



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or its of record in the offices of the Texas Board of Nursing.
Stephanie Marshall
Executive Director of the Board

DOCKET NUMBER 507-19-2403

**IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 836375,
ISSUED TO
JENNIFER RENTFRO**

**§
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§
§
§**

**BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS**

OPINION AND ORDER OF THE BOARD

**TO: JENNIFER RENTFRO
818 INWOOD DRIVE
MCKINNEY, TX 75069**

**SUZANNE FORMBY MARSHALL
ADMINISTRATIVE LAW JUDGE
300 WEST 15TH STREET
AUSTIN, TEXAS 78701**

At the regularly scheduled public meeting on July 25-26, 2019, the Texas Board of Nursing (Board) considered the following items: (1) Order No. 1, *Conditional Order of Default Dismissal and Remand*, issued by the ALJ in the above cited matter; (2) Staff's recommendation that the Board revoke the Respondent's registered nursing license by default; and (3) Respondent's recommendation to the Board regarding the above cited matter, if any.

On March 14, 2019, the ALJ convened a hearing on the merits in this matter. Staff of the Board was present for the hearing. However, the Respondent was not present at the hearing, and no one appeared on her behalf. During the hearing on March 14, 2019, Staff introduced evidence into the record demonstrating that Respondent had been sent a Notice of Hearing by first class certified mail return receipt requested to her last known address of record maintained by the Board in accordance with 22 Tex. Admin. Code §213.10(a). The ALJ found that Staff's notice was adequate and issued Order No. 1, *Conditional Order of Default Dismissal and Remand*, granting Staff's Motion for Default and dismissing the case from the docket of SOAH and remanding it to the Board for informal disposition on a default basis in accordance with the Government Code §2001.056.

The Board, after review and due consideration of Order No. 1, issued by the ALJ in the above cited matter, finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with the Government Code §2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Occupations Code Chapter 301 (Nursing Practice Act) for retention of Respondent's license to practice professional nursing in the State of Texas. The Board further finds that the Formal Charges were properly initiated and filed in accordance with the Occupations Code §301.458. The Board further finds that proper and timely notice regarding the violations alleged in the Formal Charges was given to Respondent in accordance with the requirements of the Government Code §2001.051

and §2001.052 and 1 Tex. Admin. Code §155.501. The Board further finds that the Respondent failed to appear in accordance with 22 Tex. Admin. Code Chapter 213 and 1 Tex. Admin. Code §155.501. As a result of the Respondent's failure to appear, the Board has determined that the factual allegations listed in the Formal Charges are to be deemed admitted by default and the Board is authorized to enter a default order against the Respondent pursuant to the Government Code §2001.056 and 22 Tex. Admin. Code §213.22. Further, the Board has determined that it is entitled to revoke the Respondent's registered nursing license pursuant to 22 Tex. Admin. Code §213.33(m).

Therefore, the Board hereby adopts the factual allegations and conclusions of law contained in the Formal Charges, which have been deemed admitted, and which are attached hereto and incorporated herein by reference for all purposes, and Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing in accordance with the Government Code Chapter 2001 and 22 Tex. Admin. Code §213.23(l), as applicable. All parties have a right to judicial review of this Order. All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

IT IS, THEREFORE, ORDERED THAT Permanent Certificate Number 836375, previously issued to JENNIFER RENTFRO, to practice nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privileges, if any, to practice nursing in the State of Texas.

FURTHER, pursuant to the Occupations Code §301.467, RESPONDENT is not eligible to petition for reinstatement of licensure until at least one (1) year has elapsed from the date of this Order. Further, upon petitioning for reinstatement, RESPONDENT must satisfy all then existing requirements for relicensure.

Entered this 25th day of July, 2019.

TEXAS BOARD OF NURSING


KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR FOR THE BOARD

Attachment: Formal Charges

In the Matter of
Permanent Registered Nurse
License Number 836375
Issued to JENNIFER RENTFRO,
Respondent

§
§ BEFORE THE TEXAS
§
§ BOARD OF NURSING
§

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JENNIFER RENTFRO, is a Registered Nurse holding license number 836375 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 September 5, 2018, Respondent's license to practice professional nursing in the State of Iowa was INDEFINITELY SUSPENDED by the Board of Nursing of the State of Iowa.

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.

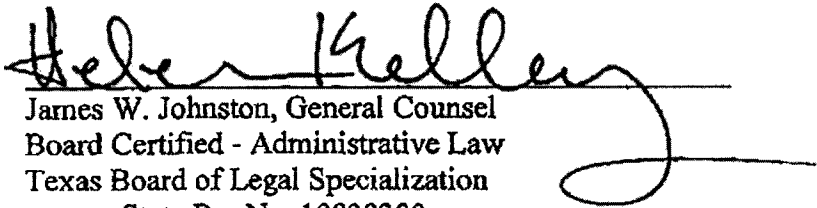
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

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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.

Filed this 28th day of January, 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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BEFORE THE BOARD OF NURSING
OF THE STATE OF IOWA

IN THE MATTER OF)	CASE NO. 16-539
)	
JENNIFER RENTFRO)	NOTICE OF HEARING AND
4606 34 th Street)	STATEMENT OF CHARGES
Rock Island, IL 61201)	
)	
Certificate and License No.143007)	
)	
RESPONDENT.)	

COMES NOW the Iowa Board of Nursing (Board) and files this Notice of Hearing and Statement of Charges pursuant to Iowa Code sections 17A.12(2), 17A.18(3), and 655 IAC 20.6 and 20.7. Respondent was issued Iowa license no. 143007 on February 1, 2016. License no. 143007 is active and will expire on June 15, 2018.

A. TIME, PLACE AND NATURE OF HEARING

Hearing. A disciplinary contested case hearing shall be held on Friday, July 13, 2018 before the Board of Nursing. The hearing shall begin at 9:00 AM and shall be located at the Des Moines West Room, Holiday Inn, 1050 6th Avenue, Des Moines, Iowa.

Answer. You may file an Answer to this Notice of Hearing and Statement of Charges within twenty (20) days pursuant to 655 IAC 20.16. The Answer should specifically admit, deny, or otherwise answer all allegations contained in sections C and D of this Notice of Hearing and Statement of Charges.

Filing of Pleadings. In accordance with 655 IAC 20.17, pleadings shall be filed with the Board at the following address: 400 S.W. 8th Street, Suite B, Des Moines, Iowa

50309.

Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing.

Prehearing Conference. Any party may request a prehearing conference in accordance with 655 IAC 20.22.

Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 655 IAC chapter 20. At hearing, you may appear personally or be represented by legal counsel at your own expense. You will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf on issues of material fact, cross-examine witnesses present at the hearing, and examine and respond to any documents introduced at hearing. If you need to request an alternative time or date for hearing, you must comply with the requirements of 655 IAC 20.23. The hearing will be open to the public unless you request a closed hearing in accordance with Iowa Code section 272C.6(1).

Prosecution The Office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Copies of pleadings filed with the Board should be provided to counsel for the State at the following address: Iowa Attorney General's Office, Attn: Sara Scott/Laura Steffensmeier, Hoover State Office Building 2nd Floor, Des Moines, Iowa 50319. Ms. Scott can be reached by phone at (515) 242-0104 or by email at sara.scott@ag.iowa.gov. Ms. Steffensmeier can be reached by phone at (515) 281-6690 or by email at laura.steffensmeier@ag.iowa.gov.

Communications. You may not contact board members in any manner, including by phone, letter, or e-mail, about this Notice of Hearing and Statement of Charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case.

B. LEGAL AUTHORITY AND JURISDICTION

Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 152, and 272C.

Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 147, 152, (152E when applicable), 272C and 655 IAC chapter 4.

Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 655 IAC 20.27.

C. CHARGES

COUNT I

Respondent is charged with misappropriating medications, property, supplies, or equipment of the patient, client, or agency, pursuant to Iowa Code section 147.55(3) and 655 IAC 4.6(4)"k".

D. FACTUAL CIRCUMSTANCES

1. Respondent was employed at a long term care facility from July 1, 2016 until April 3, 2017

2. On April 3, 2017, Respondent was found in possession of prescription drugs that belonged to residents at the care facility.

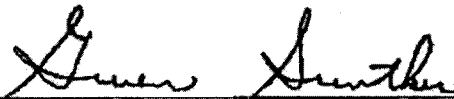
3. At the end of her shift, it was also determined that morphine belonging to one of her assigned resident was missing.

E. SETTLEMENT

This matter may be resolved by settlement agreement pursuant to Iowa Code sections 17A.12(5) and 272C.3(4) and 655 IAC 20.24.

F. PROBABLE CAUSE FINDING

On April 4, 2018, the Iowa Board of Nursing found probable cause to file this Notice of Hearing and Statement of Charges.



Gwen Suntken, RN, MS
Chairperson
Iowa Board of Nursing

Copies to:

Sara Scott
Department of Justice
Licensing & Administrative Law Division
Hoover Building, 2nd Floor
Des Moines, IA 50319

IOWA BOARD OF NURSING

This is to certify that this is a true and correct copy of records on file in this office pertaining

to Jennifer Bentfro
Wacey L. Westby, Enforcement

BEFORE THE BOARD OF NURSING
OF THE STATE OF IOWA

IN THE MATTER OF.

JENNIFER RENTFRO
4606 34th Street
Rock Island, IL 61201

Certificate and License No. 143007

Case No. 16-539
DIA No. 19NB0008

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
DECISION AND ORDER

Respondent.

The Iowa Board of Nursing ("Board") found probable cause to file a Notice of Hearing and Statement of Charges on April 4, 2018 charging Jennifer Rentfro ("Respondent") with misappropriating medications, property, supplies, or equipment of the patient, client, or agency, in violation of Iowa Code section 147.55(3) and 655 Iowa Administrative Code 4.6(4)(k).

The hearing was held on July 13, 2018 at approximately 9:30 a.m. at the Holiday Inn Downtown-Des Moines West Conference room. The following members of the Board presided at the hearing: Gwen Sunkten, R.N., M.S., Chairperson; Nancy Kramer, Ed.D., A.R.N.P., Mark G. Odden, B.S.N., M.B.A., C.R.N.A.; Kathryn Dolter, R.N., Ph.D.; Patrick Mooney; and B.J. Hoffman. Assistant Attorney General Alan Nagel represented the state of Iowa. Respondent did not appear for the hearing. The hearing was open to the public, pursuant to Iowa Code section 272C.6(1). Administrative Law Judge Kristine M. Dreckman assisted the Board in conducting the hearing and was instructed to prepare the Board's decision in accordance with their deliberations.

Request for Rehearing

Following the conclusion of the Board's deliberations and after the Board adjourned for the morning at approximately 10:30 a.m., Respondent appeared at the Holiday Inn Conference room and requested to vacate the decision of the Board and reopen the record for a new hearing. The State resisted the Respondent's request. The parties were provided opportunity to present argument to the Board before it rendered its decision.

According to Respondent, her car had overheated while en route to the hearing. She, however, acknowledged that while she had a working cell phone that had she made no attempts to contact anyone prior to the hearing and explain her emergency situation.

Pursuant to 655 Iowa Administrative Code 20.32(2), an applicant must show good cause before she may be granted an opportunity to submit additional evidence following the close of a hearing. "Good cause" is defined as "mistake, inadvertence, surprise, excusable neglect or unavoidable casualty." 655 Iowa Administrative Code 20.27(6); Iowa Ct. Rule 1.977.

Respondent appeared approximately an hour and a half late for her scheduled hearing. Although she asserts her car was disabled, Respondent acknowledged that she had access to a telephone and therefore could have contacted Board staff, the Attorney General's Office, or the Holiday Inn to alert the parties of her situation. She did not do so. Accordingly, her failure to appear for hearing cannot be considered excusable neglect or unavoidable casualty. For these reasons, Respondent's motion to vacate the Board's decision and request for rehearing was denied. Respondent was verbally advised of the Board's decision on the date of hearing.

THE RECORD

The record includes the testimony of Diane Burkert, and State Exhibits 1-11 (See Exhibit Index for descriptions).

FINDINGS OF FACT

1. The Board issued Iowa license no. 143007 to Jennifer Rentfro on February 1, 2016. Said license expired on June 15, 2018. Respondent was issued nursing licenses in Illinois and Texas that expired on May 31, 2014 and June 30, 2017, respectively. (State's Exhibits 1, 3).
2. Respondent began employment at Bettendorf Health Care Center ("the facility") on July 1, 2016. Staff had observed Respondent asleep while on duty on a number of occasions. Respondent reported she had been diagnosed with narcolepsy, but failed to submit verification from her treating physician of said diagnosis. (State's Exhibits 3, 9; Burkert Testimony).
3. Respondent was working a shift beginning 6:00 a.m. on April 3, 2017 at the facility. At approximately 1:30 p.m., a staff member observed her sleeping in the environmental services office. Kristen Bice, Assistant Director of Nursing, and Jeff Wollum, administrator, woke Respondent and asked her to leave the facility. Prior to Respondent's departure, Ms. Bice and Mr. Wollum performed a narcotic count and noted a discrepancy. Specifically, it was discovered that 5 milliliters of liquid morphine belonging to resident M.M. was missing and unaccounted for. Respondent was the only staff person with access to the medication car during that shift. Following the completion of the drug count, Respondent was escorted to her vehicle in the facility's parking lot. Respondent was subsequently observed passed out in her vehicle with the radio blaring. Wollum went outside to the vehicle and woke Respondent. He offered to drive her home or call an ambulance. In response, Respondent sped out of the parking lot. (State's Exhibits 3, 7, 9; Burkert Testimony).
4. Thereafter, Davenport police officers located Respondent's vehicle parked in a commercial parking lot. The vehicle was running with the radio on, and Respondent was observed to be unconscious in the driver's seat. An officer had to perform a hard sternum rub on the Respondent in order to wake her. Respondent was ultimately transported to the local hospital via ambulance, where she remained for several days. (State's Exhibits 3, 6, 7).
5. During the encounter, the officers observed one 20 milligram Baclofen pill on Respondent's leg. While performing a search of Respondent's purse, officers also located a

bottle of Alprazolam prescribed to facility resident C.T. The bottle had one pill inside. Additionally, the officers searched a bag located on the passenger seat of Respondent's vehicle. They discovered two bottles of Baclofen prescribed to C.T. Finally, the officers located one pill of Morphine sulfate, one pill of Lorazepam, one pill of Vimpat, and five pills of Acetaminophen/Hydrocodone Bitartrate. Respondent did not have a prescription for those pills. (State's Exhibits 3, 6).

6. Based upon the results of the officers' search, Respondent was criminally charged with Unlawful Possession of a Prescription Drug, a serious misdemeanor. Respondent entered a plea of guilty for the offense on June 14, 2017. On her written plea of guilty, Respondent admitted that "I was in knowing possession of a prescription drug; baclofen [sic], to which I did not have a valid prescription for said prescription." (State's Exhibit 6).

7. The Department of Inspections and Appeals (DIA) initiated an investigation regarding whether Respondent committed dependent adult abuse by misappropriating a medications prescribed to the facility's residents C.T. and M.M.. DIA concluded its investigation on July 6, 2017 and determined that the allegation of abuse was founded. (State's Exhibit 9).

8. Health Professions Investigator Diane Burkert met with Respondent on October 9, 2017. Respondent reported that on April 3, 2017, she fell asleep during her shift because she had been working daily shifts lasting 16-22 hours at a time for months. She further reported that once she had been asked to leave the facility, she went to her car and decided to commit suicide by overdosing on several medications. According to Respondent, she took prescription medication that belonged to her. Respondent denied any knowledge of the Baclofen found in her bag that belonged to resident C.T. and stated she did not know how it got there. She also denied taking liquid Morphine belonging to M.M. from the facility. Respondent further admitted that she had not been diagnosed with narcolepsy, but believed she was afflicted with the condition based upon her own research. Respondent denied misappropriating any resident's prescription and denied working while under the influence. (State's Exhibit 4; Burkert Testimony).

9. Respondent was referred to the Iowa Nursing Assistance Program (INAP) on November 13, 2017. An INAP coordinator made several attempts to reach Respondent without success. The coordinator finally reached Respondent on December 4, 2017 to initiate the process, however, Respondent failed to follow through with the program. (State's Exhibit 5).

CONCLUSIONS OF LAW

1. Failure to Appear

655 Iowa Administrative Code 20.7 provides that the Board shall file a statement of charges following a finding of probable cause. Delivery of the notice of hearing constitutes commencement of the contested case proceeding. A notice of hearing shall be served upon the licensee by personal service as in civil actions, by restricted certified mail with return receipt requested, or by publication, when service cannot otherwise be accomplished. 655 Iowa Administrative Code 20.6(1). In this case, Respondent has returned a signed acknowledgement accepting service of the Notice of Hearing and Statement of Charges.

655 Iowa Administrative Code 20.27(1) provides that if a party fails to appear or participate in a contested case hearing after proper service of notice, the presiding officer may, if no adjournment is granted, enter a default decision or proceed with the hearing and enter a decision in the absence of the party.

Respondent was properly served with the notice of hearing and statement of charges but failed to appear at the time scheduled for hearing. The Board was authorized to proceed in her absence.

1. Unethical Conduct – Misappropriation

Board rules 655 Iowa Administrative Code 4.6(4)(k) provides, in relevant part, that nursing behavior (i.e., acts, knowledge, and practices) which constitutes unethical conduct includes misappropriating medications, property, supplies, or equipment of the patient, client, or agency. The preponderance of the evidence in the record, including DIA's and the Davenport Police Department's separate investigations regarding this matter, clearly established that Respondent has misappropriated medications from residents C.T. and M.M. while working as a nurse at a nursing facility. Respondent has violated Iowa Code section 147.55(3) and 655 Iowa Administrative Code 4.6(4)(k).

DECISION AND ORDER

IT IS THEREFORE ORDERED that license no. 143007, issued to Respondent Jennifer Rentfro, is hereby **INDEFINITELY SUSPENDED**, effective immediately upon service of this Decision and Order. Respondent shall immediately send her nursing license to the Board office.

IT IS FURTHER ORDERED that Respondent's nursing license may not be reinstated unless she fully complies with the requirements of 655 Iowa Administrative Code 20.36 and establishes that the reason for the indefinite suspension of her license no longer exists and that it is in the public interest for her license to be reinstated. Prior to filing the application for reinstatement, Respondent must provide verification that she has completed a comprehensive substance abuse and mental health evaluation and that she has fully complied with any treatment recommendations. Respondent must also provide documentation of her continuous sobriety for the twelve months preceding her reinstatement application. Additionally, Respondent must personally appear before the Board upon her application for reinstatement.

IT IS FURTHERED ORDERED that upon receipt of this Decision and Order, Respondent shall immediately notify all current employers of this Order and its requirements; and Respondent shall disclose this Order to all future employers before commencing employment.

IT IS FURTHERED ORDERED, pursuant to Iowa Code section 272C.6(6) and 655 Iowa Administrative Code chapter 13, that Respondent shall pay a disciplinary hearing fee of \$75.00. In addition, Respondent shall pay any costs certified by the executive director and reimbursable pursuant to 655 Iowa Administrative Code 13.1(2). The executive director's assessment of fees and costs, if any, is attached to this decision. All fees and costs shall be paid in the form of a

check or money order payable to the state of Iowa and delivered to the Board of Nursing, within thirty days of the issuance of this final decision.

RESPONDENT IS HEREBY NOTIFIED That this Decision and Order, when fully executed, is a permanent public record and will be made available for inspection and copying in accordance with the requirements of Iowa Code chapter 22 and 272C.

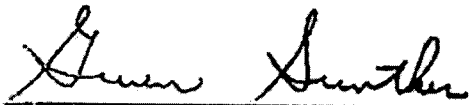
Appeal Rights/Motion to Vacate

In accordance with 655 Iowa Administrative Code 20.27(3), this decision becomes final agency action, unless, within 15 days after the date of notification or mailing of this decision, a motion to vacate is filed and served on all parties or an appeal of the decision on the merits is timely initiated within the time provided by 655 Iowa Administrative Code 20.30(17A). A motion to vacate shall state all facts relied upon by the moving party which establish that good cause existed for that party's failure to appear or participate at the contested case proceeding. Each fact so stated must be substantiated by at least one sworn affidavit or a person with personal knowledge of each such fact attached to the motion.

Appeal on the Merits

In accordance with the provisions of Iowa Code section 17A.16 a party may file an application for rehearing within twenty (20) days after the issuance of this decision. In accordance with Iowa Code section 17A.19(3) any petition for judicial review must be filed within thirty (30) days after an application for rehearing has been denied or deemed denied. If a party does not file an application for rehearing any petition for judicial review must be filed within thirty (30) days after the issuance of this decision.

Dated this 5th day of September, 2018.



Gwen Suntken, R.N., M.S.N.
Chairperson, Iowa Board of Nursing

cc: Alan Nagel, Assistant Attorney General

IOWA BOARD OF NURSING

This is to certify that this is a true and correct copy of records on file in this office pertaining

to Jennifer Rentfro
Michelle Westby, Enforcement