

BEFORE THE TEXAS BOARD OF NURSING



In the Matter of Vocational Nurse License Number 60219 § AGREED
issued to OLGA G. OLIVAREZ § ORDER

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

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of OLGA G. OLIVAREZ, Vocational Nurse License Number 602 hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on June 14, 2010, by Katherine A. Thomas, MN, RN, Executive Director.

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.
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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Houston Community College, Houston, Texas, on February 17, 1974. Respondent was licensed to practice vocational nursing in the State of Texas on or about March 21, 1974.
5. Respondent's vocational nursing employment history includes:

04/74 - 08/89	Unknown	
09/89 - 08/90	LVN	AMI, Heights Hospital Houston, TX

Respondent's vocational nursing employment history (continued):

08/90 - 11/09	LVN	Harris County Hospital District
03/10 - Current		Houston, TX

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Harris County Hospital District, and had been in this position for approximately nineteen (19) years and three (3) months.
7. On or about October 20, 2009, while employed as a Licensed Vocational Nurse with Harris County Hospital District, Houston, Texas, Respondent accessed the medical records of a Resident Physician/Patient S.W., who was not assigned to her care and did not give her permission. Respondent's conduct violated patient confidentiality, which was likely to cause emotional harm.
8. On or about November 20, 2009, Respondent's employment with Harris County Hospital District, Houston, Texas, was terminated. On or about March 19, 2010, Respondent was offered reinstatement with the following terms:
 - No back pay for the time missed;
 - Employment probation for a period of ninety (90) days; and
 - Complete HIPAA training within thirty (30) days of reinstatement.
9. In response to Finding of Fact Number Seven (7) and Eight (8), Respondent states that she was notified that one of the resident physician's at the Hospital District had been a victim of a heinous crime. Respondent states that a Physician Assistant on shift accessed the patient's electronic medical records under her log in. Respondent states that she has never shared personal, private medical information with anyone.

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 of Section 301.452(b)(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B),(E)&(J), and 22 TEX. ADMIN. CODE §217.12(1)(B),(6)(C)&(D).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 60219, heretofore issued to OLGA G. OLIVAREZ, including revocation of Respondent's license to practice vocational 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 REMEDIAL EDUCATION, 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 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 is 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 State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to OLGA G. OLIVAREZ to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order.

(2) 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.state.tx.us/disciplinaryaction/stipscourses.html>.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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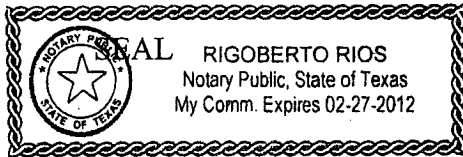
RESPONDENT'S CERTIFICATION

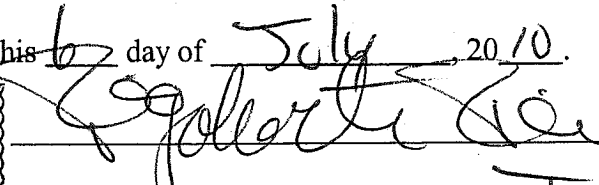
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, 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 to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 10 day of July, 2010.


OLGA G. OLIVAREZ, Respondent

Sworn to and subscribed before me this 6 day of July, 2010.




Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 6th day of July, 2010, by OLGA G. OLIVAREZ, Vocational Nurse License Number 60219, and said Order is final.



Effective this 23 day of July, 2010.

Katherine A. Thomas

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