BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 955030	§	
issued to TRACEY JO ROSE	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of TRACEY JO ROSE, Registered Nurse License Number 955030, 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)(1)&(10), 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 November 9, 2020.

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 delinquent status.

4. Respondent received an Associate Degree in Nursing from Central Ohio Tech College, Newark, Ohio, on March 1, 2008. Respondent was licensed to practice professional nursing in the State of Texas on October 10, 2018.

5. Respondent's nursing employment history is unknown.

6. On or about October 5, 2018, Respondent was issued an Eligibility Agreed Order through an Order of the Board. A copy of the October 5, 2018, Order is attached and incorporated herein by reference as part of this Agreed Order.

C10i

7. On or about October 11, 2019, Respondent failed to comply with the Order of Conditional Eligibility issued to Respondent on October 5, 2018, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to comply with Section III, "REMEDIAL EDUCATION COURSE(S)," Part A, of the Agreed Order which states, in pertinent part:

"... PETITIONER SHALL successfully complete ... within one (1) year of effective date of this order ... A Board-approved course in Texas jurisprudence and ethics ..."

8. On or about October 11, 2019, Respondent failed to comply with the Order of Conditional Eligibility issued to Respondent on October 5, 2018, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to comply with Section III, "REMEDIAL EDUCATION COURSE(S)," Part B, of the Agreed Order which states, in pertinent part:

"... PETITIONER SHALL successfully complete ... within one (1) year of effective date of this order ... the course 'Sharpening Critical Thinking Skills,' ..."

9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states when she originally applied, she had intention to work as a travel RN in Texas, but never pursued it due to change of life events. She no longer plans to travel as an RN and that is why she has not completed the requirements for licensing in Texas.

10. Formal Charges were filed on September 18, 2020.

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 §217.12(11)(B).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 955030, heretofore issued to TRACEY JO ROSE.

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 **WARNING WITH STIPULATIONS** and RESPONDENT'S license(s) shall be placed in **INACTIVE** status.

Should RESPONDENT decide in the future to reactivate his/her license(s) to practice nursing in the State of Texas, RESPONDENT SHALL be required to petition the Board for reactivation of the license and satisfy all then existing requirements for reactivation. Further, RESPONDENT'S reactivated license(s) SHALL BE subject to, at a minimum, the remedial education courses, work restrictions, supervised practice, and employer reporting which would have been requirements of this Order had RESPONDENT not chosen to inactivate his/her nursing license(s).

Until such time that RESPONDENT'S license(s) to practice nursing in the State of Texas is/are reactivated, RESPONDENT SHALL NOT use a Privilege to Practice Nursing in the State of Texas from any Nurse License Compact member state.

II. **SUPERSEDING ORDER**

IT IS FURTHER AGREED and ORDERED that the sanction and conditions of this Agreed Order SHALL supersede all previous stipulations required by any Order entered by the Texas Board of Nursing.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

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. I further understand that, should I decide in the future to reactivate my license(s), I will be required to satisfy, at a minimum, the additional requirements that would have been part of this Order had the license(s) not been placed in inactive status, as stated herein, as well as all then existing requirements for reactivation.

Signed this _3_ day of _May_, 20_21_.

_____
TRACEY JO ROSE, RESPONDENT

Sworn to and subscribed before me this _____ day of _____, 20____.

SEAL

_____
Notary Public in and for the State of_____

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 3rd day of May, 2021, by TRACEY JO ROSE, Registered Nurse License Number 955030, 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

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of	§	AGREED
TRACEY JO ROSE,	§	
a/k/a TRACEY JO BIBLE,	§	
PETITIONER for Eligibility for Licensure	§	ELIGIBILITY ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, considered the Endorsement Application, which has been processed as a Petition for Declaratory Order, hereinafter referred to as the Petition, pursuant to 22 TEX. ADMIN. CODE §217.5(f) and §213.30, and supporting documents filed by TRACEY JO ROSE, a/k/a TRACEY JO BIBLE, hereinafter referred to as PETITIONER, requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(f) and §213.30, 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 ineligible for licensure pursuant to Sections 301.452(b)(3) and 301.453, Texas Occupations Code.

PETITIONER waived notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on July 19, 2018.

FINDINGS OF FACT

1. On or about January 19, 2018, Petitioner submitted the Petition requesting a determination of eligibility for licensure.

2. Petitioner received an Associate Degree in Nursing from Central Ohio Technical College, Newark, Ohio, on March 1, 2008.

3. Petitioner completed the Petition and answered "Yes" to the question which reads as follows: *"For any criminal offense, including those pending appeal, have you:*

        A.   been convicted of a misdemeanor?

        B.   been convicted of a felony?

        C.   pled nolo contendere, no contest, or guilty?

        D.   received deferred adjudication?

        E.   been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?

        F.   been sentenced to serve jail or prison time? court-ordered confinement?

        G.   been granted pre-trial diversion?

        H.   been arrested or have any pending criminal charges?

        I.   been <u>cited</u> or charged with any violation of the law?

        J.   been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?

        (You may only exclude Class C misdemeanor traffic violations.)"

4. Petitioner disclosed the following criminal history, to wit:

    On or about January 27, 1993, Petitioner entered a plea of Guilty and was convicted of Count 1 FORGERY, a Class 4 felony offense committed on February 26, 1991, through March 12, 1991, in the Superior Court, Pima County, Arizona, under Cause No. CR-34890. As a result of the conviction, Petitioner was placed on probation for a period of three (3) years, and ordered to pay restitution in the amount of one thousand five-hundred twenty-five dollars ($1,525.00).

    On or about September 1, 1993, Petitioner's probation granted under Cause No. CR-34890 was revoked and Petitioner was sentenced to confinement in the Arizona State Department of Corrections for a period of two (2) years with twenty-two (22) days credit given for time already served. In 1994, Petitioner was discharged from probation. On or about February 19, 2008, the judgment of guilt was set aside.

5. In response to Finding of Fact Number Four (4), Petitioner states that she was charged by the State of Arizona, which occurred in 1991.

6. There is no evidence of any subsequent criminal conduct.

7. Petitioner has sworn that, with the exception of matters disclosed in connection with the Petition, her past behavior conforms to the Board's professional character requirements at 22 TEX. ADMIN. CODE §213.27.

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

9. The Executive Director considered evidence of Petitioner's past criminal conduct in light of the considerations and criteria provided in 22 TEX. ADMIN. CODE §§213.28 & 213.33, and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.

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. The Board has jurisdiction over this matter pursuant to Sections 301.452 and 301.453, Texas Occupations Code.

2. On or about January 19, 2018, Petitioner submitted the Petition requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(f) and §213.30.

3. Petitioner's history reflects conduct which may constitute grounds for denial of a license under Section 301.452(b)(3), Texas Occupations Code.

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

5. The Board may license an individual who has been previously convicted, adjudged guilty by a court, pled guilty or pled nolo contendere to any crime whether or not a sentence was imposed upon consideration of the factors set out in 22 TEX. ADMIN. CODE §213.28 and evaluating the direct relationship to nursing according to 22 TEX. ADMIN. CODE §213.28 and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.

6. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, 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).

TERMS OF ORDER

I.   **ELIGIBILITY FOR LICENSURE**

IT IS THEREFORE AGREED and ORDERED that the application of PETITIONER is hereby **GRANTED**, and upon payment of any required fees and meeting all other applicable requirements, PETITIONER SHALL be issued the applicable license to practice nursing in the State of Texas in accordance with the terms of this Order.

II.   **COMPLIANCE WITH LAW AND APPLICABILITY**

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 Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Order.

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

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

     C.   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.

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) **within one (1) year of licensure, 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 courses 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), 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 <u>www.bon.texas.gov/compliance</u>.*

IV. **RESTORATION OF UNENCUMBERED LICENSE(S)**

Upon full compliance with the terms of this 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.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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 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 __22__ day of __September 2018__

_____
TRACEY JO ROSE, a/k/a TRACEY JO BIBLE, PETITIONER

Sworn to and subscribed before me this __22__ day of __September 2018__,
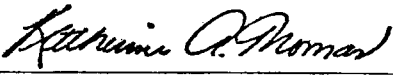
SEAL
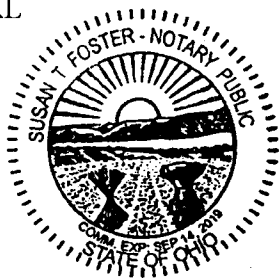
_____
Notary Public in and for the State of __OHIO__

WHEREFORE PREMISES CONSIDERED, the Executive Director, on behalf of the

Texas Board of Nursing, does hereby accept and enter the Agreed Eligibility Order that was signed

on the __22nd____ day of __September___, 20_18___, by TRACEY JO ROSE, a/k/a TRACEY JO

BIBLE, PETITIONER for Eligibility for Licensure, and said Order is final.

Effective this __5th____ day of __October__, 20_18___.

Katherine A. Thomas

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