BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 137645	§	
issued to YOLANDA A. DOOLEY	§	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 Boar produced evidence indicating that YOLANDA A. DOOLEY, hereinafter referred to as Responden Vocational Nurse License Number 137645, may have violated 4528c Sec. 10(a)(2), (3) & (9), Tex. Rev. Civ. Stat., and Section 301.452(b)(10), Texas Occupations Code.

An informal conference was held on July 27, 2010, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Joyce Stamp Lilly, RN, JD, PC, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Nikki Hopkins, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Paul Longoria, 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 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 Joliet Township High School, Joliet, Illinois on July 7, 1989. Respondent was licensed to practice vocational nursing in the State of Texas on June 19, 1992.

5. Respondent's vocational nursing employment history includes:

01/90 - 05/92	Oncology LVN	Copley Memorial Hospital Aurora, Illinois
12/92 - 05/98	Psych LVN	Metroplex Hospital Killeen, Texas
06/94 - 12/95	Pediatric Psych LVN	Wood Psychiatric Hospital Killeen, Texas
06/96 - 02/02	LVN	Outreach Health Services Temple, Texas
05/02 - 08/02	Psych LVN	AQ Nursing Houston, Texas
08/02 - Present	Pediatric LVN	Nursefinders Houston, Texas
02/03 - 11/03	Psych LVN	Harris County Psychiatric Center Houston, Texas
08/04 - Present	LVN	The Care Group Houston, Texas
05/07 - Present	LVN	PSA Health Care Houston, Texas
09/04 - Present	Care Coordinator	God is Moving, Inc. Houston, Texas
0809 - Present	Psych LVN	Behavioral Hospital of Bellaire Houston, Texas
04/10 - Present	Clinic Psych LVN	Southwest Clinic Houston, Texas

6. On December 1, 2005, Respondent was issued the sanction of a Fine by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated December 1, 2005, is attached and incorporated, by reference, as part of this Order.

7. On or about March 3, 1992, Respondent submitted an Application for Licensure by Endorsement 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 following question:

"Have you ever been convicted and/or pled guilty to a felony or misdemeanor other than a minor traffic violation?"

On January 9, 1991, Respondent was found guilty of "Forgery" in the Circuit Court of Will County, Illinois, Circuit Case No. 89.

8. On or about March 3, 1992, Respondent submitted an Application for Licensure by Endorsement 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 following question:

"Were you or are you currently an intemperate user of drugs?"

On or about November 1989 Respondent admitted herself to South Suburban Detoxification Center in Hazel Crest, Illinois, for treatment of alcohol and cocaine abuse.

9. Regarding the conduct outlined in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that she believed that having completed her legal obligations to the courts and having been away from drugs and alcohol for years, she did not have to report to the Board. She states that she now realizes that this was an error and is accepting responsibility for that omission. Respondent admits that she had a substance abuse problem twenty-five (25) years ago, but that is "ancient history," and she has totally turned her life around from those days. Respondent states that she has been clean and sober for over twenty (20) years, and she has followed through with attendance at substance abuse support groups.

10. On or about July 26, 1999, Respondent was convicted of "Criminal Attempt - Harassment," a Class C Misdemeanor, in the Bell County Court at Law Number 2, Belton, Texas, under Cause Number 2C9905490.

11. On or about April 15, 2002, Respondent was convicted of "Criminal Attempt - Driving While License Suspended," a Class C Misdemeanor, in the Bell County Court at Law Number 2, Belton, Texas, under Cause Number MR2C0109569.

12. Respondent admits to the conduct outlined in Finding of Fact Number Ten (10). She states she got into a verbal altercation with a neighbor. She says it was "fighting between two young admittedly silly women over a man each was dating," and that the neighbor pressed charges for harassment. Respondent admitted her error in judgment and paid a fine. Respondent admits to the conduct outlined in Finding of Fact Number Eleven (11). She states that she bought a car second hand without a clear title. Respondent states that she drove the car due to needing to work and was stopped and received the ticket. She states that she didn't pay the ticket and as a result her license was suspended. Respondent states that

she did not know it was suspended until she was stopped for speeding. Respondent states that she paid the ticket and court costs.

13. On or about June 18, 2007, Respondent submitted an application for employment to PSA Healthcare, Bellaire, Texas, in which she provided false, deceptive, and/or misleading information, in that she answered "no" to the following question:

"Have you ever been convicted of an offense other than a minor traffic violation?"

On January 9, 1991, Respondent was found guilty of "Forgery" in the Circuit Court of Will County, Illinois, Circuit Case No. 89.

14. Regarding the conduct outlined in Finding of Fact Number Thirteen (13), Respondent states that these occurrences took place many years ago and do not demonstrate a pattern. Respondent is remorseful for her mistakes of not admitting her past indiscretions.

15. On or about February 8, 2008, while employed with PSA Healthcare, Bellaire, Texas, Respondent failed to properly report to her employer that a co-worker provided direct patient care to Patient 292634 when the co-worker was off the schedule pending an agency investigation. Respondent's conduct was likely to injure the patient in that it could have resulted in the patient receiving nonefficacious treatment.

16. Regarding the conduct outlined in Finding of Fact Number Fifteen (15), Respondent states that she realizes now that she should have reported the other nurse to her supervisors

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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 Art. 4528c Sec. 10(a)(2), (9), Tex. Rev. Civ. Stat. (eff. 9/1/85); Art. 4528c Sec. 10(a)(9), Tex. Rev. Civ. Stat. (eff. 9/1/97); Section 302.402(a)(10), Texas Occupations Code (eff. 9/1/01); Section 301.452(b)(10), Texas Occupations Code (eff. 9/1/05) and 22 TEX. ADMIN. CODE §217.12(6)(I) (eff. after 9/28/04).

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 137645, heretofore issued to YOLANDA A. DOOLEY, including revocation of Respondent's license to practice 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 a WARNING WITH STIPULATIONS 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 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 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, 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.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars ($500.00). 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.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12)

MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD.

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. 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 within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in nursing to submit the 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 to submit the 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.

(6) RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.

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.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. 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 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 to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 28 day of August, 2010.

YOLANDA A. DOOLEY, Respondent

Sworn to and subscribed before me this 28th day of August, 2010.

SEAL

Notary Public in and for the State of TX

ALKA DESAI NOTARY PUBLIC STATE OF TEXAS EXPIRES 9-16-2011

Approved as to form and substance.

JOYCE STAMP LILLY, RN, JD, PC, Attorney for Respondent

Signed this 19 day of August, 2010.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 28th day of August, 2010, by YOLANDA A. DOOLEY, Vocational Nurse License Number 137645, and said Order is final.

Effective this 21st day of October, 2010.

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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 137645	§	AGREED
Issued to: YOLANDA A. DOOLEY	§	ORDER

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of YOLANDA A. DOOLEY, License Number 137645, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Sections 301.303 and 301.452(b)(1), Texas Occupations Code, and 22 Texas Administrative Code, ch. 237.

Respondent waived representation by counsel, informal conference, notice, hearing and agreed to the entry of this Order offered by Katherine A. Thomas, MN, RN, Executive Director, on behalf of the Board.

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 conference, notice and hearing, and consented to the entry of this Order.

3. Respondent is currently licensed to practice vocationall nursing in the State of Texas.

4. Respondent failed to make full and timely compliance with the Board's requirements for continuing education for the period ending 07/2005.

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. Evidence received was sufficient to prove violation of Sections 301.303 and 301.452(b)(1), Texas Occupations Code, and 22 Texas Administrative Code §237.14.

4. Respondent's failure to comply with Continuing Education requirements is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 137645, heretofore issued to YOLANDA A. DOOLEY, including revocation of Respondent's vocational license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, that RESPONDENT SHALL receive the sanction of a Fine in the amount of One Hundred Dollars ($100), and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas, Annotated, as amended, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Vocational Nurse Education, Licensure and Practice, 22 Texas Administrative Code, §211.01 *et seq.*, and this Order.

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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 becomes final and effective when entered by the Executive Director and that 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 15 day of November, 2005.

Yolanda A. Dooley

YOLANDA A. DOOLEY, Respondent

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas ratifies and acknowledges satisfaction of the requirements of the Agreed Order that was signed on the 15th day of November, 2005, by YOLANDA A. DOOLEY, License Number 137645, and said Order is final.

Signed this 1st day of December, 2005.

Katherine A. Thomas

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

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