *President*

Nina Almasy, MSN, RN Abilene Deborah Bell, CLU, ChFC Abilene Patricia Clapp, BA Dallas Laura Disque, MN, RN Edinburg Allison Edwards, DrPH, MS Bellaire Diana Flores, MN, RN Helotes

Monica Hamby, LVN Amarillo Doris Jackson, DHA, (ABD), MSN, RN Pearland Kathy Leader-Horn, LVN Granbury Beverley Jean Nutall, LVN Weatherford David Saucedo, II El Paso Francis Stokes Port Aransas

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Vocational Nurse License Number 333825 §
issued to JYNSEA LINEA ASKINS § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JYNSEA LINEA ASKINS, Vocational Nurse License Number 333825, 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), 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 10, 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 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 Odessa College, Andrews, Texas, on May 1, 2016. Respondent was licensed to practice vocational nursing in the State of Texas on September 20, 2016.
5. Respondent's nursing employment history includes:

10/16 - Present	LVN	Hogan Park Nursing and Rehabilitation Midland, Texas
-----------------	-----	---

Respondent's nursing employment history continued:

01/17 - Present LVN Odessa Regional Medical Center
Odessa, Texas

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Odessa Regional Medical Center, Odessa, Texas, and had been in that position for four (4) months.
7. On or about May 31, 2017, while licensed as a Vocational Nurse in the State of Texas, Respondent submitted a fraudulent Tuberculin (TB) Skin Test for admission to the Midland College School of Nursing ADN Program, in that she altered the date the test was performed. Respondent's conduct was likely to deceive the facility and could have affected their decision to continue her enrollment in the program.
8. In response to Finding of Fact Number Seven (7), Respondent states she needed to provide a Tuberculin Skin Test to attend her clinical rotations at the hospital. Respondent states she was dealing with a family member's illness, and was exhausted from working a 12 hour shift. Respondent admits she became overwhelmed and panicked, because she did not want to jeopardize her education, and so she altered the date on an expired test. Respondent states she did have a current TB test, but was not allowed more time to turn in this form.

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)(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 333825, heretofore issued to JYNSEA LINEA ASKINS.
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 that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS AND 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. 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. 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. A Board-approved course in nursing documentation that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. 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.*

V. MONETARY FINE

RESPONDENT SHALL pay a monetary fine in the amount of two hundred 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. 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 clinical 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. 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. **Incident Reporting:** RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.
- 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 individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual 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.

VII. 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.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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 30th day of August, 2017.

JYNSEA LINEA ASKINS
JYNSEA LINEA ASKINS, Respondent

Sworn to and subscribed before me this 30th day of August, 2017.

SEAL

STACY MICHELLE VALDEZ
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 30th day of August, 2017, by JYNSEA LINEA ASKINS, Vocational Nurse License Number 333825, and said Order is final.

Effective this 26th day of October, 2017.



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