



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
Vocational Nurse License Number 147763 §
issued to LYNNE MARIE PEREZ §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LYNNE MARIE PEREZ, Vocational Nurse License Number 147763, 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)(effective through August 31, 2021) 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 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 Del Mar College, Corpus Christi, Texas, on December 17, 1993. Respondent was licensed to practice vocational nursing in the State of Texas on August 2, 1994.
5. Respondent's complete nursing employment history is unknown.

6. On or about October 6, 2017, while employed as a Licensed Vocational Nurse with at Audie L. Murphy Memorial Veterans Hospital, San Antonio, Texas, Respondent failed to review the prior shift's documentation, resulting in the Respondent incorrectly administering Tylenol to the veteran in excess of 3,000 mg in a twenty-four-hour period, as ordered for the veteran. Respondent's conduct could have injured the patient from adverse effects due to possible over dosage of medication.
7. On or about September 6, 2018, while employed as a Licensed Vocational Nurse with Audie L. Murphy Veterans Hospital, San Antonio, Texas, Respondent scanned medications at 0656 and 0659 and documented the medications as administered; however, Respondent reported to the oncoming nurse that the medications were pulled from the Omnicell and left in the medication in the locked medication cart because the veteran was unavailable. The oncoming nurse later administered the medications to the veteran. Respondent's conduct could have resulted in an inaccurate medical record and could have injured the patient in that subsequent care givers would not have reliable information on which to base their care decisions.
8. On or about September 12, 2018, through September 20, 2018, while employed as a Licensed Vocational Nurse with Audie L. Murphy Memorial Veterans Hospital, San Antonio, Texas, Respondent inaccurately documented in the LVN shift report form that a veteran had not come out to the nurse's station for morning medications and vitals. The Respondent had previously scanned and documented that she had administered the morning medications. Additionally, Respondent inaccurately documented that a veteran came out to nurse station for morning medications, veteran was afebrile, vital signs stable, veteran returned to room. Respondent then incorrectly documented on the LVN shift report to the oncoming nurse that the patient that the patient had not come out for morning medications and vitals. The medications were scanned as administered from 0716 to 0717. Respondent's conduct resulted in an inaccurate LVN shift report and could have injured the patient in that subsequent care givers would not have reliable information on which to base their care decisions.
9. Formal Charges were filed on April 19, 2021.
10. In response to Finding of Fact number six (6), Respondent states she was told in report that the patient had received only two doses of Tylenol and according to the Unit Manager whether the total amount of Tylenol was exceeded depended on when the 24 hour time frame began and ended and he was unsure as to when that was supposed to be according to policy. In addition, the manager told her she was very close to the end of the time frame and if she had waited a few minutes she would not be within the 24 hour limit and there would be no problem. In response to Findings of Fact number seven (7), Respondent states when she went to the patient's room with the day shift nurse to administer the patient's medications he was in the shower so she informed her assistant nurse manager. The assistant nurse manager told Respondent and the day shift nurse not to waste the medications but to put them in the medication drawer and to administer them when the patient was out of the shower. Respondent and day shift nurse followed these instructions. Respondent admits she should have followed her initial instincts and wasted the

medications instead of following the assistant nurse manager's order. In response to Findings of Fact number eight (8), Respondent points out she failed to correct the shift report but the information was correctly entered in BCMA.

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),(1)(C),(1)(D),(1)(M)&(2)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13)(effective through August 31, 2021) Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 147763, heretofore issued to LYNNE MARIE PEREZ.
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** 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. Until successfully completed, RESPONDENT may not practice nursing in the State of Texas except in accordance with the terms of this Order.

- D. 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. **A Board-approved course in nursing documentation** that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. Home study courses and video programs will not be approved.
- C. **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. **Incident Reporting:** RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.
- D. **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. 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 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 4 day of NOV, 2021

Lynne Marie Perez
LYNNE MARIE PEREZ, RESPONDENT

Subscribed before me this _____ day of _____, 20____.

Notary Public in and for the State of _____

Approved as to form and substance.

Taralynn R. Mackay
Taralynn Mackay, Attorney for Respondent

Signed this 5 day of November, 2021.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 4th day of November, 2021, by LYNNE MARIE PEREZ, Vocational Nurse License Number 147763, and said Agreed Order is final.

Effective this 14th day of December, 2021.



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