

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of § AGREED ORDER
Advanced Practice Registered Nurse License § FOR
Number AP108813 with Prescription § DEFERRED DISCIPLINE
Authorization Number 2791 §
& Registered Nurse License Number 608062 §
issued to JENNIFER LAURIE COOPER §

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JENNIFER LAURIE COOPER, Advanced Practice Registered Nurse License Number AP108813 with Prescription Authorization Number 2791, and Registered Nurse License Number 608062, 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)&(14)(effective 9/1/2021), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order for Deferred Discipline approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on June 8, 2023.

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 for Deferred Discipline.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status. Respondent's license to practice as an advanced practice registered nurse in the State of Texas with authorization as a Women's Health Nurse Practitioner is in current status with Prescription Authorization Number 2791 in current status.

4. Respondent received a Baccalaureate Degree in Nursing from the University of Texas Health Science Center, San Antonio, Texas, on May 1, 1994. Respondent completed a Women's Health Nurse Practitioner Program from the University of Texas, San Antonio, Texas, on December 20, 1997. Respondent was licensed to practice professional nursing in the State of Texas on July 20, 1994. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Women's Health Nurse Practitioner with Prescription Authorization on August 3, 1998.

5. Respondent's nursing employment history includes:

7/1994 – 7/1998	Unknown	
8/1998 – 1999	WHNP	Uvalde Community Clinic Uvalde, Texas
8/1998 – 1999	WHNP	UT Health Science Center San Antonio, Texas
1999 – 2012	WHNP	Renaissance Women's Group Austin, Texas
2011 – 2012	Adjunct Faculty	Concordia University Austin, Texas
2012 – 2014	WHNP	Dr. Lisa M. Jukes Austin, Texas
2014 – 2017	WHNP	Austin Area OBGYN Austin, Texas
7/2017 – Unknown	WHNP	Victory Wellness Cedar Park, Texas
4/2022 -- Present	WHNP	Planned Parenthood Austin, Texas

6. At the time of the initial incident, Respondent was employed as a Women's Health Nurse Practitioner at Victory Wellness, Cedar Park, Texas, and had been in that position for four (4) years and five (5) months.

7. On or about December 1, 2021, through January 25, 2022, while employed as a Women's Health Nurse Practitioner (WHNP) at Victory Wellness, Cedar Park, Texas, Respondent practiced outside her scope of practice as a WHNP by providing primary care to multiple male patients.

8. In response to Finding of Fact Number Seven (7), Respondent treated male patients, but states it was always in a limited capacity and done only while she was at Victory Wellness and only upon the insistence of the physician/owner who tied her job performance and job security to this directive. Respondent, who felt overwhelmed and pressured, states she erroneously believed she could provide care to these male patients and proceeded to do so without any incident involving a single patient given the expectations of the physician/owner who was unrealistic and unrelenting in the pressure that he applied upon Respondent knowing fully that Respondent would exceed the scope of her practice. Respondent has produced character opinions and performance evaluations/critique from her superiors that reflect that Respondent is a well-regarded nurse and nurse practitioner and these opinions and evaluations provide that there is no concern regarding Respondent's duty to properly fulfill her present duties as a nurse and/or nurse practitioner.
9. Respondent has produced favorable character opinions and performance evaluations from her supervisors.
10. Respondent has no prior disciplinary history with the Board.

#### 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)&(4), 217.12(1)(A),(1)(B)&(4), 221.12 and 221.13(b).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(14) (*effective 9/1/2021*), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP108813 with Prescription Authorization Number 2791, and Registered Nurse License Number 608062, heretofore issued to JENNIFER LAURIE COOPER.
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.

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## TERMS OF ORDER

### I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS, DEFERRED**, 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 for Deferred Discipline.

Further, RESPONDENT SHALL not commit any violation of 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.* **for a period of three (3) years from the date of this 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 "Righting a Wrong,"** a 3.0 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) International Center for Regulatory Scholarship (ICRS).
- C. **The course "Determining APRN Scope of Practice,"** a 1.4 contact hour online program provided by the Texas Board of Nursing. Information about this course is available at <https://www.bon.texas.gov/catalog/product/#bon-course-aprnscope> or from the "CNE Workshops/Webinars" section of the Board's website under "News" menu.

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 an advanced practice registered 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 an advanced practice registered nurse have elapsed. Periods of unemployment or of employment that do not require the use of an advanced practice registered nurse (APRN) license will not apply to this period and will not count towards completion of this requirement. Further, Respondent may not work as a registered nurse (RN) or a vocational nurse (LVN) license, as applicable, while under the terms of this Order.

- A. **Notifying Present and Future Employers, Practice Sites and Credentialing Agencies:** RESPONDENT SHALL notify each present employer, practice site and/or credentialing agency 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, practice site and/or credentialing agency in nursing within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers, practice sites and/or credentialing agencies in nursing and present a complete copy of this Order, including all attachments, if any, to each future employer, practice site and/or credentialing agency in nursing prior to accepting an offer of employment and/or assignment.

- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer, practice site and/or credentialing agency in nursing to submit the Board's "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, practice site and/or credentialing agency in nursing to submit the Board's "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.
  
- C. **Monitored Practice:** RESPONDENT'S advanced practice registered nursing must be monitored by a Physician or an Advanced Practice Registered Nurse in the same advanced role and population focus area as RESPONDENT who has been approved by the Board. RESPONDENT MUST, within ten (10) days of entry of this Order or within (10) days of employment as an advanced practice registered nurse, provide to the Board a list of three (3) Advanced Practice Registered Nurses and/or three (3) Physicians from which the Board shall select an approved monitor. For each Advanced Practice Registered Nurse and Physician, the list must include name, license number or social security number, educational background and professional employment history. Monitoring shall commence no later than thirty (30) days following the date of RESPONDENT'S receipt of the name of the approved monitor selected by the Board. The monitor will offer guidance, advice and assistance to the RESPONDENT as necessary to ensure that deficiencies such as those set forth in this Order do not reoccur. RESPONDENT SHALL meet with the monitor at least twice a month, at least one (1) hour duration each. Meetings may be longer and more frequent if the monitor determines necessary. Multiple employers are prohibited.
  
- D. **Nursing Performance Reports:** RESPONDENT SHALL CAUSE each supervising/monitoring Advanced Practice Registered Nurse or Physician 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 Advanced Practice Registered Nurse or Physician who supervises/monitors the RESPONDENT and these reports shall be submitted by the supervising/monitoring Advanced Practice Registered Nurse or Physician 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. EFFECT OF DEFERRED DISCIPLINE**

Upon successful completion of the stipulated requirements of this Agreed Order for Deferred Discipline, all encumbrances will be removed from RESPONDENT'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, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

**Upon the successful completion of the required three (3) year period of deferral**, the complaint or complaints which formed the basis for this action will be dismissed and this Order will be made confidential to the same extent as a complaint filed under Section 301.466, Texas Occupations Code.

Until such time that this Order is made confidential, this Order is subject to disclosure in accordance with applicable law.

Should an additional allegation, complaint, accusation, or petition be reported or filed against RESPONDENT prior to the time this Order is made confidential, the deferral period shall be extended until the allegation, accusation, or petition has been finally acted upon by the Board.

Should RESPONDENT commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action.

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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 8 day of December, 2023.

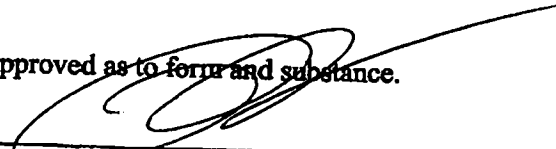
  
\_\_\_\_\_  
JENNIFER LAURIE COOPER, RESPONDENT

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

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

Approved as to form and substance.

  
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Phong P. Phan, Attorney for Respondent

Signed this 8<sup>TH</sup> day of December, 2023.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order for Deferred Discipline that was signed on the 8th day of December, 2023, by JENNIFER LAURIE COOPER, Advanced Practice Registered Nurse License Number AP108813 with Prescription Authorization Number 2791, and Registered Nurse License Number 608062, and said Agreed Order for Deferred Discipline is final.

Effective this 25th day of January, 2024.

*Kristin K. Benton, DNP, RN*

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Kristin K. Benton, DNP, RN  
Executive Director on behalf  
of said Board