BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED ORDER
JACQUELINE RAMIREZ,	§	FOR
Vocational Nurse License Number 343766	§	ELIGIBILITY &
& PETITIONER for Eligibility for Licensure	§	DISCIPLINE

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of Vocational Nurse License Number 343766 and the Application by Examination, which has been processed as a Petition for Declaratory Order, hereinafter referred to as the Petition, pursuant to 22 TEX. ADMIN. CODE §217.2(b) and §213.30, and supporting documents filed by JACQUELINE RAMIREZ, 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) 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 February 3, 2021.

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 Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).

2. Petitioner waived notice and hearing, and agreed to the entry of this Agreed Order.

3. On or about August 27, 2020, Petitioner submitted the Petition requesting a determination of eligibility for licensure.

4. Petitioner received a Certificate in Vocational Nursing from Amarillo College, Amarillo, Texas, on May 11, 2018. Petitioner was licensed to practice vocational nursing in the State of Texas on June 21, 2018.

5. Petitioner is currently enrolled in a Baccalaureate Degree in Nursing program at West Texas A&M University, Canyon, Texas, with an anticipated graduation date of May 8, 2021.

6. Petitioner's nursing employment history includes:

8/2018 – Present	Licensed Vocational Nurse	Heritage Convalescent Center Amarillo, Texas

7. At the time of the incident, Petitioner was employed as a Licensed Vocational Nurse with Heritage Convalescent Center, Amarillo, Texas, and had been in that position for two (2) years.

8. On or about August 25, 2020 through October 25, 2020, while completing clinical hours at BSA Hospital, Amarillo, Texas, for her Bachelor of Science in Nursing degree at West Texas A&M University, Canyon, Texas, Petitioner falsified her clinical log records in that she documented dates and times she was not in attendance. Petitioner's conduct deceived her nursing program, future employers and the public by misrepresenting her practical nursing experience.

9. On or about October 23, 2020 through October 25, 2020, while completing clinical hours at BSA Hospital, Amarillo, Texas, for her Bachelor of Science in Nursing degree at West Texas A&M University, Canyon, Texas, Petitioner forged the signatures of her preceptors on her clinical log records. Petitioner's conduct was deceptive and created inaccurate clinical log records.

10. In response to Findings of Fact Numbers Eight (8) and Nine (9), Petitioner admits to falsely documenting hours and forging preceptor signatures. Petitioner states she was sick with her first pregnancy and was scared the program would think she could not handle a career in nursing. Petitioner further states that when a family member contracted COVID-19, she had to quarantine and was worried she would not finish her required 270 clinical hours.

11. 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.

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

13. 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.

14. 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 August 27, 2020, 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 §217.12 (6)(A)&(6)(H).

4. Petitioner's history reflects conduct which may constitute grounds for discipline and denial of a license under Section 301.452(b)(10), 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 her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

7. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

8. 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, ELIGIBILITY FOR LICENSURE AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that PETITIONER SHALL receive the sanction of **WARNING WITH STIPULATIONS AND FINE** 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 Practical Nurses (NCLEX-PN® Examination) and/or the National Council Licensure Examination for Registered Nurses (NCLEX-RN® Examination), as applicable.

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 using a Texas compact license.

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 Agreed Order.

III.   REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, PETITIONER SHALL successfully complete the following remedial education course(s) <u>within one (1) year of the effective date of this Order, unless otherwise specifically indicated</u>:

A.   <u>A Board-approved course in Texas nursing jurisprudence and ethics</u> 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.   <u>The course "Sharpening Critical Thinking Skills,"</u> 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), PETITIONER 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. PETITIONER SHALL first obtain Board approval of any course prior to enrollment if the course is <u>not</u> 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.   MONETARY FINE

PETITIONER SHALL <u>pay a monetary fine in the amount of two hundred fifty dollars ($250.00) within forty-five (45) days of the effective date of this Order.</u> Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

V.   EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, PETITIONER must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as a nurse have elapsed. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

A. **Notifying Present and Future Employers:** PETITIONER SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, PETITIONER SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.

B. **Notification of Employment Forms:** PETITIONER SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. PETITIONER SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.

C. **Indirect Supervision:** PETITIONER SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, **who is on the premises.** The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years of experience in the same or similar practice setting to which the PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

D. **Nursing Performance Evaluations:** PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the individual who supervises the PETITIONER and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

VI. 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) 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, 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 representation by counsel, notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.
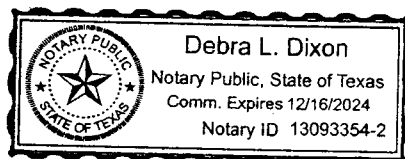
Signed this 30th day of March, 20 21.

_____
JACQUELINE RAMIREZ, PETITIONER

Sworn to and subscribed before me this 30th day of March, 20 21.

SEAL

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Notary Public in and for the State of Texas

Debra L. Dixon
Notary Public, State of Texas
Comm. Expires 12/16/2024
Notary ID 13093354-2

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 30th day of March, 2021, by JACQUELINE RAMIREZ, Vocational Nurse License Number 343766 & PETITIONER for Eligibility for Licensure, and said Agreed Order is final.

Effective this 11th day of May, 2021.

Katherine A. Thomas

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