



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

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In the Matter of Registered Nurse License Number 669349 § AGREED  
and Vocational Nurse License Number 104797 §  
issued to JESUS VICENTE AYERS § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JESUS VICENTE AYERS, Registered Nurse License Number 669349 and Vocational Nurse License Number 104797, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on March 16, 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 licenses.
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. Respondent holds a license to practice vocational nursing in the State of Texas, which is in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Maverick County School of Vocational Nursing, Eagle Pass, Texas, on February 16, 1984, and a Baccalaureate Degree in Nursing from University of Texas, Tyler, Texas, on May 10, 1996. Respondent was licensed to practice vocational nursing in the State of Texas on May 30, 1984, and Respondent was licensed to practice professional nursing in the State of Texas on June 27, 2000.

5. Respondent's vocational and professional nursing employment histories are unknown.
6. On or about October 15, 2003, Respondent entered a plea of Nolo Contendere to ASSAULT (a Class A misdemeanor offense committed on June 22, 2003), in the County Criminal Court at Law No. 2, Harris County, Texas, under Cause No. 1183779. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of nine (9) months. Additionally, Respondent was ordered to pay a fine and court costs. Respondent was discharged from probation on July 15, 2004.
7. In response to Finding of Fact Number Six (6), Respondent states: He was breaking up with his girlfriend and she began to punch and slap him. He warded off her attack without ever hitting her. She lied to the police and he was arrested for assault. He accepted a fine and deferred adjudication to be done with the case.
8. On or about May 30, 2008, Respondent entered a plea of Guilty to VIOLATION OF PROTECTIVE ORDER-FAMILY VIOLENCE (a Class A misdemeanor offense committed on February 29, 2008), in the County Criminal Court at Law No. 9, Harris County, Texas, under Cause No. 1513871. As a result of the plea, the proceedings against Respondent were deferred without entering an adjudication of guilt and Respondent was placed on probation for a period of one (1) year. Additionally, Respondent was ordered to pay a fine and court costs.
9. In response to Finding of Fact Number Eight (8), Respondent states: He and his wife are going through a divorce. His wife has a protective order against him, requiring him to stay away from her place of employment, among other things. On February 27, 2008, she called him and asked for money for her sick child, and also asked that he take the money to her at her place of employment. He took the money and she was not there. He returned the following day and saw his wife walking with a man. She went inside without speaking to Respondent and Respondent asked the man if he was dating his wife. Meanwhile, the police were called and subsequently there was a warrant issued for his arrest.

#### 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), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(13).

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 669349 and Vocational Nurse License Number 104797, heretofore issued to JESUS VICENTE AYERS, including revocation of Respondent's licenses 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 REMEDIAL EDUCATION, 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 licenses are 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) contact 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>.

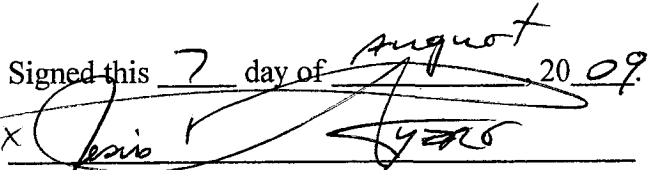
IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's licenses and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

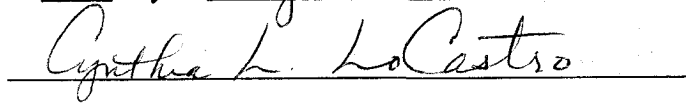
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RESPONDENT'S CERTIFICATION

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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 7 day of August, 2009.  
  
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JESUS VICENTE AYERS, Respondent

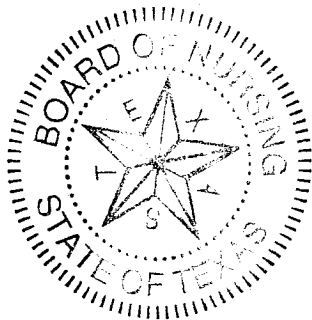
Sworn to and subscribed before me this 7<sup>th</sup> day of August, 2009.  
  
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SEAL



Notary Public in and for the State of \_\_\_\_\_

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 7th day of August, 2009, by JESUS VICENTE AYERS, Registered Nurse License Number 669349 and Vocational Nurse License Number 104797, and said Order is final.



Effective this 7th day of August, 2009.

A handwritten signature in cursive script, appearing to read 'Katherine A. Thomas', is written over a horizontal line.

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