



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 ORDER
Vocational Nurse License Number 166665	§	
issued to JENNIFER LEIGH HARDY	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JENNIFER LEIGH HARDY, Vocational Nurse License Number 166665, 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)(3),(9)(10)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on April 9, 2019.

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 Agreed 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 Shelby College Center, Center, Texas, on December 18, 1997. Respondent was licensed to practice vocational nursing in the State of Texas on February 17, 1998.
5. Respondent's nursing employment history includes:

2/1998 – 09/2003	Unknown	
09/2003 – 09/2005	Vocational Nurse	At Home Healthcare Tyler, Texas

Respondent's nursing employment history continued:

09/2005 – 06/2006	Vocational Nurse	Willowbrook Nursing Home Nacogdoches, Texas
06/2006 – 12/2006	Vocational Nurse	Jordan Home Health Longview, Texas
01/2007 – 08/2009	Vocational Nurse	ETGA Longview, Texas
08/2009 – 06/2012	Vocational Nurse	Gregg County Sheriff's Office Longview, Texas
06/2012 – 08/2014	Unknown	
08/2014 – 02/2015	Vocational Nurse	CHI – St. Lukes San Augustine, Texas
04/2015 – 10/2015	Vocational Nurse	Da Vinci Staffing Dallas, Texas
10/2015 – 12/2015	Vocational Nurse	MSN Staffing Houston, Texas
06/2017 – 07/2018	Vocational Nurse	Colonial Pines San Augustine, Texas
07/2018 – Present	Unknown	

6. At the time of the incident, Respondent was employed as a Licensed Vocational Nurse with Colonial Pines, San Augustine, Texas, and had been in that position for one (1) year.
7. On or about June 28, 2018 through July 2, 2018, while employed as a Licensed Vocational Nurse with Colonial Pines, San Augustine, Texas, Respondent falsely documented the administration of Oxycodone and Tylenol #3 in the Medication Administration Record (MAR) for Patients T.S. and A.S. in that the patients denied receiving any medications. Furthermore, patient T.S. was given a drug screen which resulted negative for Oxycodone. 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. Additionally, Respondent's conduct placed the hospital in violation of Chapter 481 (Controlled Substances Act) of the Texas Health and Safety Code.

8. On or about June 28, 2018 through July 2, 2018, while employed as a Licensed Vocational Nurse with Colonial Pines Healthcare Center, San Augustine, Texas, Respondent misappropriated Oxycodone and Tylenol #3, belonging to the facility and patients, thereof. Subsequently, Respondent admitted to the San Augustine Sheriff's Office, San Augustine, Texas, to diverting the medications for her own personal use. Respondent's conduct was likely to defraud the facility and patients thereof, of the cost of the medications.
9. On or about July 4, 2018, while employed as a Licensed Vocational Nurse with Colonial Pines, San Augustine, Texas, Respondent engaged in the intemperate and/or unlawful use of Oxycodone and Opiates in that she produced a specimen for a reasonable suspicion drug screen that resulted positive for Oxycodone and Opiates. The use of Oxycodone and Opiates by a Licensed Vocational Nurse, while subject to call or duty, could impair the nurse's ability to recognize subtle signs, symptoms, or changes in a patient's condition, and could impair the nurse's ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing a patient in potential danger.
10. On or about October 25, 2018, Respondent entered a plea of Guilty to CONVERSION & DIVERSION OF CONTROLLED SUBSTANCES, a State Jail felony offense committed on June 28, 2018, in the 273rd Judicial District Court, San Augustine County, Texas, under Case No. CR-18-8884. As a result of the plea, the proceedings against Respondent were deferred, without entering an adjudication of guilt, and Respondent was placed on community supervision for a period of two (2) years and ordered to pay a fine and court costs.
11. In response to Findings of Fact Numbers Seven (7) through Ten (10), Respondent takes full responsibility for her actions while an employee at Colonial Pines Healthcare Center.
12. Formal Charges were filed on March 27, 2019.
13. 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) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(5),(6)(G),(8),(10)(A),(10)(D),(10)(E)&(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(3),(9),(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 166665, heretofore issued to JENNIFER LEIGH HARDY.
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 that Vocational Nurse License Number 166665, previously issued to JENNIFER LEIGH HARDY, to practice nursing in the State of Texas is/are 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 to TPAPN in the amount of five hundred dollars (\$500.00), if licensed as a registered nurse, or in the amount of three hundred fifty dollars (\$350.00), if licensed as a vocational nurse;**
- B. Is **cleared to safely practice as a nurse** based on a fitness evaluation, as may be required by TPAPN; and
- C. **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 time as is required for **RESPONDENT** to successfully

complete the TPAPN **AND** until RESPONDENT fulfills the additional requirements of this Order.

- D. 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.
- E. RESPONDENT SHALL **comply with all requirements of the TPAPN participation agreement** during its term and SHALL keep all applicable licenses to practice nursing in the State of Texas in current status.
- F. RESPONDENT SHALL CAUSE the TPAPN to **notify the Texas Board of Nursing of any violation of the TPAPN participation agreement.**
- G. This Order SHALL apply to any and all future licenses issued to RESPONDENT to practice nursing in the State of Texas.
- H. This Order SHALL be applicable to RESPONDENT'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- I. 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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed 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, unless otherwise specifically indicated:**

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 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.*

IV. SUBSEQUENT CRIMINAL PROCEEDINGS

IT IS FURTHER AGREED, should the RESPONDENT'S conduct, as outlined in the findings of fact of this Agreed Order, result in subsequent judicial action, including a deferred disposition, RESPONDENT may be subject to further disciplinary action, up to, and including, revocation of RESPONDENT'S license(s) to practice nursing in the State of Texas.

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 Agreed 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.

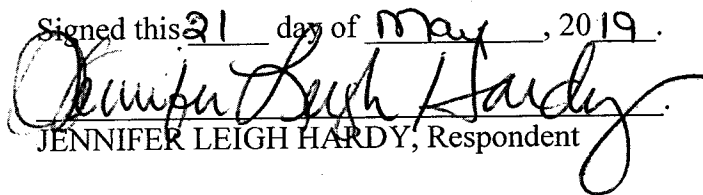
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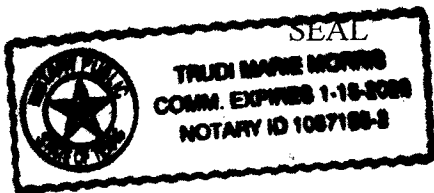
RESPONDENT'S CERTIFICATION

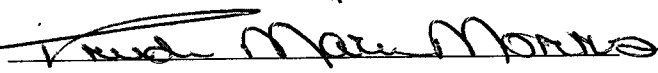
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance 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 possible revocation of my license(s) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 21 day of May, 2019.


JENNIFER LEIGH HARDY, Respondent

Sworn to and subscribed before me this 21 day of May, 2019.





Notary Public in and for the State of TX

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 21st day of May, 2019, by JENNIFER LEIGH HARDY, Vocational Nurse License Number 166665, and said Agreed Order is final.

Effective this 23rd day of May, 2019.

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

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