BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	
License Number 88752, and Registered Nurse	§	
License Number 508557	§	REINSTATEMENT
issued to JERRY K. KASSEL (ROY)	§	AGREED 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 came to be considered by the Texas Board of Nursing, hereinafter referre the Board, the Petition for Reinstatement of Vocational Nurse License Number 88752, and Registered Nurse License Number 508557, held by JERRY K. KASSEL (ROY), hereinafter referred to as Petitioner.

An informal conference was held on May 4, 2010, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was represented by Alejandro Mora, Attorney at Law. In attendance were Bonnie Cone, MSN, RN, Nurse Consultant, Executive Director's Designee; Kyle Hensley, Assistant Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; Dominique Mackey, Investigator; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.

2. Petitioner waived notice and hearing, and consented to the entry of this Order.

3. Petitioner received a Certificate in Vocational Nursing from Methodist Memorial Hospital, Weslaco, Texas, on August 31, 1980. Petitioner originally became licensed to practice Vocational Nursing in the State of Texas on October 21, 1980. Petitioner received an Associate Degree in Nursing from Pan American University, Edinburg, Texas, on May 1, 1983. Petitioner originally became licensed to practice as a Registered Nurse in the State of Texas on August 30, 1983.

4. Petitioner's nursing employment history includes:

1980 - 1982	Unknown	
1983	GN/RN	Valley Baptist Medical Center Harlingen, Texas
1983	Staff Nurse	APC Home Health Harlingen, Texas
1983	Director of Nursing	Home Health Edinburg, Texas
1987	Director of Nursing	BMA Dialysis Brownsville, Texas
1987	Director of Nursing	TLC Adult Day Care Pharr, Texas
1994	Director of Nursing	Weslaco Kidney Center Weslaco, Texas
1994	Staff Nurse	Acute Care Harlingen, Texas
1994	Charge Nurse	Harlingen Dialysis Harlingen, Texas
1994	Staff Nurse	Tunica Dialysis Tunica, Mississippi
1995 - present	Unknown	

5. On May 13, 2008, Petitioner's license to practice professional nursing in the State of Texas was Revoked by the Texas Board of Nursing. A copy of the May 13, 2008, Order of the Board and First Amended Formal Charges, is attached and incorporated, by reference, as a part of this Order.

6. On or about February 25, 2010, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.

7. Petitioner presented the following in support of his petition:

   7.1. Letter of support from Brajesh Bhatla, MD, Kidney and Hypertension Specialists, Harlingen, Texas, states he has known Petitioner since 2001. Petitioner worked with Dr. Bhatla in dialysis from 2001 - 2003. Petitioner has shown enthusiasm to work as charge nurse in dialysis. In Dr. Bhatla's opinion, Petitioner has the ability to practice as a Registered Nurse in the position he desires.

7.2. Letter of support, dated January 21, 2010, from Preston M. Ukoli, MD, Ukoli Care Clinic, Brownsville, Texas, states Petitioner served as Dialysis Nurse at Brownsville Kidney Center from 2000 to 2001. Dr. Ukoli found Petitioner to be very knowledgeable and diligent in his work. He maintained a very good relationship with all of the staff, and is particularly understanding and supportive to patients and their relatives. Petitioner's teaching and management skills are also of the highest standard, and he is particularly good at quick problem analysis and resolution. Petitioner has accumulated a lot of experience in Dialysis Nursing. Dr. Ukoli recommends Petitioner for reinstatement of his nursing license.

7.3. Letter of support, dated January 19, 2010, from Helen Roy, RN, Vicki Roy Home Health Care, Harlingen, Texas, states she has known Petitioner for many years and can attest that he is a prudent, knowledgeable and capable nurse and is able to perform in the capacity as a Registered Nurse.

7.4. Letter of support, dated April 21, 2010, from Andrew Levine, MD, states he has known Petitioner for several years. Petitioner is very professional and a competent nurse. Dr. Levine highly recommends Petitioner for any position in the nursing field.

7.5. Verification of successful completion of twenty (20) Continuing Education Contact Hours.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of JERRY K. KASSEL (ROY), Vocational Nurse License Number 88752, and Registered Nurse License Number 508557, to practice nursing in the state of Texas, be and the same is hereby GRANTED, AND SUBJECT TO THE FOLLOWING STIPULATIONS SO LONG AS THE PETITIONER complies 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 the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is encumbered by this Order, Petitioner 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 Petitioner wishes to work.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until he has paid all re-registration fees and is issued a license to practice nursing in the State of Texas. Said licenses issued to JERRY K. KASSEL (ROY), shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER 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. PETITIONER 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 PETITIONER'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 PETITIONER's license to practice professional nursing in the State of Texas and PETITIONER shall be eligible for nurse licensure compact privileges, if any.

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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. 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 agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my licenses to practice vocational and professional nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

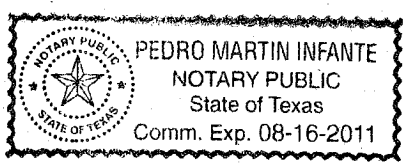
Signed this 19th day of May, 2010.

Jerry Bonnell Roy

JERRY K. KASSEL (ROY), Petitioner

Sworn to and subscribed before me this 19th day of May, 2010.

SEAL



Notary Public in and for the State of Texas

Approved as to form and substance.

Alejandro Mora

ALEJANDRO MORA, Attorney for Petitioner

Signed this 17 day of May, 2010.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 19th day of May, 2010, by JERRY K. KASSEL (ROY), Vocational Nurse License Number 88752, and Registered Nurse License Number 508557, and said Order is final.

Effective this 22nd day of July, 2010.

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

88752&508557:007

IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 508557	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
JERRY K. KASSEL	§	BOARD OF NURSING

ORDER OF THE BOARD

TO: Jerry K. Kassel
1500 Sam Houston #A6
Harlingen, TX 78550

During open meeting held in Austin, Texas, on May 13, 2008, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the

proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 508557, previously issued to JERRY K. KASSEL, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 508557, previously issued to JERRY K. KASSEL, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 13th day of May, 2008.

TEXAS BOARD OF NURSING

BY: _____
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Registered Nurse License	**§**	**BEFORE THE BOARD**
Number 508557 and Vocational Nurse	**§**	**OF NURSE EXAMINERS**
License Number 88752, Issued to	**§**	**FOR THE STATE OF TEXAS**
JERRY K. KASSEL, Respondent	**§**	

FIRST AMENDED FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JERRY K. KASSEL, is a Registered Nurse holding license number 508557, which is in current status at the time of this pleading, and a Vocational Nurse holding license number 88752, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about February 1, 2005, through September 2006, while employed with Renal Care Group Harlingen Dialysis, Harlingen, Texas, Respondent practiced as a Registered Nurse without a valid license. Board records indicate Respondent's license expired on January 31, 2005.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars ($1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bne.state.tx.us.

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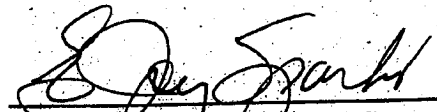
Filed this 21st day of February, 2008.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS



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