

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 766981	§	
issued to AMY ELIZABETH PENA	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of AMY ELIZABETH PENA, Registered Nurse License Number 766981, 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 November 25, 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 professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree from South Texas College, Mc Allen, Texas, on July 29, 2008. Respondent was licensed to practice professional nursing in the State of Texas on March 26, 2009.
5. Respondent's nursing employment history includes:

3/2009 – 08/2011	Registered Nurse	Dimmit Regional Hospital Carrizo Springs, Texas
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Respondent's nursing employment history continued:

01/2010 – 09/2010	Registered Nurse	Girling Health Care Carrizo Springs, Texas
08/2011 – 05/2012	Registered Nurse	Oil Field Carriza Springs, Texas
05/2012	Registered Nurse	Sands Health Care Carriza, Texas
06/2012 – 08/2012	Unknown	
09/2012 – 03/2013	Registered Nurse	Seton Healthcare Systems Austin, Texas
03/2013 – 01/2014	Registered Nurse	US Telehealth-Crew Care Clinic Carrizo Springs, Texas
02/2014 – 05/2014	Unknown	
06/2014 – 02/2019	Registered Nurse	Superior Home Health Eagle Pass, Texas
05/2017 – 02/2019	Registered Nurse	Superior Hospice Del Rio, Texas
02/2019 – 02/2020	Registered Nurse	American Medical Hospice and Palliative Care San Antonio, Texas
02/2020 – Present	Registered Nurse	Superior Home Health and Hospice Eagle Pass, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with American Medical Hospice and Palliative Care, San Antonio, Texas, and had been in that position for one (1) month.
7. On or about March 22, 2019, through February 24, 2020, while employed as a Registered Nurse with American Medical Hospice and Palliative Care, San Antonio, Texas, Respondent failed to complete and/or submit documentation for patients. Respondent's conduct resulted in inaccurate medical records and was likely to injure the patients in that

subsequent care givers would not have complete information on which to base their care decisions.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that after broken promises and numerous staff changes, she decided it was time to leave and made it clear she would no longer be working for them. Respondent states she's sorry the agency feels she owes them work for admission/discharges, but she had not received an employment check from the agency since early February.

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)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A)&(1)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 766981, heretofore issued to AMY ELIZABETH PENA.
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 **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. **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.
- C. **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. 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

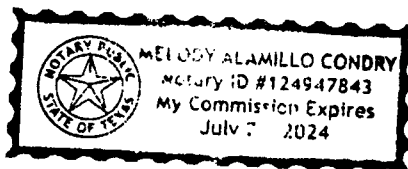
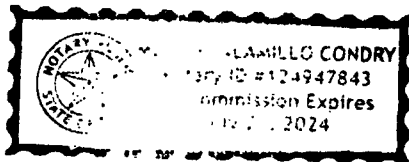
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order 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 16th day of January, 2021.
AMY ELIZABETH PENÄ, RNO
AMY ELIZABETH PENÄ, RESPONDENT

Sworn to and subscribed before me this 16th day of January, 2021.

SEAL

[Signature]
Notary Public in and for the State of TEXAS



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 16th day of January, 2021, by AMY ELIZABETH PENA, Registered Nurse License Number 766981, and said Agreed Order is final.

Effective this 27th day of January, 2021.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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