BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 583618	§	
issued to LAVERNE METCALFE HERNANDEZ	§	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 Boar considered the matter of LAVERNE METCALFE HERNANDEZ, Registered Nurse Licen Number 583618, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on October 18, 2009, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by 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 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 Associate Degree in Nursing from Austin Community College, Austin, Texas, in May 1992. Respondent was licensed to practice professional nursing in the State of Texas on August 31, 1992.

5. Respondent's nursing employment history includes:

8/1992 - Present	Seton Healthcare Network Austin, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as the Lead Nurse with Seton Shivers Cancer Center, Austin, Texas.

7. On or about November 16, 2005, through August 17, 2006, while employed as the Lead Nurse with Seton Shivers Cancer Clinic, Austin, Texas, Respondent exceeded her authorized scope of nursing practice by completing triplicate prescriptions for patients, which had been pre-signed by physicians, as follows:

Date	Patient	Physician	Triplicate Prescription
11/16/05	MF	deCelis	Methadone 5 mg 3 in AM; 2 afternoon; 3 in PM; #150
11/21/05	GB	deCelis	Duragesic 75 mcg 1 q 72 hr; #10
11/21/05	PM	deCelis	Hydromorphone 2 mg po 1-3 q 3-4 hr prn; #100
11/23/05	MC	deCelis	Duragesic 75 mcg 1 q 72 hr; #10
8/10/06	AH	Miller	Hydromorphone 4 mg 1 po q 4-6 hr; #60
8/17/06	CG	Miller	Morphine sulfate 10 mg, 1 or 2 po q 6 hr prn; #240

Respondent's conduct violated Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

8. Formal Charges were filed on September 8, 2009.

9. Formal Charges were mailed to Respondent at her address of record on September 9, 2009.

10. In response to the incidents in Finding of Fact Number Seven (7), Respondent admits that she completed triplicate prescriptions that had been previously signed by physicians, basically pursuant to standing orders for how to treat the patients in question, but denies that in so doing she in any way deceived, defrauded, or injured either the public at large or any individual patients.

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)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A) and 217.12(11)(B).

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 583618, heretofore issued to LAVERNE METCALFE HERNANDEZ, 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 sanction of a 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 multistate licensure privilege, if any, to practice nursing in compact states.

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 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 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 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, 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 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 [illegible] 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 30 day of Novem., 2009.

Laverne Metcalfe Hernandez

LAVERNE METCALFE HERNANDEZ, Respondent

Sworn to and subscribed before me this 30th day of November, 2009.

SEAL

MICHAEL HESTER
MY COMMISSION EXPIRES
May 1, 2012

Notary Public in and for the State of Texas

Approved as to form and substance.

Christopher Malish, Attorney for Respondent

Signed this 21 day of Jan, 2010.

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 30th day of November, 2009, by LAVERNE METCALFE HERNANDEZ, Registered Nurse License Number 583618, and said Order is final.

Effective this 21st day of January, 2010.

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