



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 § AGREED
License Number 76841 §
issued to JANE ELIZABETH VALDEZ § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of JANE ELIZABETH VALDEZ, Vocational Nurse License Number 76841, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Sections 302.402(a)(10), Texas Occupations Code and 301.452(b)(10), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on April 21, 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 informal proceedings, notice and hearing, and agreed 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 the School of Vocational Nursing, San Antonio Independent School District, San Antonio, Texas, on January 16, 1978. Respondent was licensed to practice vocational nursing in the State of Texas on May 17, 1978.

5. Respondent's vocational nursing employment history includes:

1979 - 1982	LVN OB/GYN and New Born Nursery Pasadena Bay shore Hospital Pasadena, Texas
1983 - 1985	Not employed in Nursing
1984 - 1986	LVN Chemo Unit (weekends only) Memorial City Hospital Houston, Texas
1986 - 1991	LVN/ Staff Nurse - OB/GYN Houston NW Medical Center Houston, Texas
1990 - 2008	LVN/Charge Nurse/Night Nurse Tomball Nursing Center Tomball, Texas
2006 - 2008	Private Care taker Cypress, Texas

6. On or about November 14, 1996, Respondent entered a plea of NOLO CONTENDERE to the Class B Misdemeanor offense of THEFT \$50-\$500, in the County Criminal Court At Law No. 2 of Harris County, Texas, under Cause No. 9646386. 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 six (6) months. Additionally, Respondent was ordered to pay a fine and court costs. Charges were dismissed and Respondent's probation was terminated on May 13, 1997.
7. On or about September 9, 1997, Respondent entered a plea of NOLO CONTENDERE to the Class B Misdemeanor offense of THEFT, in the County Criminal Court At Law No. 10 of Harris County, Texas, under Cause No. 9727893. 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 six (6) months. Additionally, Respondent was ordered to pay a fine and court costs. Charges were dismissed and Respondent's probation was terminated on March 8, 1998.
8. On or about March 16, 2000, Respondent entered a plea of GUILTY and was CONVICTED of the Class A Misdemeanor offense of THEFT, in the County Criminal Court At Law No. 1 of Harris County, Texas, under Cause No. 0982756. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of eight (8)

days (with two (2) days credit given), and ordered to pay court costs.

9. On or about February 16, 2006, Respondent entered a plea of GUILTY and was convicted FRAUDULENT DESTRUCTION, REMOVAL OR CONCEALMENT WRITING (a Class A Misdemeanor offense committed on February 13, 2006), in the County Criminal Court at Law No. 14 of Harris County, Texas, under Cause No. 1357556. As a result of the conviction, Respondent was sentenced to confinement in the Harris County Jail for a period of twenty (20) days (with four (4) days credit given towards court costs).
10. On or about February 26, 2009, Respondent presented to Terry Wayne Hugg, M.D., Attending Psychiatrist, Red Oak Psychiatry Associates, PA, Houston, Texas, for a Psychiatric Assessment. Dr. Hugg states: Respondent first consulted him on May 11, 2005, because of symptoms of depressed mood and anxiety related to multiple stressors, including her husband's suffering a myocardial infarction, her son being diagnosed with a chronic life-threatening illness, and grief following the death of her father. She had consulted her primary physician previously and had been started on medication (Sertraline 100mg each morning and Alprazolam 0.5mg TID). When she was last seen in January 2009, Respondent was stable and continuing to cope with her grief and with the stress of her daughter's maladaptive behaviors. Her emotional regulation was adequate and there was no disorder of thought or perception. She apologized to Dr. Hugg for not having informed him fully in 2006 of her daughter's persistent problems with shoplifting since the mid-1990s. She explained that twice, in 1997 and in 2000, she had been arrested in association with her daughter's shoplifting, and that in 2006 she had failed to disassociate herself from her daughter's changing the price tag on merchandise and was charged with fraud. She was extremely anxious and fearful that these indiscretions would result in her not being able to return to work as a psychiatric nurse.

Dr. Hugg states that Respondent's decision to answer "No" inappropriately on the online renewal document was the result of severe depression. Respondent's current diagnosis is Adjustment Disorder with Depressed Mood; Major Depressive Disorder; residual PTSD symptoms from death of child by SIDS. Dr. Hugg states that Respondent has been compliant with treatment recommendations and has had a positive response to antidepressants and anti-anxiety medication which have helped her to cope with the stresses described above. She is currently adequately stable and sufficiently functional to return to work as a psychiatric nurse.

11. In response to Findings of Fact Numbers Six (6) through Nine (9), Respondent states: She accepts full and complete responsibility for the incidents, as alleged by the Texas Board of Nursing. She can only blame herself for the shoplifting activities, which she allowed herself to become a part of. Her failure to disclose on her 2007 license renewal form was wrong. She acted out of "fear, fright, guilt and shame." Respondent states she allowed stressors, which existed around her, to cause her to make decisions which were in poor judgement.

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 302.402(a)(10), Texas Occupations Code (effective September 1, 1999), and Section 301.452(b)(10), Texas Occupations Code (effective September 1, 2005), 22 TEX. ADMIN. CODE §239.11(29)(A)(effective October 1998), and 22 TEX. ADMIN. CODE §217.12(13) (effective after September 28, 2004).
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 76841, heretofore issued to JANE ELIZABETH VALDEZ, including revocation of Respondent's license to practice vocational 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 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 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 pay a monetary fine in the amount of Five Hundred Dollars (\$500.00). RESPONDENT SHALL pay this fine within 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.

(2) 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>.

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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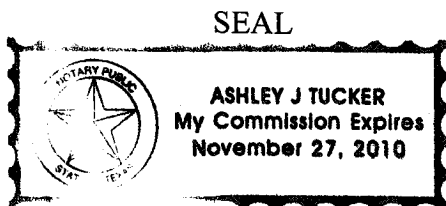
RESPONDENT'S CERTIFICATION

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

Signed this 29th day of July, 2009.

Jane Elizabeth Valdez
JANE ELIZABETH VALDEZ, Respondent.

Sworn to and subscribed before me this 29 day of July, 2009.



Ashley J. Tucker
Notary Public in and for the State of Texas


Approved as to form and substance.

Andrea D. Arceneaux
Andrea D. Arceneaux, Attorney for Respondent

Signed this 29th day of July, 2009.

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 29th day of July, 2009, by JANE ELIZABETH VALDEZ, Vocational Nurse License Number 76841, and said Order is final.

Effective this 12th day of August, 2009.


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

