BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED ORDER
JOSEPH GUPTIL CONNORS,	§	FOR
Vocational Nurse License Number 153950	§	KSTAR PROGRAM & ELIGIBILITY
& PETITIONER for Eligibility for Licensure	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of Vocational Nurse License Number 153950 and Application by Examination, which has been processed as a Petition for Declaratory Order, herein referred to as the Petition, pursuant to 22 TEX. ADMIN. CODE §217.2(b) and §213.30, and supporting documents filed by JOSEPH GUPTIL CONNORS, hereinafter referred to as PETITIONER, requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.253, 301.257 and 301.258, Texas Occupations Code, together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that Petitioner may be subject to discipline and ineligible for licensure pursuant to Sections 301.452(b)(10)&(13) and 301.453, Texas Occupations Code.

Petitioner 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 2, 2019.

FINDINGS OF FACT

1. On or about September 27, 2018, Petitioner submitted the Petition requesting a determination of eligibility for licensure.

2. Petitioner received a Certificate in Vocational Nursing from Lamar State College-Port Arthur, Port Arthur, Texas, on August 19, 1995, and received an Associate Degree in Nursing from Austin Community College, Austin, Texas, on May 1, 2018. Petitioner was licensed to practice vocational nursing in the State of Texas on September 20, 1995.

3. Petitioner's license to practice as a vocational nurse in the State of Texas is in current status.

4. Petitioner's nursing employment history includes:

9/1995-1997	Licensed Vocational Nurse	Jefferson County Home Health Beaumont, Texas
9/1997–1999	Licensed Vocational Nurse	Comfort Home Health Vidor, Texas
10/2000-7/2006	Licensed Vocational Nurse	Pediatric Services of America Round Rock, Texas
5/2003-8/2010	Licensed Vocational Nurse	Medical Staffing Network Austin, Texas
9/2009-2011	Licensed Vocational Nurse	Genesis National Healthcare Austin, Texas
7/2011-11/2011	Licensed Vocational Nurse	South Park Nursing and Rehabilitation Austin, Texas
11/2011-4/2016	Licensed Vocational Nurse	Texas Home Health Austin, Texas
4/2016-9/2018	Licensed Vocational Nurse	Encompass Home Health Austin, Texas
9/2019-Present	Licensed Vocational Nurse	Robinson Creek Home Health Austin Texas

5. At the time of the purported incident, Petitioner was employed as a Licensed Vocational Nurse with Encompass Home Health, Austin, Texas, and had been in that position for two (2) years and four (4) months.

6. On or about August 31, 2018, through September 2, 2018, while employed as a Licensed Vocational Nurse with Encompass Home Health, Austin, Texas, Petitioner failed to report a new wound on the left foot of Patient JG to the supervising nurse or physician, after documenting the wound in the patient's medical record. Additionally, Petitioner incompletely documented in the patient's medical record both that the patient's skin was intact and that the patient's foot exhibited lesions or open areas. Petitioner's conduct resulted in an incomplete medical record, and could have caused harm to the patient from complications of untreated skin problems as well as increased risk of infection.

7. In response to the incident in Finding of Fact Number Six (6), Petitioner states the patient's injury was most likely a matter of the patient suffering a traumatic injury to his foot after the Petitioner's morning home health visit. Petitioner states that at his first home health visit with this patient, he noted a small amount of blood on the patient's bed sheets and a scratch on his foot about 0.25-0.5 cm. Petitioner states that he cleaned and applied a band aide to the scratch. Petitioner states that for the next two mornings, he continued to cover the scratch to protect it, but there were no other signs of infection or complications including a lack of redness, edema, pustulation, streaking, or swelling to the patient's foot.

8. Petitioner states that he observed the patient's foot every day during the morning visits. Petitioner states that on September 2, 2018, Petitioner had seen the Patient's foot and noted no indication of infection related to the patient's disease or stemming from the scratch.

9. The Executive Director considered evidence of Petitioner's past behavior in light of the factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for licensure.

10. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.

11. Petitioner has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

12. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. On or about September 27, 2018, Petitioner submitted the Petition requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.253, 301.257 and 301.258, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.2(b) and §213.30.

3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(D),(1)(M),(1)(P)&(2)(A) and 217.12(1)(A)&(1)(B).

4. Petitioner's history reflects conduct which may constitute grounds for discipline and denial of a license under Section 301.452(b)(10)&(13), Texas Occupations Code.

5. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.

6. The Board may license an individual upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, if the Board is satisfied that the individual is able to consistently conform his conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

7. 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.

<u>TERMS OF ORDER</u>

I. **SANCTION, ELIGIBILITY FOR LICENSURE AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED that PETITIONER SHALL receive the sanction of **WARNING WITH STIPULATIONS** and the PETITION is hereby **GRANTED**, and upon meeting the requirements for graduation of an appropriate program in nursing education and payment of any required fees, PETITIONER is **ELIGIBLE** to sit for the National Council Licensure Examination for Registered Nurses (NCLEX-RN® Examination).

A. PETITIONER SHALL NOT be eligible for temporary authorization to practice as a Graduate Vocational Nurse (GVN) and/or as a Graduate Nurse (GN), as applicable, in the State of Texas.

B. Upon payment of any required fees and upon attaining a passing grade on the applicable National Council Licensure Examination, PETITIONER shall be issued the applicable license(s) to practice nursing in the State of Texas.

C. Until successfully completed, any and all licenses issued to Petitioner shall be subject to the terms of this Order.

D. This Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

E. As a result of this Order, PETITIONER'S license will be designated "single state" and PETITIONER 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, PETITIONER 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 Eligibility Agreed Order.

III. KNOWLEDGE, SKILLS, TRAINING, ASSESSMENT AND RESEARCH (KSTAR) PROGRAM

IT IS AGREED and ORDERED that PETITIONER SHALL, **within one (1) year of the effective date of this Order**, successfully complete the Knowledge, Skills, Training, Assessment and Research (KSTAR) Program and PETITIONER SHALL:

A. **Within forty-five (45) days** following the effective date of this Order, apply to and enroll in the KSTAR Program, including payment of any fees and costs, unless otherwise agreed in writing;

B. Submit to an individualized assessment designed to evaluate PETITIONER'S nursing practice competency and to support a targeted remediation plan;

C. Follow all requirements within the remediation plan, if any;

D. Successfully complete a Board-approved course in Texas nursing jurisprudence and ethics as part of the KSTAR Program; and

E. Provide written documentation of successful completion of the KSTAR Program to the attention of Monitoring at the Board's office.

IV. FURTHER COMPETENCY ISSUES AND VIOLATIONS

IT IS FURTHER AGREED, SHOULD PETITIONER'S individualized KSTAR Program assessment identify further competency issues and violations of the Nursing Practice Act, including inability to practice nursing safely, further disciplinary action, up to and including revocation of PETITIONER'S license(s) to practice nursing in the State of Texas, may be taken based on such results in the assessments.

V. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from PETITIONER'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, PETITIONER may be eligible for nurse licensure compact privileges, if any.

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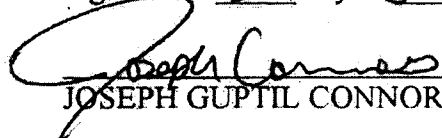
PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past conduct which could constitute grounds for licensure ineligibility, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my application/petition, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past conduct in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.27, 213.28, 213.29, and 213.30. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

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 REVOCATION of my license(s) and/or nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.
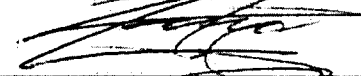
Signed this 26th day of Jan , 2021 .

JOSEPH GUPTIL CONNORS, Petitioner

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.

_____
Louis Leichter , Attorney for Petitioner

Signed this 26 day of January , 2021

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Eligibility Agreed Order that was signed on the 26<u>th</u> day of January, 20<u>21</u>, by JOSEPH GUPTIL CONNORS, Vocational Nurse License Number 153950 & PETITIONER for Eligibility for Licensure, and said Eligibility Agreed Order is final.

Effective this 23rd day of March, 2021.

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