

# BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of §  
JAMES RICHARD GRONER, JR., §  
Vocational Nurse License Number 231054 §  
§

## ORDER OF THE BOARD

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JAMES RICHARD GRONER, JR., Vocational Nurse License Number 231054, hereinafter referred to as Respondent.

This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

### FINDINGS OF FACT

1. Respondent's license to practice as a vocational nurse in the State of Texas is in current status.
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent received a Certificate in Vocational Nursing from Brightwood College, San Antonio, Texas, on August 13, 2010. Respondent was licensed to practice vocational nursing in the State of Texas on October 7, 2010.
4. Respondent's nursing employment history includes:

10/2010 – 11/2016                      Unknown

Respondent's nursing employment history continued:

12/2016 - 6/2020	Licensed Vocational Nurse	The Rio at Mission Trails New Braunfels, Texas
6/2020 - 11/2020	Licensed Vocational Nurse	Golden Estates Nursing Home San Antonio, Texas
12/2020 - 2/2022	Unknown	
3/2022 - 8/2022	Licensed Vocational Nurse	Waterside Nursing & Rehab Kerrville, Texas
9/2022 – Present	Unknown	

5. On or about August 10, 2021, Respondent was issued the sanction of Reprimand with Stipulations through an Order of the Board. A copy of the August 10, 2021, Order is attached and incorporated herein by reference as part of this Order.
6. On or about July 21, 2022, the Board provided notice to Respondent that an investigation was being initiated into alleged violations of the Nursing Practice Act and/or the Board's Rules and Regulations Relating to Nurse Education, Licensure, and Practice, as follows:
  - On or about August 20, 2021, through March 14, 2022, Respondent failed to provide his current employer, Waterside Nursing & Rehab Kerrville, Texas, with a complete copy of the Agreed Order issued to Respondent on August 10, 2021, as required by Section V, Employment Requirements, Part A, of the Agreed Order.
  - On or about August 25, 2021, through March 14, 2022, Respondent failed to ensure his current employer, Waterside Nursing & Rehab Kerrville, Texas, submitted the Board's notification of employment form within ten (10) days of receiving a copy of the Agreed Order issued to Respondent on August 10, 2021, as required by Section V, Employment Requirements, Part B, of the Agreed Order.
7. On or about December 16, 2022, the Board provided notice to Respondent that an investigation was being initiated into additional alleged violations of the Nursing Practice Act and/or the Board's Rules and Regulations Relating to Nurse Education, Licensure, and Practice, as follows:
  - On or about August 10, 2022, Respondent failed to successfully complete a Board-approved course in physical assessment as required by Section IV, Subsection B, Remedial Education Course(s), of the Agreed Order issued to Respondent on August 10, 2021.

- On or about August 10, 2022, Respondent failed to successfully complete a Board-approved course in nursing documentation as required by Section IV, Subsection C, Remedial Education Course(s), of the Agreed Order issued to Respondent on August 10, 2021.
  - On or about August 10, 2022, Respondent failed to successfully complete the course "Sharpening Critical Thinking Skills" as required by Section IV, Subsection D, Remedial Education Course(s), of the Agreed Order issued to Respondent on August 10, 2021.
8. On January 10, 2023, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas in lieu of completing the Order. A copy of Respondent's statement, dated January 6, 2023, is attached and incorporated herein by reference as part of this Order.

### **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 Vocational Nurse License Number 231054, heretofore issued to JAMES RICHARD GRONER, JR., including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

### **TERMS OF ORDER**

NOW, THEREFORE, IT IS ORDERED that the VOLUNTARY SURRENDER of Vocational Nurse License Number 231054 is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself/himself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until at least one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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.

Effective this 10<sup>th</sup> day of January, 2023



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

JAMES RICHARD GRONER JR  
8323 Kingley Dr, San Antonio, TX 78224  
LVN LICENSE NUMBER 231054

Voluntary Surrender Statement

Dear Texas Board of Nursing:

I no longer desire to be licensed as a nurse. Accordingly, I voluntarily surrender my license(s) to practice nursing in the State of Texas. I consent to the entry of an Order with findings reflecting the alleged conduct and which outlines requirements for reinstatement of my license. I understand that I can be represented by an attorney in this matter. I waive attorney representation, notice, administrative hearing, and judicial review of the Order entered by the Board. I understand that I may not petition for reinstatement until one (1) year from the effective date of the Order. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature: \_\_\_\_\_

Date: 01-06-2023

LVN LICENSE NUMBER 231054

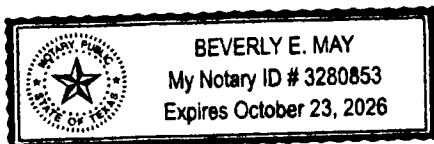
The State of Texas

Before me, the undersigned authority, on this date personally appeared JAMES RICHARD GRONER JR who, being duly sworn by me, stated that he or she executed the above for the purpose therein contained and that he or she understood same.

Sworn to before me the 6<sup>th</sup> day of January, 2023.

SEAL

Notary Public in and for the State of \_\_\_\_\_





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 231054	§	
issued to JAMES RICHARD GRONER JR	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JAMES RICHARD GRONER JR, Vocational Nurse License Number 231054, 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 May 20, 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 Brightwood College, San Antonio, Texas, on August 13, 2010. Respondent was licensed to practice vocational nursing in the State of Texas on October 7, 2010.
5. Respondent's nursing employment history includes:

10/2010 – 11/2016 Unknown

Respondent's nursing employment history continued:

12/2016 - 6/2020	Licensed Vocational Nurse	The Rio at Mission Trails New Braunfels, Texas
6/2020 – 11/2020	Licensed Vocational Nurse	Golden Estates Nursing Home San Antonio, Texas
12/2020 – Present	Unknown	

6. At the time of the incident, Respondent was employed as a Licensed Vocational Nurse with Golden Estates Nursing Home, San Antonio, Texas, and had been in that position for five (5) months.
7. On or about November 10, 2020, while employed as a Licensed Vocational Nurse with Golden Estates Nursing Home, San Antonio, Texas, Respondent failed to timely assess vital signs and recognize a change in patient condition when Patient RF was found without a nasal cannula on and the patient's family asked Respondent to check vitals at 0441. Specifically, the patient was receiving supplemental oxygen support for shortness of breath and COVID-19 positive status. Respondent returned to the patient's room approximately thirty (30) minutes later to check patient's oxygen saturation and the patient was not moving or breathing, per video footage. When the patient's family requested that Respondent try to wake the patient up, via two-way video and speaker, the patient was unresponsive to sternal rub. The patient was pronounced deceased by a registered nurse at 0528. Additionally, Respondent failed to completely and accurately document assessments or interventions performed in response to the change of condition. Respondent's conduct resulted in an incomplete and inaccurate medical record, and was likely to injure the patient in that changes in the patient's respiratory status may have gone undetected and prevented a timely intervention.
9. In response to the incident in Finding of Fact Number Seven (7), Respondent states that the oxygen was properly set-up at the correct rate, the oxygen generator was functioning properly, had unrestricted flow, and the oxygen feed line to the patient's nasal cannula was correctly connected and inserted into the patient's nares. Respondent reports that prior to inserting the nasal cannula into the patient's nares he felt oxygen flowing from the nasal cannula and it was unimpeded. Respondent states that he ensured the placement of the nasal cannula by checking how resistant it was to being removed by patient, by tugging on the nasal cannula. Respondent states that he measured SpO2 with pulse oximeter unit and reviewed the results adjusting the oxygen generator setting if necessary Respondent states that at all times these issues were addressed by himself and the nurse on duty. Respondent states that the patient was observed by himself at two (2) hour intervals or less. Respondent states that when he did not observe the patient, the certified Nursing Assistant (CNA) was instructed to do so and she was thoroughly briefed as to what was to be done and what time increments she should be doing so. Respondent states that it was noted that the patient

removed his nasal cannula frequently, so the CNA was instructed to physically check installation of the nasal cannula by touching and tugging on it, and adjust if needed.

### 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)(D),(1)(M),(1)(P)&(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), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 231054, heretofore issued to JAMES RICHARD GRONER JR.
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. **A Board-approved course in physical assessment** with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24)

hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include physical assessment of all body systems. The clinical component SHALL include physical assessment of live patients in a clinical setting; Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.

- C. **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.
- D. **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. **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 eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) 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. **Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this order, RESPONDENT SHALL be directly 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. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on 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.
- D. **Indirect Supervision:** For the remainder of the stipulation/probation period, 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 eight (8) quarters [two (2) years] 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**

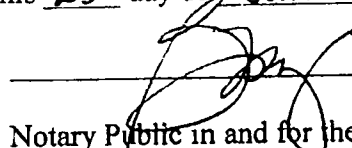
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, 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.

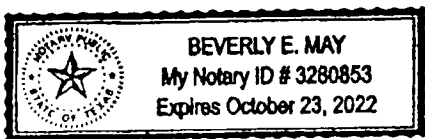
Signed this 25<sup>th</sup> day of June, 2021.

  
JAMES RICHARD GRONER JR, RESPONDENT

Sworn to and subscribed before me this 25<sup>th</sup> day of June, 2021.

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 25<sup>th</sup> day of June, 2021, by JAMES RICHARD GRONER JR, Vocational Nurse License Number 231054, and said Agreed Order is final.

Effective this 10<sup>th</sup> day of August, 2021.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas", written over a horizontal line.

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