

## BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED ORDER
Registered Nurse License Number 654492	§	
issued to AMERICA TAFOLLA	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of AMERICA TAFOLLA, Registered Nurse License Number 654492, 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 March 11, 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 current status.
4. Respondent received an Associate Degree in Nursing from Texas Southmost College, Brownsville, Texas, Texas, on May 1, 1998. Respondent was licensed to practice professional nursing in the State of Texas on August 3, 1998.
5. Respondent's nursing employment history includes:

08/1998 – 03/2006

RN

Knapp Medical Center  
Weslaco, Texas

Respondent's nursing employment history continued:

04/2006 – 01/2009	Field RN/Case Manager	PACE Healthcare Weslaco, Texas
02/2009 – 07/2020	Charge RN	Knapp Medical Center Weslaco, Texas
10/2018 – Present	RN	Rio Grande Regional Hospital McAllen, Texas

6. At the time of the incident, Respondent was employed as a Registered Nurse with Knapp Medical Center, Weslaco, Texas, and had been in that position for eleven (11) years and five (5) months.
7. On or about July 17, 2020, while employed as a Registered Nurse (RN) with Knapp Medical Center, Weslaco, Texas, and while off-duty and not scheduled to work, Respondent misappropriated a COVID-19 test and PPE from the facility by asking the unit secretary to bring the items downstairs where Respondent was waiting outside the hospital. After taking the test home and swabbing her father, Respondent brought the specimen back to the hospital and asked an RN co-worker to enter an order to process the specimen under Patient Number 105843147. Respondent's conduct was likely to defraud the facility and patient of the cost of the testing and supplies.
8. In response to Finding of Fact Number Seven (7), Respondent states she received word from her sister that her father was experiencing physical strain. Respondent states she rushed to her father's home, where she and her sister suspected he was suffering from Covid-19. Respondent states her father had been tested for Covid-19 on July 13th; however, due to bottlenecks in the testing-and-reporting system, the family had yet to receive results. Respondent states she contacted a physician at Knapp Medical Center and the physician suggested Respondent run the test under one of his patients. Respondent admits she obtained the Covid-19 test to administer to her father, and then asked an RN co-worker to then process the test under Patient Number 105843147. Respondent states she apologized to the hospital and offered to compensate the hospital for any expenses relative to the administration of the test.

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) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(6)(G).
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 654492, heretofore issued to AMERICA TAFOLLA.
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 WITH FINE** 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. MONETARY FINE**

RESPONDENT SHALL 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.

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.

**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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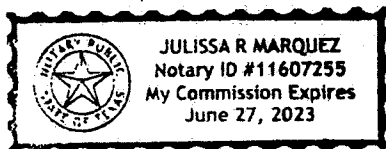
**RESPONDENT'S CERTIFICATION**

I understand that I have the right to legal counsel prior to signing this Order. I 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 13<sup>th</sup> day of May, 2021.  
America Tafolla  
AMERICA TAFOLLA, RESPONDENT

Sworn to and subscribed before me this 13<sup>th</sup> day of May, 2021.

SEAL



Julissa R Marquez  
Notary Public in and for the State of TEXAS

Approved as to form and substance.

Jay Pena

ID: J1W81G2P0NHK40V12XW4A  
Jay Pena, Attorney for Respondent

Signed this <sup>5/17/2021</sup> day of \_\_\_\_\_, 20\_\_\_\_.

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 13th day of May, 2021, by AMERICA TAFOLLA, Registered Nurse License Number 654492, and said Agreed Order is final.

Effective this 25th day of May, 2021.

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

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