BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of	§	AGREED ORDER
Vocational Nurse License Number 333994	§	
issued to JONATHAN DAVID HARDMAN	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered

the matter of JONATHAN DAVID HARDMAN, Vocational Nurse License Number 333994,

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 February 4, 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 vocational nurse in the State of Texas is in current status.

4. Respondent received a Certificate in Vocational Nursing from Vernon College at Wichita Falls, Wichita Falls, Texas, on August 1, 2016. Respondent was licensed to practice vocational nursing in the State of Texas on September 22, 2016.

5. Respondent's nursing employment history includes:

   9/2016 – ?/????   Unknown   Unknown

Respondent's nursing employment history continued:

10/2017 – 2/2017	LVN	Texoma Christian Care Center Wichita Falls, Texas
3/2017 – 8/2017	LVN	Correctional Clinical Staff at Natcore HealthCare Canon City, Colorado
8/2017 – 4/2018	LVN	Colorado Mental Health Institute at Pueblo Pueblo, Colorado
5/2018 – ?/????	Unknown	Unknown
6/2018 – 8/2020	LVN	Red River Hospital Wichita Falls, Texas
9/2020 – 10/2020	Unknown	Unknown
11/2020 – Present	LVN	Avosys Technologies, Inc. San Antonio, Texas

6. At the time of the incident, Respondent was employed as a Licensed Vocational Nurse with Red River Hospital, Wichita Falls, Texas, and had been in that position for two (2) years and two (2) months.

7. On or about August 19, 2020, while employed as a Licensed Vocational Nurse with Red River Hospital, Wichita Falls, Texas, Patient Number 0257867 attacked Respondent and Respondent responded by wrapping the patient's arm around the patient's neck and then pulled on the patient's arm. Furthermore, Respondent placed his forearm against the patient's neck and then pressed the patient's head against the floor. Respondent's conduct was likely to cause emotional, physical, and/or psychological harm to the patient and could have interfered or disrupted this patient's treatment.

8. In response to Finding of Fact Number Seven (7), Respondent states the patient had been verbally inappropriate to staff and began hitting the wall and door in his bathroom. Respondent relates he attempted to soothe the patient with calming words/gestures and then the patient attempted to strike him twice. Respondent explains that during the patient's second attempt to strike him, he assisted the patient to the floor using open grips. Once on the floor, Respondent states he attempted to soothe the patient again, but the patient spit in Respondent's face and attempted to bite and scratch him. Respondent states he used "…the least restrictive means of containing his flurry of blows and tried to simply secure his arms in place to the floor with the same open grip." Respondent relates several

minutes passed and he began to pant and became fatigued. Respondent states the patient complained of pain, so Respondent adjusted his grip and then the patient began banging his head on the floor. Respondent explains he then moved his other arm, to the side of the patient's face, and secured the patient's face to the floor in order to stop any trauma. Respondent relates it was around that time when staff arrived and started talking over themselves while the patient was yelling.

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)(C)&(6)(F).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 333994, heretofore issued to JONATHAN DAVID HARDMAN.

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 **REPRIMAND WITH STIPULATIONS** 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.*

V.   **EMPLOYMENT REQUIREMENTS**

In order to complete the terms of this Order, RESPONDENT 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:** RESPONDENT 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, RESPONDENT 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:** RESPONDENT 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.

RESPONDENT 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:** *With the exception of RESPONDENT'S current position as a Licensed Vocational Nurse with Sheppard Air Force Base, Wichita Falls, Texas where RESPONDENT may be supervised by Dr. Roland Ramos, Chief of Medical Staff,* RESPONDENT SHALL be supervised in all other nursing positions by a Licensed Vocational Nurse or a Registered Nurse and all supervising individuals shall be on the premises. Further, should **RESPONDENT'S current position as a Licensed Vocational Nurse with Sheppard Air Force Base, Wichita Falls, Texas, cease or change,** RESPONDENT 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 RESPONDENT, 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 RESPONDENT is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

E. **Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the RESPONDENT by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the individual who supervises the RESPONDENT 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. SUBSEQUENT CRIMINAL PROCEEDINGS

IT IS FURTHER AGREED, should the RESPONDENT'S conduct, as outlined in the findings of fact of this Agreed Order, result in subsequent judicial action, including a deferred disposition, RESPONDENT may be subject to further disciplinary action, up to, and including, revocation of RESPONDENT'S license(s) to practice nursing in the State of Texas.

VII.   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 is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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.
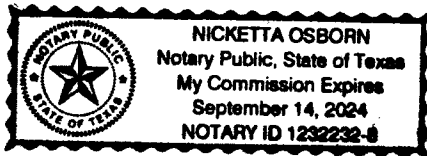
Signed this __12__ day of __May__, 20 __21__.

_____
JONATHAN DAVID HARDMAN, RESPONDENT

Sworn to and subscribed before me this __12th__ day of __May__, 20 __21__.

SEAL   _____

Notary Public in and for the State of __Texas__

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 12th day of May, 2021, by JONATHAN DAVID HARDMAN, Vocational Nurse License Number 333994, and said Agreed Order is final.

Effective this 8th day of June, 2021.

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