



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 § AGREED  
License Number 583960 §  
issued to DORA E. IBARRA PENA § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of DORA E. IBARRA PENA, Registered Nurse License Number 583960, 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on April 10, 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 Associate Degree in Nursing from Del Mar College, Corpus Christi, Texas, on May 1, 1992. Respondent was licensed to practice professional nursing in the State of Texas on August 31, 1992.
5. Respondent's nursing employment history includes:
 

1992	Staff Nurse	Memorial Medical Center Corpus Christi, Texas
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Respondent's nursing employment history continued:

1993	Charge Nurse	Spohn Kleberg Memorial Hospital Kingsville, Texas
1993 - 1996	Case Manager	Regional Home Health Agency Alice, Texas
1996 - 1997	Case Manager	Home Health Care of Pensacola Pensacola, Florida
1997 - 2000	Case Manager	Willis-Knighton Home Health Agency Shreveport, Louisiana
2001 - 2002	Case Manager	Osteopathic Home Health Care Ft. Worth, Texas
2/2002 - 5/2003	Case Manager	Visiting Nurse Association Ft. Worth, Texas
6/2003 - 7/2003	Unknown	
8/2003 - Unknown	Case Manager	Gentiva Health Services Springtown, Texas
2/2004 - 9/2006	Field Nurse	Home Health Specialties Arlington, Texas
Unknown - Present	Unknown	Bridgeway Health Services Ft. Worth, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Field Nurse with Home Health Specialties, Arlington, Texas, and had been in this position for one (1) year and eleven (11) months.

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7. On or about January 19, 2006, through August 24, 2006, while employed with Home Health Specialties, Arlington, Texas, Respondent failed to submit documentation of her scheduled skilled nurse visits, as follows:

Date	Patient	Visit Assigned to Respondent	Respondent's Documentation of Visit	Missed Visit/No Documentation Note Recorded by Supervisor
1/19/06	LM	Yes	None	Yes
2/15/06	DC	Yes	None	Yes
4/6/06	BS	Yes	None	Yes
5/15/06	DC	Yes	None	Yes
6/2/06	NR	Yes	None	Yes
6/5/06	EB	Yes	None	Yes
6/16/06	SB	Yes	None	Yes
7/13/06	BS	Yes	None	Yes
7/21/06	WB	Yes	None	Yes
7/26/06	CR	Yes	None	Yes
8/15/06	DC	Yes	None	Yes
8/21/06	MB	Yes	None	Yes
8/24/06	LN	Yes	None	Yes

Respondent's conduct was likely to injure patients in that subsequent care givers would not have accurate information on which to base their care decisions.

8. Formal Charges were filed on December 29, 2008.
9. Formal Charges were mailed to Respondent on December 29, 2008.
10. In response to the incidents in Finding of Fact Number Seven (7), Respondent states that she is not guilty of the charges and that she believes it was the mismanagement of the now bankrupt Home Health Specialties, Arlington, Texas, that led to these unfounded claims.

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## 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)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11 (1)(B)&(1)(D) and 217.12(1)(A),(1)(B),(1)(C)&(4).
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 583960, heretofore issued to DORA E. IBARRA PENA, 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 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, 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 a course in nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to

accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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>.

(3) RESPONDENT SHALL pay a monetary fine in the amount of one thousand five hundred dollars (\$1,500.00). RESPONDENT SHALL pay this fine within ninety (90) 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 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 7<sup>th</sup> day of May, 2009.

Dora E. Ibarra Pena  
DORA E. IBARRA PENA, Respondent

Sworn to and subscribed before me this 7 day of May, 2009.

SEAL

[Signature]

Notary Public in and for the State of Texas



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 7<sup>th</sup> day of May, 2009, by DORA E. IBARRA PENA, Registered Nurse License Number 583960, and said Order is final.



Effective this 8<sup>th</sup> day of May, 2009.

A handwritten signature in cursive script, reading "Katherine A. Thomas", is written over a horizontal line.

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



In the Matter of Permanent License  
Number 583960, Issued to  
DORA E. IBARRA PENA, Respondent

§  
§  
§

BEFORE THE TEXAS  
BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DORA E. IBARRA PENA, is a Registered Nurse holding license number 583960, which is in current 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 January 19, 2006, through August 24, 2006, while employed with Home Health Specialties, Arlington, Texas, Respondent failed to submit documentation of her scheduled skilled nurse visits, as follows:

Patient	Date	On schedule	Respondent at work	Respondent's documentation
MB	8/21/06	Yes	working	No documentation note by supervisor.
WB	7/21/06	Yes	working	No documentation note by supervisor.
SB	6/16/06	Yes	working	No documentation note by supervisor.
EB	6/5/06	Yes	working	No documentation note by supervisor.
DC	2/15/06 5/15/06 8/15/06	Yes Yes Yes	working working working	No documentation note by supervisor. No documentation note by supervisor. No documentation note by supervisor.
LM	1/19/06 4/9/06	Yes Yes	working no	No documentation note by supervisor. No documentation note by supervisor.
LN	8/24/06	Yes	working	No documentation note by supervisor.
NR	6/2/06	Yes	working	No documentation note by supervisor.
CR	7/26/06	Yes	working	No documentation note by supervisor.
BS	4/6/06 7/13/06	Yes Yes	working working	No documentation note by supervisor. No documentation note by supervisor.

Respondent's conduct was likely to injure the patients in that subsequent caregivers would have relied on her documentation while providing further care to the patients.

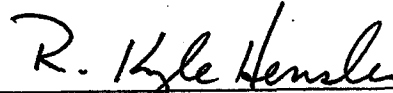
The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§217.11 (1)(B)&(1)(D) and 217.12(1)(A),(1)(B),(1)(C)&(4).

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.bon.state.tx.us](http://www.bon.state.tx.us).

Filed this 29<sup>th</sup> day of December, 2008.

TEXAS BOARD OF NURSING



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Texas Board of Legal Specialization  
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