

**In the Matter of  
Permanent Registered Nurse  
License Number 651628  
Issued to ERIN HAYS,  
Respondent**

**§ BEFORE THE TEXAS  
§ BOARD OF NURSING  
§ ELIGIBILITY AND  
§ DISCIPLINARY COMMITTEE**

**ORDER OF THE BOARD**

TO: Erin Hays  
222 S Church St  
Palestine, TX 75801

During open meeting held in Austin, Texas, on May 10, 2022, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by

reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN. CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 651628, previously issued to ERIN HAYS to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 10<sup>th</sup> day of May, 2022

TEXAS BOARD OF NURSING

BY: 

KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charges filed March 7, 2022

d17r(2022.04.05)

CERTIFICATE OF SERVICE

I hereby certify that on the 12<sup>th</sup> day of May, 2022, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested,  
Copy Via USPS First Class Mail

Erin Hays  
222 S Church St  
Palestine, TX 75801

Erin Hays  
8759 U.S. 84  
Palestine, Texas 75801

BY: \_\_\_\_\_



KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

**In the Matter of  
Permanent Registered Nurse  
License Number 651628  
Issued to ERIN HAYS,  
Respondent**

§ **BEFORE THE TEXAS**  
§  
§  
§ **BOARD OF NURSING**  
§

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ERIN HAYS, is a Registered Nurse holding license number 651628, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record, and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

#### **CHARGE I.**

On or about July 2, 2020, July 6, 2020 and July 14, 2020, while employed as a Registered Nurse with At Home Healthcare, Tyler, Texas, and while assigned to provide nursing care to Patient CB, Respondent falsified the start times on her nursing visit notes. Additionally, Respondent completed and submitted fraudulent time sheets for hours she did not work. Respondent's conduct was deceptive, created an inaccurate medical record, and was likely to defraud the facility of monies paid to Respondent for hours not actually worked.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13)(effective through 8/31/21), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11 (1)(A),(1)(B)&(1)(D), and 22 TEX. ADMIN. CODE §217.12 (1)(A),(1)(B),(1)(C),(4), (6)(A)&(6)(H).

#### **CHARGE II.**

On or about July 14, 2020 through July 15, 2020, while employed as a Registered Nurse with At Home Healthcare, Tyler, Texas, and while assigned to provide nursing care to Patient CB, Respondent lacked fitness to practice in that she was sleeping while on duty. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10),(12)&(13)(effective through 8/31/21), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11 (1)(A),(1)(B)&(1)(T), and 22 TEX. ADMIN. CODE §217.12 (1)(A),(1)(B),(1)(E),(4)&(5).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license(s) and/or privilege(s) to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33.

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

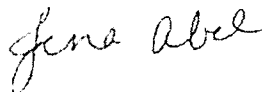
NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on adopted policies related to Behavior Involving Lying and Falsification, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order(s) of the Board dated February 12, 2013.

Filed this 7<sup>th</sup> day of March, 2022.

TEXAS BOARD OF NURSING



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James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Jena Abel, Deputy General Counsel  
Board Certified - Administrative Law  
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333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-8657  
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Attachment(s): Order(s) of the Board dated February 12, 2013.

D(2022.02.23)



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

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In the Matter of	§	AGREED
Registered Nurse License Number 651628	§	
issued to ERIN HAYS	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of ERIN HAYS, Registered Nurse License Number 651628, 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) and 301.453, Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on December 12, 2012, subject to ratification by the Board.

## 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a an Associate Degree in Nursing from Trinity Valley Community College, Kaufman, Texas, on May 1, 1998. Respondent was licensed to practice professional nursing in the State of Texas on June 23, 1998.
5. Respondent's nursing employment history includes:

1998 - 2001	Charge Nurse Critical Care	Palestine Regional Medical Center Palestine, Texas
2001 - 2006	Staff Nurse Med/Surg & CCU	East Texas Medical Center Tyler, Texas

Respondent's nursing employment history continued:

2006 - 2007	Field Nurse	Grace Visiting Nurses Jacksonville, Texas
2007	Field Nurse	Home Care Network East Jacksonville, Texas
2008	Case Manager	Paradigm Rehabilitation and Nursing Tyler, Texas
05/08 - 03/11	Field Nurse	Genesis Home Care Tyler, Texas
04/11 - 07/11	Field Nurse	Encompass Homecare Tyler, Texas
10/11 - Present	Supervisory RN	Home Point Health Services Palestine, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Genesis Home Care, Tyler, Texas, and had been in this position for two (2) years and ten (10) months.
7. On or about March 11, 2011, while employed with Genesis Home Care, Tyler, Texas, Respondent disclosed the name and telephone number of Patient Number 9999 to her boyfriend and/or husband, who then made calls to the patient on March 11, 2011 and March 16, 2011. Respondent's conduct exposed the patient unnecessarily to a risk of harm from disclosure of his confidential information without his written authorization and constitutes a violation of HIPAA (The Health Insurance Portability and Accountability Act).
8. On or about March 18, 2011, while employed with Genesis Home Care, Tyler, Texas, Respondent failed to accurately document a skilled nursing visit that Respondent performed for Patient Number 7777. Respondent submitted the skilled nursing note with the name and information of another patient who was not scheduled and did not have a visit. Respondent's conduct resulted in an inaccurate medical record and was likely to deceive subsequent care givers who relied on the information while providing care to the patient.
9. On or about March 21, 2011, after Respondent's employment with Genesis Home Care, Tyler, Texas, was terminated, Respondent sent Patient Number 9999 a text message which read "u have just cost me my job! My kids and I really appreciate u!! Just remember no good deed gets left un done! Ur time is COMING!!!!" Respondent's conduct was likely to injure the patient in that it may have caused delayed distress for the patient, which may not be recognized or felt by the patient until harmful consequences occur.



10. In response to Findings of Fact Number Seven (7) through Nine (9), Respondent states that she did care for Patient Number 9999 for approximately 1 year and she notified her supervisor of the patient's inappropriate behavior. She was removed from his care at her request and after being removed the patient called her cell phone sporadically over the remainder of her time of employment with Genesis. He continued to call even after he was told to stop calling. The patient would also wait for her in the parking lot on days of case conference with attempts to talk to her. Her boyfriend obtained the patient's phone number from her caller ID on her cell phone without her knowledge or consent, then called the patient. She never shared any health care information with her boyfriend, any information he obtained was given to him directly by the patient since they have a work history together. In response to the text message sent, I only meant that God is our judge and will take care of all the patient's lies against me. I would never do anything to harm or injure any patient. My job is to nurture and care for them. I did document on the wrong patient with the same last name. It was an honest mistake, as I was under tremendous stress related to this situation and the documentation was corrected at the office.

#### 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)(E),(1)(J)&(1)(M) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(C),(4)&(6)(D).
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 651628, heretofore issued to ERIN HAYS, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of WARNING WITH STIPULATIONS AND A FINE, and RESPONDENT SHALL 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.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses

stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in "Respecting Professional Boundaries," a 3.9 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 program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding Board-approved courses may be found at the following Board website address:* <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete 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 program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6)

hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: 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. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

(5) RESPONDENT SHALL pay a monetary fine in the amount of Two Hundred Fifty Dollars (\$250.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry 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.

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS 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 STIPULATION PERIOD:**

(6) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(7) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(8) 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 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.

(9) 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 nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year(s) of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall 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 Agreed 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 Findings of Fact, Conclusions of Law, 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 Board. When this Order is ratified, the terms of this Order become effective, 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 revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

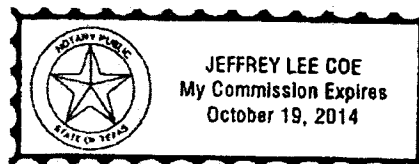
Signed this 8<sup>th</sup> day of January, 2013.

Erin Hays RN  
ERIN HAYS, RESPONDENT

Sworn to and subscribed before me this 8<sup>th</sup> day of January, 2013.

SEAL

[Signature]  
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 8<sup>th</sup> day of January, 2013, by ERIN HAYS, , Registered Nurse License Number 651628, and said Order is final.

Effective this 12th day of February, 2013.



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