



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
Registered Nurse License Number 814871	§	
issued to FAITH REBEKKAH GAUTHIER	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of FAITH REBEKKAH GAUTHIER, Registered Nurse License Number 814871, 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)(8), 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 April 22, 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 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 inactive status.
4. Respondent received an Associate Degree in Nursing from Tarrant County Junior College, Fort Worth, Texas, on December 16, 2011. Respondent was licensed to practice professional nursing in the State of Texas on February 16, 2012.
5. Respondent's nursing employment history is unknown.
6. On or about September 16, 2020, Respondent's Nebraska Registered Nurse license was Censured through an Order of Agreed Settlement issued by the State of Nebraska Department of Health and Human Services, Lincoln, Nebraska. A copy of the State of

Nebraska's Department of Health and Human Services' Order of Agreed Settlement, effective September 16, 2020, is attached and incorporated, by reference, as part of this Order.

#### 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 cause pursuant to Section 301.452(b)(8), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 814871, heretofore issued to FAITH REBEKKAH GAUTHIER.
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](http://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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CONTINUED ON NEXT PAGE.

**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.

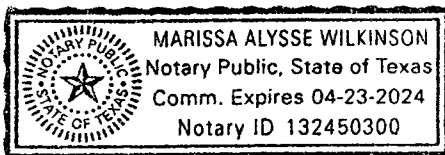
Signed this 19 day of May, 2021.

Faith Rebekkah Gauthier  
FAITH REBEKKAH GAUTHIER, RESPONDENT

Sworn to and subscribed before me this 19 day of May, 2021.

SEAL

M. W.



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 19th day of May, 2021, by FAITH REBEKKAH GAUTHIER, Registered Nurse License Number 814871, and said Agreed Order is final.

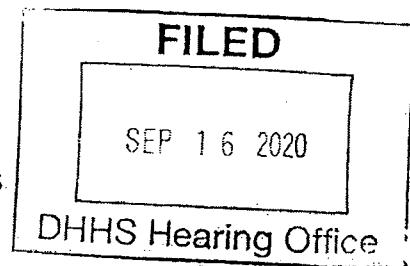
Effective this 25th day of May, 2021.

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

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

STATE OF NEBRASKA  
DEPARTMENT OF HEALTH AND HUMAN SERVICES



STATE OF NEBRASKA ex rel. DOUGLAS )  
J. PETERSON, Attorney General, )  
Plaintiff, )  
vs. )  
GAUTHIER, FAITH, )  
Defendant. )

200926 RN

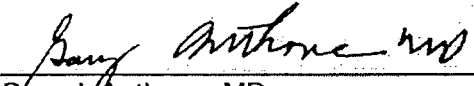
ORDER ON  
AGREED SETTLEMENT

A proposed Agreed Settlement was filed with the Department on August 27, 2020.

ORDER

1. The Agreed Settlement is adopted, attached hereto and incorporated by reference.
2. The facts as set out in the Petition are taken as true and adopted herein.
3. The parties shall comply with all of the terms of the Agreed Settlement.

Date: 9-16-20

  
Gary J. Anthonie, MD  
Chief Medical Officer  
Director, Division of Public Health  
Department of Health and Human Services

Civil penalty, if imposed, should be mailed to: DHHS, Division of Public Health, Licensure Unit, ATTN: Diane Pearson, P.O. Box 94986, Lincoln, NE 68509.

CERTIFICATE OF SERVICE

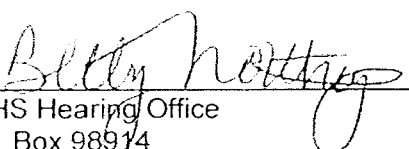
The undersigned certifies that a copy of the foregoing was sent on the date below by certified United States Mail, postage prepaid, return receipt requested, and/or electronically to the following:

ANDREW STROTMAN  
ATTORNEY AT LAW  
6940 O ST STE 400  
LINCOLN NE 68510

NATALEE HART  
ASSISTANT ATTORNEY GENERAL  
AGO.HEALTH@NEBRASKA.GOV

Date: 9-16-2020

7019 2970 0001 3496 4736

  
DHHS Hearing Office  
P.O. Box 98914  
Lincoln, NE 68509-8914  
P. (402) 471-7237 F. (402) 742-2376  
dhhs.hearingoffice@nebraska.gov





5. The Defendant acknowledges that she also holds an expired license to practice as a registered nurse in Texas.

6. The Defendant acknowledges that she has read the Petition filed by the Attorney General's Office and neither admits nor denies the allegations contained in the Petition.

7. The Plaintiff and the Defendant consent to the entry of a final disciplinary order by the Chief Medical Officer which finds the allegations of the Petition are true, and censures the Defendant's nursing license.

8. The Plaintiff and the Defendant further consent to the Chief Medical Officer ordering that the Defendant complete a Board of Nursing approved patient privacy course within sixty (60) days from the date the Chief Medical Officer signs the Order on Agreed Settlement. In the event the Defendant fails to complete the course by the stated deadline, the Chief Medical Officer may summarily suspend the Defendant's nursing license, which suspension shall remain in effect until proof of course completion is provided to the Department as directed.

9. The Attorney General's Office has given notice of this Agreed Settlement to the Board of Nursing and has received their input in accordance with Neb. Rev. Stat. § 38-190 (Reissue 2016).

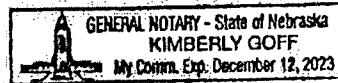
10. If this Agreed Settlement is not approved by the Chief Medical Officer, this Agreed Settlement shall become null and void and will not be admissible for any purpose at any hearing that may be held on this matter.

AGREED TO:

BY: Faith Gauthier R.N.  
Faith Gauthier, R.N.,  
Defendant

State of Nebraska )  
County of Lincoln ) ss.

This Agreed Settlement is acknowledged before me by Faith Gauthier, R.N., on  
this 27th day of August, 2020.



Kimberly Goff  
Notary Public  
My Commission Expires:  
December 12, 2023

STATE OF NEBRASKA, ex rel. DOUGLAS J.  
PETERSON, Attorney General,  
Plaintiff,

BY: DOUGLAS J. PETERSON, #18146  
Attorney General

BY: Natalee J. Hart  
Natalee J. Hart, #22716  
Assistant Attorney General  
2115 State Capitol  
Lincoln, NE 68509  
(402) 471-3824

Attorneys for the Plaintiff

**FILED**

SEP 11 2020

DHHS Hearing Office

**STATE OF NEBRASKA  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH**

**STATE OF NEBRASKA ex rel. DOUGLAS )  
J. PETERSON, Attorney General, )**

**Plaintiff, )**

**v. )**

**FAITH GAUTHIER, R.N., )**

**Defendant. )**

**PETITION FOR  
DISCIPLINARY ACTION**

The Plaintiff alleges as follows:

1. Jurisdiction is based on Neb. Rev. Stat. §§ 38-176 and 38-186 (Reissue 2016, Cum. Supp. 2018).

2. At all times relevant herein, the Defendant, Faith Gauthier, R.N., has been the holder of registered nursing license (#81735) issued by the Nebraska Department of Health and Human Services Division of Public Health ("Department").

3. The Department is the agency in the State of Nebraska authorized to enforce the provisions of the Uniform Credentialing Act regulating the practice of nursing.

4. The Nurse Licensure Compact authorizes the Department to discipline the multistate nurse licensure privilege of the Defendant to practice in the State of Nebraska in accordance with Neb. Rev. Stat. § 38-196 (Reissue 2016).

5. The Nebraska Board of Nursing considered the investigation of this matter and made a disciplinary recommendation to the Attorney General, which recommendation has been considered. Such matters are privileged pursuant to Neb. Rev. Stat. §§ 38-1,105 and 38-1,106 (Reissue 2016).

6. On or about February 7, 2019, Defendant testified before the Judiciary Committee of the Nebraska Legislature as to 2019 Neb. Laws LB 197.

7. The Defendant identified herself as a registered nurse and provided the following testimony before the Judiciary Committee:

- a. she had cared for many patients from the LGBT community;
- b. one patient she cared for had lost his father and brother to AIDS and his mother had died of cancer;
- c. the patient was 19 years old;
- d. the patient was HIV positive and in the hospital for surgery;
- e. the patient had developed venereal warts on his anus which prevented him from having bowel movements;
- f. the patient's rectum had been perforated and he had an opening allowing feces out of his intestinal track;
- g. the patient had had several prior surgeries;
- h. the patient was in "agony" despite pain medication and could not sit or lie down;
- i. walking was difficult for the patient; and
- j. the patient was depressed and anxious.

8. Defendant's testimony did not identify the patient by name.

9. In an interview with the Department Investigator on January 3, 2020, the Defendant admitted that this was a real patient she had cared for.

10. Neb. Rev. Stat. § 38-178(24) (Supp. 2019) provides that a professional license may be disciplined for unprofessional conduct as defined in section 38-179.

11. Neb. Rev. Stat. § 38-179 (Reissue 2016) defines unprofessional conduct as "...any departure from or failure to conform to the standards of acceptable and prevailing practice of a profession or the ethics of the profession, regardless of whether a person, consumer, or entity is injured, or conduct that is likely to deceive or defraud the public or is detrimental to the public interest, include, but not limited to:...(15) such other acts as may be defined in rules and regulations."

12. Title 172 NAC 101-007.03 of the Regulations Governing the Practice of Nursing defines unprofessional conduct as:

(4) Failure to safeguard the patient's dignity or right to privacy.

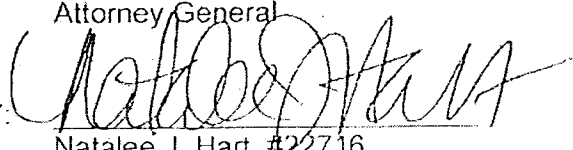
13. The Defendant's conduct set forth above in paragraph 7 constitutes unprofessional conduct and is grounds for discipline.

#### **PRAYER FOR RELIEF**

WHEREFORE, the Plaintiff prays that the Chief Medical Officer set this matter for hearing, order appropriate disciplinary action pursuant to Neb. Rev. Stat. § 38-196 (Reissue 2016) and tax the costs of this action to the Defendant.

STATE OF NEBRASKA, ex rel. DOUGLAS J.  
PETERSON, Attorney General,  
Plaintiff,

BY: DOUGLAS J. PETERSON, #18146  
Attorney General

BY:   
Natalee J. Hart, #22716  
Assistant Attorney General  
2115 State Capitol  
Lincoln, NE 68509  
(402) 471-3824

Attorneys for the Plaintiff.