BEFORE THE TEXAS BOARD OF NURSING

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| In the Matter of Vocational Nurse | § | AGREED |
| License Number 184824 | § | |
| issued to ANGELA DIANE FERNANDEZ | § | ORDER |

TEXAS BOARD OF NURSING
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.
Executive Director of the Board

An investigation by the Texas Board of Nursing, hereinafter referred to as the B produced evidence indicating that ANGELA DIANE FERNANDEZ (a.k.a. Angela Diane Ste hereinafter referred to as Respondent, Vocational Nurse License Number 184824, may have violated Section 301.452(b)(2)&(10)(effective 9/1/2003), Texas Occupations Code.

An informal conference was held on December 28, 2010, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent was not in attendance but participated in the conference telephonically. Respondent was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Melinda Hester, MS, RN, Executive Director's Designee; Lance Brenton, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Erin Raesz, Investigator.

## 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, notice and hearing, and consented 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 Howard College, San Angelo, Texas, on May 11, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on July 3, 2002.

5. Respondent's vocational nursing employment history includes:

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| 07/02 - 07/03 | Unknown | |
| 07/04 - 07/07 | Private Duty LVN | Patient LC<br>Miles, Texas |
| 07/07 - 12/07 | Private Duty LVN | Patient GC<br>San Angelo, Texas |
| 12/07 - 07/08 | LVN/Charge Nurse | Cedar Manor<br>San Angelo, Texas |
| 08/08 - 01/09 | Unknown | |
| 02/09 - 04/10 | Staff Nurse LVN | River Crest Hospital<br>San Angelo, Texas |
| 05/10 - Present | Unknown | |

6. On or about May 3, 2004, Respondent entered a plea of No Contest to the offense of THEFT (CHECKS- INSUFFICIENT) (a Class B misdemeanor offense committed on August 5, 2003), in the County Court at Law No. 2, Tom Green County, Texas, Cause Number 04-00090L2. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of ninety (90) days.

7. On or about July 17, 2005, Respondent submitted a Texas Online Renewal Document to the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you been convicted, adjudicated guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests (excluding minor traffic violations) since your last renewal? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUIs, DWIs, and PI's must be reported and are not considered minor traffic violations. One time minor in possession [MIP] or minor in consumption [MIC] does not need to be disclosed; therefore, you may answer "No." If you have two or more MIPs or MICs, you must answer "yes"."

Respondent failed to disclose that on May 3, 2004, she plead no contest to the offense of THEFT and was issued a Deferred Adjudication Order.

8. On or about October 17, 2005, Respondent entered a plea of No Contest to the offense of THEFT (CHECKS) (a Class B misdemeanor offense committed on May 7, 2004), in the County Court at Law No. 2, Tom Green County, Texas, under Cause Number 0402929. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of ninety (90) days. Additionally, Respondent was ordered to pay court costs.

9. On or about July 31, 2007, Respondent submitted a Texas Online Renewal Document to the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

   Have you ever been arrested, convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, or received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests whether or not on appeal (excluding minor Class C traffic violations)? This includes expunged offenses and deferred adjudications with or without a finding of guilty. Please note that DUIs, DWIs, and PI's must be reported and are not considered minor traffic violations. One time minor in possession [MIP] or minor in consumption [MIC] does not need to be disclosed; therefore, you may answer "No." If you have two or more MIPs or MICs, you must answer "yes". You may answer "No" if you have disclosed a criminal matter otherwise responsive to this question in a renewal and/or licensure form."

   Respondent failed to disclose that on October 17, 2005, she plead no contest to the offense of THEFT and was issued a Deferred Adjudication Order.

10. In response to Finding of Fact Number Six (6), through Number Nine (9), Respondent states: "I was not being intentionally deceitful to a confusing question. I am not a deceitful person. I had financial difficulties in the past related to checking accounts and that is why I now have a pre-paid debit account."

11. Formal Charges were filed on August 14, 2009.

12. Formal Charges were mailed to Respondent on August 24, 2009.

## 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 violations of Section 301.452(b)(2)&(10) (effective 9/1/2003), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.12(6)(I)&(13) (effective 9/1/2003), Section 301.452(10), Texas Occupations Code and 22 TEX. ADMIN. CODE §217.12(6)(I)&(13).

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 184824, heretofore issued to ANGELA DIANE FERNANDEZ, 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 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 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 <u>not</u> 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.*

(2) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars ($500). 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, that upon full compliance with the terms of this Order, 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 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 26 day of April, 2011.

Angela Diane Fernandez

ANGELA DIANE FERNANDEZ, Respondent

Sworn to and subscribed before me this 26th day of April, 2011.

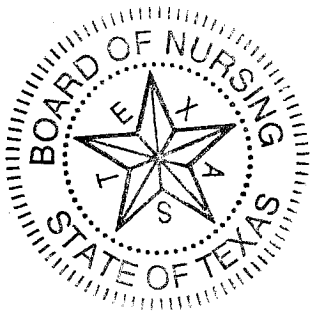
SEAL

JANET JACKSON
Notary Public, State of Texas
My Commission Expires
April 25, 2013

Janet Jackson

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 26th day of April, 2011, by ANGELA DIANE FERNANDEZ, Vocational Nurse License Number 184824, and said Order is final.




Effective this 28th day of April, 2011.

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