

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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 631397 §
issued to CYBIL FREGIA § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of CYBIL FREGIA, Registered Nurse License Number 631397, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(13), 301.301(f), and 301.251, Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on July 8, 2009, 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 professional nursing in the State of Texas.
4. Respondent received an Baccalaureate Degree in Nursing from Lamar University, Beaumont, Texas, in May 1996 and completed a Pediatric Nurse Practitioner program from The University of Texas, Galveston, Texas, on December 10, 1999. Respondent was licensed to practice professional nursing in the State of Texas on July 10, 1996 and received authorization to practice as an advanced practice nurse on February 3, 2000. In addition, Respondent was issued prescription authorization on December 5, 2000.

5. Respondent's professional nursing employment history includes:

05/96 - 01/99	Staff Nurse/NICU/Newborn Nursery Beaumont Medical and Surgical Hospital Beaumont, Texas
01/99 - 12/01	Staff Nurse/NICU/Newborn Nursery Beaumont Memorial Hermann Baptist Hospital Beaumont, Texas
01/01 - Present	Pediatric Nurse Practitioner TLC Pediatrics Beaumont, Texas

6. At the time of the incident, Respondent was employed as a Pediatric Nurse Practitioner with TLC Pediatrics, Beaumont, Texas, and had been in this position for eight (8) years and one (1) month.
7. During January 2, 2009 through February 19, 2009, while employed with TLC Pediatrics, Beaumont, Texas, Respondent practiced as a Pediatric Nurse Practitioner without a valid license. Respondent's license to practice professional nursing in the State of Texas expired on December 31, 2008 and was not renewed until March 9, 2009. Respondent's conduct was likely to deceive the employer and could have affected the decision to continue employment.
8. Respondent states that her license was to be renewed in December 2008, however she did not get the license renewal in a timely manner. She attempted to renew on line and was unable because the site was down. She attempted later and she received the message that stated that she was not able to renew on line and would have to send in her renewal with the fee. The website did not give her any warning about not being able to practice if her license was not renewed in a timely manner. "It was not my intension to allow my license to lapse the way it did. I did not realize the consequences of my actions until I was unable to sign for prescriptions from the pharmaceutical representative and on the same day the office manager was notified when trying to update my file. As soon as it was brought to my attention I preceded with the actions needed to rectify the situation. . . ."

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)(13), 301.301(f), and 301.251, Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 631397, heretofore issued to CYBIL FREGIA, including revocation of Respondent's license to practice professional 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 sanctions 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 multistate licensure privilege, 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 multistate licensure 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 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>.*

(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://www.learningext.com/products/generalce/critical/ctabout.asp>.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of Two Hundred Fifty Dollars (\$250). 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 and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

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

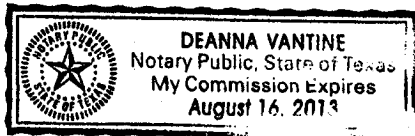
Signed this 3 day of August, 2009.

Cybil Fregia
CYBIL FREGIA, Respondent

Sworn to and subscribed before me this 3rd day of August, 2009.

Deanna Vantine
Notary Public in and for the State of Texas


SEAL



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 3rd day of August, 2009, by CYBIL FREGIA, Registered Nurse License Number 631397, and said Order is final.



Effective this 5th day of August, 2009.



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