BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 98159	§	
issued to GWENDOLYN ANN ANTHONY	§	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

On this day the Texas Board of Nursing, hereinafter referred to as the Bc considered the matter of GWENDOLYN ANN ANTHONY, Vocational Nurse License Number 98159, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4528c, Section 10, TEX. REV. CIT. STAT. (effective January 1978). Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on February 25, 2011, 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 Tyler Junior College, Tyler, Texas, on September 10, 1982. Respondent was licensed to practice vocational nursing in the State of Texas on December 13, 1982.

5. Respondent's nursing employment history is unknown.

6. On or about August 10, 1982, Respondent submitted a Application for Licensure to the Texas Board of Vocational Nurse Examiners in which she provided false, deceptive, and/or misleading information in that she answered "No" to the question:

"Have you ever been charged with or convicted or a felony in this State or in any other State of the U.S.?"

Respondent failed to disclose that on or about March 12, 1980, Respondent entered a plea of Guilty and was convicted of CREDIT CARD ABUSE (a felony offense committed on August 18, 1979), in the Criminal District Court No. 3 of Dallas County, Texas, under Cause No. F-79-10546-RJ As a result of the conviction, Respondent was sentenced to confinement in the Texas Department of Corrections for a period of two (2) years; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of (2) years.

7. In response to Finding of Fact Number Six (6), Respondent states she is truly ashamed, humiliated and embarrassed by the incident and filling out the LVN application was a horrible reminder. She states she was told if she completed her probation with no further problems, the charges/ conviction would be considered a deferred adjudication and would not be on her record.

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 Article 4528c, Section 10, TEX. REV. CIT. STAT. (effective January 1978).

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 98159, heretofore issued to GWENDOLYN ANN ANTHONY, including revocation of Respondent's license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION WITH 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 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 pay a monetary fine in the amount of two hundred and 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.

(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 <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.*

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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CONTINUED ON NEXT PAGE.

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 nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 5th day of APRIL, 2011.

Gwen A. Anthony

GWENDOLYN ANN ANTHONY, Respondent

L.V.N. # 98159 STATE OF TEXAS

Sworn to and subscribed before me this 5th day of April, 2011.

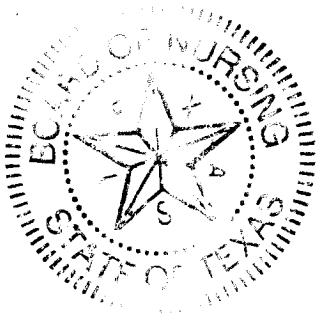
SEAL

TERRI MCCORMACK
Notary Public, State of Texas
My Commission Expires
May 02, 2014

Terri McCormack

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 5th day of April, 20 11, by GWENDOLYN ANN ANTHONY, Vocational Nurse License Number 98159, and said Order is final.



Effective this 14th day of April, 20 11.

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