



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  
JOSEPH BORZA,  
Registered Nurse License Number 855700

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ORDER OF THE BOARD

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JOSEPH BORZA, Registered Nurse License Number 855700, 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 professional nurse in the State of Texas is in delinquent status.
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent received an Associate Degree in Nursing from Murray State College, Tishomingo, Oklahoma, on May 1, 2010. Respondent was licensed to practice professional nursing in the State of Texas on May 29, 2014.
4. Respondent's nursing employment history is unknown.
5. Formal Charges were filed on February 1, 2019. A copy of the Formal Charges, dated February 1, 2019, is attached and incorporated herein by reference as part of this Order.
6. On March 4, 2019, the Board received a statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's statement, dated March 1, 2019, is attached and incorporated herein by reference as part of this Order.

## 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 cause pursuant to Section 301.452(b)(8), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 855700, heretofore issued to JOSEPH BORZA, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. 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 Registered Nurse License Number 855700 is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional/registered nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered 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 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 4<sup>th</sup> day of March, 2019



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

In the Matter of  
Permanent Registered Nurse  
License Number 855700  
Issued to JOSEPH BORZA,  
Respondent

§ BEFORE THE TEXAS  
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§ BOARD OF NURSING  
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### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JOSEPH BORZA, is a Registered Nurse holding license number 855700 which is in delinquent 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 April 25, 2018, Respondent's Oklahoma Registered Nurse was Suspended for a period of one (1) month by the Oklahoma Board of Nursing, Oklahoma City, Oklahoma. A copy of the Oklahoma Board of Nursing's Consent Order effective April 19, 2018, is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

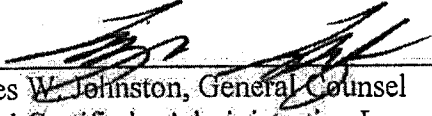
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license(s) and/or privilege(s) to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's 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, 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).

Filed this 1<sup>st</sup> day of February, 2019.

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  
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D(2019.01.29)

**BEFORE THE OKLAHOMA BOARD OF NURSING**

**IN THE MATTER OF JOSEPH (NMN) BORZA, JR., R.N.  
LICENSE NO. R0099526 SINGLE-STATE LICENSE**

**CONSENT ORDER**

This matter comes on for hearing before the Oklahoma Board of Nursing on the 28<sup>th</sup> day of March, 2018, at the Sheraton Oklahoma City Downtown, 1 N. Broadway Avenue, 2<sup>nd</sup> Floor Ballroom, Oklahoma City, Oklahoma, for disposition by Consent Order ("Order"), pursuant to 75 O.S. §309.E., and Joseph (NMN) Borza, Jr., R.N. ("Respondent") and Respondent's legal counsel, Stephen McCaleb, Esq., having consented to the following Order being entered herein, the Board hereby makes and enters the following Order.

1. Respondent is Joseph (NMN) Borza, R.N.

2. Respondent is licensed with a single-state license to practice registered nursing in the State of Oklahoma, and is the holder of License No. R0099526 issued by the Oklahoma Board of Nursing ("Board"). The Respondent's licensing history is attached as pages 4-11 to the Complaint and incorporated by reference as if set forth in full herein.

3. On January 25, 2018, Lisa Griffiths, Nurse Investigator filed a Complaint, citing the following violations of the Oklahoma Nursing Practice Act and Rules: Respondent is guilty of deceit or material misrepresentation in procuring or attempting to procure a license to practice registered nursing; failed to adequately care for patients or to conform to the minimum standards of acceptable nursing practice that, in the opinion of the Board, unnecessarily exposed a patient or other person to risk of harm; is guilty of any act that jeopardizes a patient's life, health or safety as defined in the Rules of the Board; and is guilty of unprofessional conduct as defined in the Rules of the Board, specifically, OAC 485:10-11-1.(a)(b)(1)(A)(2)(3)(B)(E)(H)(4)(D); and is

in violation of the provisions of the Oklahoma Nursing Practice Act, 59 O. S. §§567.1, *et seq.*, specifically, §§567.8. A.1.b. 2.3. B. 1.a. 3. 7. and 8., with the following particulars, to wit:

- a. On or about September 17, 2003, the District Attorney for Tulsa County, Oklahoma filed Information in the District Court of Tulsa County, Oklahoma, Case No. CM-2003-4877, charging Respondent with the following crime:  
Obtaining Merchandise by Bogus Check.  
On or about March 29, 2004, the Court dismissed the case with costs to be paid by the Respondent, as more particularly set forth in the Information, and Order of the Court, copies of which are attached as pages 12-15 to the Complaint and incorporated by reference as if set forth in full herein.
- b. On or about December 4, 2012, the Respondent submitted to the Board an on-line RN license renewal ("2012 Renewal"). The Respondent falsified the 2012 Renewal by answering "No" to the following question:  
Have you ever been summoned, arrested, taken into custody, indicted, convicted or tried for, or charged with, or pleaded guilty to, the violation of any law or ordinance or the commission of any misdemeanor or felony, or have you been requested to appear before any prosecuting attorney or investigative agency in any matter, not previously reported in writing to the Oklahoma Board of Nursing? (Include all such incidents no matter how minor the infraction whether guilty or not.)  
The Respondent failed to disclose CM-2003-4877, described *supra*. The 2012 Renewal is attached as pages 16-17 to the Complaint and incorporated by reference as if set forth in full herein.
- c. On or about December 4, 2014, the Respondent submitted to the Board an on-line RN license renewal ("2014 Renewal"). The Respondent falsified the 2014 Renewal by answering "No" to the following question:  
Have you ever been summoned, arrested, taken into custody, indicted, convicted or tried for, or charged with, or pleaded guilty to, the violation of any law or ordinance or the commission of any misdemeanor or felony, or have you been requested to appear before any prosecuting attorney or investigative agency in any matter, **not previously reported in writing to the Oklahoma Board of Nursing?** (Include all such incidents no matter how minor the infraction whether guilty or not.)  
The Respondent failed to disclose CM-2003-4877, described *supra*. The 2014 Renewal is attached as pages 18-19 to the Complaint and incorporated by reference as if set forth in full herein.
- d. On or about December 1, 2016, the Respondent submitted to the Board an on-line RN license renewal ("2016 Renewal"). The Respondent falsified the 2016 Renewal by answering "No" to the following question:  
Have you ever been summoned, arrested, taken into custody, indicted, convicted or tried for, or charged with, or pleaded guilty to, the violation of any law or ordinance or the commission of any misdemeanor or felony, or have you been requested to appear before any prosecuting attorney or investigative agency in any matter, **not previously reported in writing to**

**the Oklahoma Board of Nursing? (Include all such incidents no matter how minor the infraction whether guilty or not.)**

The Respondent failed to disclose CM-2003-4877, described *supra*. The 2016 Renewal is attached as pages 20-21 to the Complaint and incorporated by reference as if set forth in full herein.

- e. On or about December 2, 2016 the Respondent, while working as a registered nurse on the 7 p.m. to 7 a.m. shift in the Emergency Department at Norman Regional Health System in Norman Oklahoma ("Hospital"), utilized a "rear naked choke hold"<sup>1</sup> by grabbing Patient #1<sup>2</sup> and attempting to force Patient #1 to get in a bed, by placing the Respondent's arm around Patient #1's neck from behind, when Patient #1 refused to comply with the request to get in a bed.<sup>3</sup>

The Respondent admitted to Hospital Administration and Board staff, he utilized an unapproved hold technique on Patient #1 and verbally abused Patient #1 by stating to Patient #1, "If you don't calm down, I will choke you unconscious." As more particularly described in the relevant medical records for Patient #1, attached as pages 22-26 to the Complaint and incorporated by reference as if set forth in full herein.

The Respondent resigned in lieu of termination from the Hospital on December 12, 2016, as described in the electronic mail correspondence, attached as page 27 to the Complaint and incorporated by reference as if set forth in full herein.

4. Respondent's single-state license to practice as a registered nurse shall be **suspended for a period of one (1) month.**

5. Respondent shall, within **sixty (60) days before or after reinstatement of any nursing license**, successfully complete a course on **Nursing Jurisprudence**. Respondent shall obtain Board approval of the course prior to enrollment. Home study courses, Internet and video programs will not be approved. In order for the course to be approved, the target audience must include licensed nurses. It must be a minimum of four (4) contact hours in length. The course must include an examination of the scope of nursing practice from the Oklahoma Nursing Practice Act and Rules of the Board, other laws, policies, and accreditation guidelines that

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<sup>1</sup> A rear naked-choke hold is a choke hold taught in Martial Arts. The choke has two variations: In one version, the attacker's arm encircles the opponent's neck and then grabs his own biceps on the other arm; in the second version, the attacker clasps his hands together instead, after encircling the opponent's neck.

<sup>2</sup> Patient #1 was a 34-year old male, approximately 6'7" and weighed approximately 239 pounds and admitted to Methamphetamine use. Patient #1's urine screen showed positive for Amphetamines and THC (Tetrahydrocannabinol/Marijuana). Patient #1 was subsequently arrested by Police.

<sup>3</sup> Hospital nursing staff are trained to utilize verbal de-escalation of aggressive or violent patients and receive no training to utilize physical holds on aggressive or violent patients.



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govern the practice of nursing, the role of delegation and supervision, and an exploration of the ethical basis of nursing practice. Courses focusing on malpractice issues will not be accepted. The course description must indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Respondent shall cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.

6. Respondent shall, within **sixty (60) days before or after reinstatement of any nursing license**, successfully complete a course on **Stress/Anger Management with Conflict Resolution**, which is approved by Board staff prior to enrollment or registration. Home study courses, video Programs, and Internet courses will not be approved. In order for the course to be approved, the target audience must include licensed nurses. It must be a minimum of four (4) contact hours in length. The course description must indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Respondent shall cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.

7. Respondent shall, within **sixty (60) days before or ninety (90) days after reinstatement of any nursing license**, successfully complete a course on **Critical Thinking, to include moral reasoning**. Respondent shall obtain Board approval of the course prior to enrollment. Courses that exclusively include home study courses, video Programs, and Internet courses will not be approved. The target audience must include licensed nurses. The course must be a minimum of eight (8) contact hours in length. The course description must indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. The course must address how nurses use critical thinking

skills to make patient care decisions based on the nursing process. Respondent shall cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.

8. Respondent shall, within **sixty (60) days before or ninety (90) days after reinstatement of any nursing license**, successfully complete a course on **Patient Abuse**. Respondent shall obtain Board approval of the course prior to enrollment. Home study courses, video Programs and Internet courses will not be approved. In order for the course to be approved, the target audience must include licensed nurses. It must be a minimum of four (4) contact hours in length. The course description must indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Respondent shall cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.

9. **Prior to reinstatement of any nursing license**, Respondent shall pay an **administrative penalty** payable to the Oklahoma Board of Nursing in the full amount of **\$1,000.00**. Partial payments are not accepted. The administrative penalty shall be paid only by certified check, money order or cash.

10. **Upon reinstatement**, Respondent's registered nurse license shall be placed on probation for employment as a registered nurse for **1440 cumulative worked hours to be completed in two (2) years**.

11. The employment of Respondent during such probationary period shall be in a **hospital only**, under the supervision of not more than two (2) Registered Nurses, who will agree to comply with the Board's Guidelines for Supervised Practice, in effect at the time of reinstatement.

12. Respondent shall comply with the Oklahoma Board of Nursing Staff/Board Conferences Guidelines, in effect at the time of reinstatement.

13. Respondent shall cause to be furnished to the Board, **quarterly self-assessment reports**, in accordance with and in compliance with the Oklahoma Board of Nursing Self-Assessment Report Guidelines, in effect at the time of Respondent's **reinstatement**. The report is to be received in the Board office by the 15th day of the following months: **January, April, July and October**.

14. A copy of this Order and all attachments and amendments to be furnished to each prospective and to supervising registered nurse(s) while Respondent's license is on probation.

15. The terms of the Order shall apply to the practice of nursing of any kind, including practice while enrolled in a nursing education program.

16. Respondent shall notify the Board office within five (5) business days of any change of address, name or phone number.

17. Respondent shall comply in all respects with the Oklahoma Nursing Practice Act, 59 O.S. Sections 567.1, et seq., the Rules, OAC Title 485 Chapters 1 and 10 and Guidelines relating to nursing education, licensure and practice and this Order.

18. Prior to the Respondent's successful completion of this Order, that any violations of the Oklahoma Nursing Practice Act by the Respondent, except as set forth herein, may require Respondent's appearance before the Board to **Show Cause** why Respondent's license should not be revoked or other such action taken as the Board deems necessary and proper.

19. In the event the Certified Mail delivery of Respondent's Order is unsuccessful a process server will be hired to obtain service of the Order. If it is necessary to serve the Respondent by a process server, the Respondent shall reimburse the Board for the actual cost of

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the process server. The Respondent shall pay to the Board the actual cost of the process service **prior to reinstatement**. The process service fee shall be paid only by certified check, money order or cash to the Board.

20. Any failure to comply with submission of the administrative penalty and/or written documentation by the due date, including but not limited to self-assessment reports and proof of successful completion of educational courses, will result in a three (3) month suspension of license. If a license is suspended, all Board ordered classes must be successfully completed and administrative penalty and process server costs must be paid prior to reinstatement of license. At the completion of the three-month suspension, any application for reinstatement may be submitted for processing by Board Staff for approval in accordance with the agency approval process or for referral to the Board. If probation and/or supervised practice were ordered by the Board then the probation and/or supervised practice will be extended at the time of reinstatement until such time as the Board's order is fully completed. An administrative penalty of \$500.00 for each violation of Respondent's Board Order shall be paid by certified check, money order, or cash prior to reinstatement pursuant to statute, 59 O.S. §567.8.J.1. and 2:, and OAC §485:10-11-2(c) of the Rules promulgated by the Board.

21. Any failure to comply with submission of documentation by third parties, including late reports, or unsatisfactory reports, or other violations of the Oklahoma Nursing Practice Act by the Respondent, will require Respondent's appearance before the Board to show cause why Respondent's license should not be revoked.

22. Respondent fully understands that this Order will in no way preclude additional proceedings by the Board against Respondent for acts or omissions not specifically made a part of this Order.

23. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this Order with the Board. Respondent's waiver includes Supplemental Orders to this Consent Order.

24. The parties agree that both parties have participated in the drafting of this Order and that no presumption or construction against any party as the drafter of the Order, shall apply or be applied in the event of a claim of ambiguity of the document or a provision thereof.

25. This Order is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of this Order. Furthermore, should this Order not be accepted by the Board, it is agreed that presentation to and consideration of this Order and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

26. This Order shall become final after anticompetitive review and a determination by the Oklahoma Attorney General, 74 O.S. §18b(A)(5), that the Order is in compliance with the Board's authority and mission to protect the public health, safety and welfare, and Respondent's receipt of the fully executed Order.

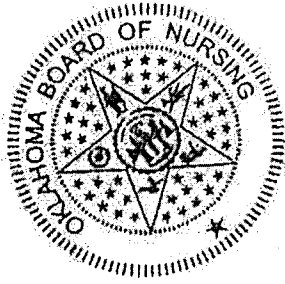
27. This Order shall not be effective until the fully executed Order is received in the Board office and Respondent has accepted service of the fully executed Order.

28. Upon successful completion of all of the terms and conditions of Respondent's probation such probation shall terminate without further Order of this Board.

29. This Order constitutes disciplinary action by the Board and may be used in any subsequent hearings by the Board. In the event other misconduct is reported to the Board, this

Order may be used as evidence against Respondent to establish a pattern of behavior and for the purpose of proving additional acts of misconduct.

IT IS SO ORDERED.



OKLAHOMA BOARD OF NURSING

By:

Charles J. Lee, D.S.N.  
President, Board Officer

[Signature]  
Respondent

Attorney for Respondent OBA# 15649

LG:tj

March 1<sup>st</sup>, 2019

Katherine A. Thomas, MN, RN, FAAN  
Executive Director  
Texas Board of Nursing

Ms. Thomas,

I, Joseph Borza, would like to voluntarily surrender my Texas nursing license effective immediately.

Cordially,

A handwritten signature in black ink, appearing to be 'Joseph Borza', written over a faint, illegible stamp.

Joseph Borza