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

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Vocational Nurse	§	AGREED
License Number 196356	§	
issued to ERICA CHERVISE HAYES	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ERICA CHERVISE HAYES, Vocational Nurse License Number 196356, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2),(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 December 29, 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(s).

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 Victoria College-CT, Victoria, Texas on October 19, 2004. Respondent was licensed to practice vocational nursing in the State of Texas on November 16, 2004.

5. Respondent's nursing employment history includes:

11/2004-05/2006	Charge Nurse Kateland Square Nursing Home Richmond, Texas

Respondent's nursing employment history continued:

05/2006-06/2006	Charge Nurse Spanish Meadows Nursing Home Katy, Texas
07/2006-08/2007	Staff LVN Triumph Southwest Hospital Sugarland, Texas
07/2007-unknown	Charge Nurse Matagorda House Healthcare Center Bay City, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a licensed vocational nurse with Matagorda House Healthcare Center, Bay City Texas, and had been in this position for approximately one (1) year and one (1) month.

7. On or about May 20, 2008, while employed with Matagorda House Healthcare Center, Bay City, Texas, Respondent failed to obtain and/or document Patient MR# 8055's 6:30 am and 11:30am "Finger Stick Blood Sugar(FSBS)." Subsequently, said Patient was noted to have a Blood Glucose level of "456" at 5:00 pm on said date. Respondent's conduct exposed the patient to the risk of developing diabetic Ketone Acidosis.

8. On or about May 20, 2008, while employed with Matagorda House Healthcare Center, Bay City, Texas, Respondent failed to administer "Insulin per sliding scale" as ordered by the physician, to Patient MR# 8055 when she obtained a FSBS at 6:30 a.m. of "308". Subsequently, Patient MR# 8055 was noted to have a Blood Glucose level of "456", at 5:00 pm on said date. Respondent's conduct exposed the patient to the risk of developing Diabetic Ketone Acidosis.

9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that she did measure patient MR# 8055's FSBS to be "308" at 6:30 am but forgot to record it or to administer insulin per sliding scale. In addition, Respondent admits to failing to obtain a FSBS for 11:30am or to administer "Insulin per sliding scale". Respondent reports that Patient MR# 8055 did not suffer any ill effects due to her errors.

10. On or about June 6, 2006, Respondent submitted a Texas Online renewal affidavit for Licensed Vocational Nurse to the Texas Board of Nursing, Austin, Texas, in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

> "Have you been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendre to any crime in any state, territory or county, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrest (excluding minor traffic violations) since the last renewal?..."

On or about May 31, 2005, Respondent plead guilty in Victoria County Court, Victoria, Texas, to BAIL JUMPING AND FAIL TO APPEAR (a Class A misdemeanor offense). Respondent was assessed a five hundred ($500) dollar fine including court cost.

On or about June 29, 2005, Respondent plead guilty in Victoria County Court, Victoria, Texas, to THEFT PROP >=$20<$500 BY CHECK, (a Class B misdemeanor offense). Respondent was assessed a fine of one hundred ($100) dollars, and three hundred and fifty ($350) dollars in court costs. Respondent's conduct was deceiving and may have affected the Board's decision to license her.

11. In response to Finding of Fact Numbers Ten (10), Respondent states that when she answered "No" to questions at issue on the online renewal form, she had no intentions to deceive, and that she simply forgot about the arrest and convictions in 2005. Respondent adds that she would never submit false or misleading information to the Board intentionally.

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)(2),(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B)&(1)(D and 22 TEX. ADMIN. CODE §217.12(1)(B), (1)(C), (4), & (6)(I).

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 196356, heretofore issued to ERICA CHERVISE HAYES, including revocation of Respondent's license(s) 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(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 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, 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, within one (1) year of entry of this Order successfully complete a course in nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: 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. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order successfully

complete 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 program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: http://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary.*

(4) RESPONDENT SHALL pay a monetary fine in the amount of two hundred and fifty ($250) dollars. 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, all encumbrances will be removed from RESPONDENT'S license(s) 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 violations 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 11 day of February, 2011.

Erica Chervise Hayes

ERICA CHERVISE HAYES, Respondent

Sworn to and subscribed before me this 11 day of February, 2011.

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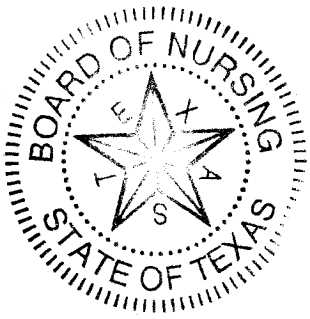
Notary Public in and for the State of TEXAS

NOTARY PUBLIC STATE OF TEXAS
CRAIG EUGENE KING
My Commission Expires
October 13, 2014

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 11th day of February, 2011, by ERICA CHERVISE HAYES, Vocational Nurse License Number 196356, and said Order is final.



Effective this 17 day of February, 2011.

Katherine A. Thomas

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