



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 336529	§	
issued to ROSETTI JUANITA HOFFMAN	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ROSETTI JUANITA HOFFMAN, Vocational Nurse License Number 336529, 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)&(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 October 19, 2020.

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 St Philip's College, San Antonio, Texas, on December 9, 2016. Respondent was licensed to practice vocational nursing in the State of Texas on February 16, 2017.
5. Respondent's nursing employment history includes:

2/2017 – 4/2017	Unknown	
5/2017-11/2017	Licensed Vocational Nurse	Davita Dialysis San Antonio, Texas

Respondent's nursing employment history continued:

12/2017-3/2018	Licensed Vocational Nurse	University Health System San Antonio, Texas
4/2018-8/2018	Licensed Vocational Nurse	San Rafael Healthcare, Inc. San Antonio, Texas
9/2018-1/2019	Unknown	
2/2019-Present	Licensed Vocational Nurse/Public Health & Prevention Specialist	Texas Department of State Health Services San Antonio, Texas

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with San Rafael Healthcare, Inc., San Antonio, Texas, and had been in that position for four (4) months.
7. On or about August 13, 2018, while employed as a Licensed Vocational Nurse with San Rafael Healthcare, Inc., San Antonio, Texas, Respondent twice patted the hand of pediatric Patient AP. Respondent's conduct unnecessarily exposed the patient to a risk of harm from injury.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that this was a new patient assignment, and she was warned to not wear earrings, necklaces, jewelry, and to pull her hair back, as well as have nothing in her pockets and no shoelaces. Respondent states that when she first met the patient with the child's mother, the child grabbed her braid in a strong twisting grip, and the child's mother pulled her away and spanked her hands. Respondent states that the mother told her that if she grabs your hair, to hit her hands because she understands that means "no." Respondent adds that she had never been placed in a situation like that with a pediatric patient. Respondent states that when caring for the patient that day and feeding her dinner, the child grabbed her hair again with a forceful grip, which was excruciating because Respondent has previously had brain surgery. Respondent states she reacted and twice patted the child's hands and mentioned to her that she cannot do that. Respondent states that the patient then began to vigorously swing back and forth thumping the back of her head, and Respondent had to cushion her head with her hand to prevent injury. Respondent then remembered the child's mother said she liked to watch videos while eating, which helped the child calm down and finish her dinner. Respondent states that her reaction was a defense mechanism, due to the pain she was in, and she did not intend to harm the patient or anyone else. Respondent adds that she had no experience or training with autistic pediatric patients and is very sorry for what happened.
9. Formal Charges were filed on August 1, 2019.

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.
1. The evidence received is sufficient to prove violation(s) of §217.11 (1)(A),(1)(B)&(1)(M) and 22 TEX. ADMIN. CODE §217.12 (1)(A)&(1)(B).
3. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 336529, heretofore issued to ROSETTI JUANITA HOFFMAN.
4. 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 **REMEDIAL EDUCATION** 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" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

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. 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 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. 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.

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) and/or privilege(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. 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 this Order is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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 19 day of October, 2020

R. Hoff
ROSETTI JUANITA HOFFMAN, Respondent

Sworn to and subscribed before me this _____ day of _____, 20____.

SEAL

Notary Public in and for the State of _____

Approved as to Form and Substance.

YJA 10/19/2020

Yong An, Attorney for Respondent

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 19th day of October, 2020, by ROSETTI JUANITA HOFFMAN, Vocational Nurse License Number 336529, and said Agreed Order is final.

Effective this 19th day of October, 2020.

A handwritten signature in cursive script, reading "Katherine A. Thomas".

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