



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 Registered Nurse License Number 726727 § AGREED
and Vocational Nurse License Number 193771 §
issued to ERICA MARIE BUENO § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ERICA MARIE BUENO, Registered Nurse License Number 726727 and Vocational Nurse License Number 193771, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2)&(10), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on January 12, 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 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 Midland College, Midland, Texas, on May 14, 2004, and an Associate Degree in Nursing from Midland College, Midland, Texas, on January 9, 2006. Respondent was licensed to practice vocational nursing in the State of Texas on June 24, 2004, and Respondent was licensed to practice professional nursing in the State of Texas on April 18, 2006.

5. Respondent's vocational and professional nursing employment histories are unknown.
6. On or about May 14, 2004, Respondent submitted an Application for Licensure by Examination to the Board of Nurse Examiners for the State of Texas, in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question: "Have you ever been convicted of a misdemeanor other than a minor traffic violation?"

On or about September 25, 1997, Respondent entered a plea of Nolo Contendere and was convicted of ASSAULT (a Class C misdemeanor offense committed on September 23, 1997), in the JP Court #3, Ector County, Texas, under Cause No. 114148. As a result of the conviction, Respondent was ordered to pay a fine.

7. On or about September 17, 2005, Respondent was arrested by the Odessa Police Department, Odessa, Texas, for DRIVING WHILE INTOXICATED (a Class B misdemeanor offense). Respondent was subsequently charged in the County Court of Ector County, Texas, under Cause No. 54375, and placed in a pretrial intervention program.
8. On or about February 21, 2006, Respondent submitted a NCLEX-RN Applicant Texas Online Examination Application to the Board of Nurse Examiners in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question: "Have you been convicted, adjudged guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrest (excluding minor traffic violations)? This includes expunged offenses and deferred adjudications with or without prejudice of guilt. Please note that DUI's, DWI's, PI's must be reported and are not considered minor traffic violations."

On or about September 17, 2005, Respondent was arrested by the Odessa Police Department, Odessa, Texas, for DRIVING WHILE INTOXICATED (a Class B misdemeanor offense). Respondent was subsequently charged in the County Court of Ector County, Texas, under Cause No. 54375, and placed in a pretrial intervention program.

9. In response to Findings of Fact Number Seven (7) and Eight (8), Respondent states that she was out with her boyfriend and some friends having dinner. When it was time to leave, she felt that her boyfriend had had too much to drink, so she drove home. He became very angry with her because of that. He began to yell at her, and she became nervous and started to cry, hurrying to get home. She was pulled over for speeding. The officer asked if she had been drinking and she answered yes. She was afraid to submit to a breath test, so she was taken to jail. Her license was suspended, and she was required to complete a pre-trial diversion. She understood that as she had not been convicted she did not need to disclose it.

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)(2)&(10), Texas Occupations Code, 22 TEX. ADMIN. CODE §239.11(8), and 22 TEX. ADMIN. CODE §217.12(6)(I).
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 726727, and Vocational Nurse License Number 193771, heretofore issued to ERICA MARIE BUENO, 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 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 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 deliver the wallet-sized licenses issued to ERICA MARIE BUENO to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order.

(2) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00). 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.

(3) 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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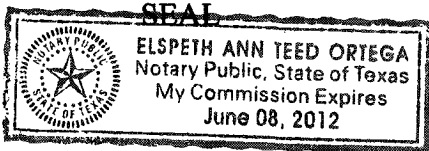
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I 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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 10 day of March, 2009.

Erica Marie Bueno
ERICA MARIE BUENO, Respondent

Sworn to and subscribed before me this 10 day of March, 2009.



Elspeth Ann Teed Ortega

Notary Public in and for the State of Texas

Approved as to form and substance.


Anthony K. Cutrona
Anthony K. Cutrona, Attorney for Respondent

Signed this 13 day of MARCH, 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 10th day of March, 2009, by ERICA MARIE BUENO, Registered Nurse License Number 726727 and Vocational Nurse License Number 193771, and said Order is final.



Effective this 26th day of March, 2009.


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