



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.
Patricia P. Plummer
Executive Director of the Board

IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
NUMBER 214002	§	COMMITTEE
ISSUED TO	§	OF THE TEXAS
SHIRLEY ANN O'CONNOR	§	BOARD OF NURSING

ORDER OF THE BOARD

TO: SHIRLEY ANN O'CONNOR
2700 AMBASSADOR CAFFERY PKWY
APT. 59
LAFAYETTE, LA 70506-5932

During open meeting held in Austin, Texas, on May 11, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to file a written response to the Formal Charges as required by 22 TEX. ADMIN. CODE § 213.16.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely notice of the violations alleged in the Formal Charges were given to Respondent in this matter, Respondent has failed to file an answer in accordance with 22 TEX. ADMIN. CODE § 213.16.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056 and 22 TEX. ADMIN. CODE § 213.16.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion to set aside the default order (22 TEX. ADMIN. CODE § 213.16(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 214002, previously issued to SHIRLEY ANN O'CONNER, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 214002, previously issued to SHIRLEY ANN O'CONNER, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice vocational nursing in the State of Texas.

Entered this 11th day of May, 2010.



TEXAS BOARD OF NURSING
FOR THE STATE OF TEXAS

BY:


KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 214002
Issued to SHIRLEY ANN O'CONNER
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of May, 2010, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

SHIRLEY ANN O'CONNER
2700 AMBASSADOR CAFFERY PKWY
APT. 59
LAFAYETTE, LA 70506-5932

BY: 
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License § BEFORE THE TEXAS
Number 214002, Issued to §
SHIRLEY ANN O'CONNER, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, SHIRLEY ANN O'CONNER, is a Vocational Nurse holding license number 214002, 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 18, 2009, Respondent failed to comply with the Eligibility Agreed Order issued to her on January 10, 2008, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Four (4) of the Order which states, in pertinent part that:

(4) Respondent shall, within one (1) year of initial licensure in the State of Texas, successfully complete a course in Texas nursing jurisprudence and ethics....

A copy of the January 10, 2008, Eligibility Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

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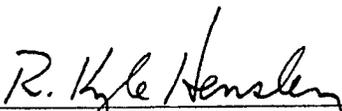
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice vocational nursing in the State of Texas pursuant to the Board's rules; 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent 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.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Eligibility Agreed Order dated January 10, 2008.

Filed this 9th day of March, 2010.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

John F. Legris, Assistant General Counsel
State Bar No. 00785533
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Eligibility Agreed Order dated January 10, 2008.

BEFORE THE
TEXAS BOARD OF NURSING

In the Matter of	§	ELIGIBILITY
SHIRLEY ANN O'CONNER	§	
APPLICANT for Eligibility for Licensure	§	AGREED ORDER

On the date entered below, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the Application for Licensure by Endorsement and supporting documents filed by SHIRLEY ANN O'CONNER, hereinafter referred to as APPLICANT, together with any documents and information gathered by staff and APPLICANT's Certificate contained herein. Information received by the Board produced evidence that APPLICANT may have violated Section 301.452(3)&(8) *et seq.*, Texas Occupations Code.

APPLICANT waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered on October 15, 2007, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. On or about July 23, 2007, Applicant submitted an Application for Licensure by Endorsement in compliance with Section 301.260 *et seq.*, Texas Occupations Code.
2. Applicant waived representation, notice, administrative hearing, and judicial review.
3. Applicant received a Certificate in Vocational Nursing from Alexandria Vocational Technical Institute, Alexandria, Louisiana, in September 1981.
4. Applicant completed the application for licensure by endorsement and answered "yes" to Question Number Thirteen (13), which reads in part as follows: *"Have you been convicted, adjudged guilty by a court, pled 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 arrests? This includes expunged offenses and deferred adjudication with or without prejudice of guilt."*

5. Applicant disclosed the following criminal history, to wit:

On January 19, 1999, Applicant was charged with the misdemeanor offense of Illegal Possession of Stolen Things in the Municipal Court of Rapides Parish, Alexandria, Louisiana. Applicant entered a plea of guilty and was sentenced to six (6) months probation. On May 9, 2000, Applicant completed probation.

6. Applicant completed the application for licensure by endorsement and answered "yes" to Question Number Fifteen (15), which reads as follows: *"Has any licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a professional license or certificate held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"*
7. On September 15, 2005, Applicant was issued a Citation Order by the Board of Vocational Nursing and Psychiatric Technicians, State of California. A copy of the September 15, 2005, California Citation Order is attached and incorporated by reference as part of this Order.
8. Applicant has sworn that with the exception of matters disclosed in connection with the Application for Licensure by Endorsement, her past behavior conforms to the Board's professional character requirements.
9. After considering the action taken by the Board of Vocational Nursing and Psychiatric Technicians, State of California, along with Applicant's conduct since September 15, 2005, the Executive Director is satisfied that Applicant is able to meet the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
10. On October 15, 2007, the Executive Director considered evidence of Applicant's behavior in light of the character factors set out in 22 Texas Administrative Code §213.27 and determined that Applicant currently demonstrates the criteria required for good professional character.
11. Applicant presented sufficient evidence that she would not pose a direct threat to the health and safety of patients and the public.
12. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Applicant's disclosures.
13. Applicant has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

CONCLUSIONS OF LAW

1. The Texas Board of Nursing has jurisdiction over this matter pursuant to Section 301.453 *et seq.*, Texas Occupations Code.
2. Applicant has submitted an Application for Licensure by Endorsement in compliance with 301.260 *et seq.*, Texas Occupations Code.
3. The evidence in Findings of Fact Numbers Four (4) and Six (6), is sufficient cause to take disciplinary action under Section 301.452 *et seq.*, Texas Occupations Code, and, therefore, sufficient cause to deny licensure.
4. The action taken by another jurisdiction is grounds for denial of a license under Section 301.452 *et seq.*, Texas Occupations Code.
5. Applicant shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452 *et seq.*, Texas Occupations Code.
6. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Texas Administrative Code §213.27, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

ORDER

IT IS THEREFORE AGREED that the application of SHIRLEY ANN O'CONNER, APPLICANT, is hereby CONDITIONALLY GRANTED and shall be subject to the following conditions:

- (1) APPLICANT SHALL obtain and read the Texas Nursing Practice Act, and the Rules and Regulations Relating to Vocational Nurse Education, Licensure and Practice.
- (2) Upon payment of the necessary fees, APPLICANT SHALL be issued a license to practice vocational nursing in the State of Texas, which shall bear the appropriate notation.
- (3) Upon receiving authorization to practice vocational nursing in Texas, APPLICANT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes

of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to APPLICANT's multistate licensure privilege, if any, to practice vocational nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while APPLICANT's license is encumbered by this Order the APPLICANT 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 APPLICANT wishes to work.

(4) APPLICANT SHALL, within one (1) year of initial licensure in the State of Texas, successfully complete a course in Texas nursing jurisprudence and ethics. APPLICANT 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 Chemical Dependency, and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. APPLICANT 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 APPLICANT'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/about/stipscourses.html>.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, APPLICANT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

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APPLICANT'S CERTIFICATION

I am the Applicant in this matter. I have fully and truthfully disclosed all relevant information in conformity with Rule 213.29 at 22 Texas Administrative Code. I certify that my past behavior, except as disclosed in my Application for Licensure by Endorsement, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior and have no pending cases in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Section 301.257, Texas Occupations Code, Section 301.452 (a),(b) and (c), Texas Occupations Code, and Board Rules 213.27, 213.28, and 213.29 at 22 Texas Administrative Code. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations set out in this Order. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any permit or license from the Texas Board of Nursing.

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.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Executive Director of the Texas Board of Nursing enter this Order.

Signed this 14TH day of December, 2007.
Shirley Ann O'Conner
SHIRLEY ANN O'CONNOR, APPLICANT

Sworn to and subscribed before me this 14TH day of December, 2007.

SEAL

James D. McAteer
Notary Public in and for the State of Connecticut

James D. McAteer
Notary Public
State of Connecticut
My Commission Expires
November 30, 2008

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby ratify and adopt the Order of Conditional Eligibility that was signed on the 14th day of December, 2007, by SHIRLEY ANN O'CONNER, APPLICANT, for Licensure by Endorsement, and said Order is final.

Entered this 10th day of January, 2008.

THE TEXAS BOARD OF NURSING



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



STATE AND CONSUMER SERVICES AGENCY • ARNOLD SCHWARZENEGGER, GOVERNOR

BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS

2535 Capitol Oaks Drive, Suite 205, Sacramento, CA 95833-2945

Phone (916) 263-7800 Fax (916) 263-7855 | Web www.bvnpt.ca.gov



October 5, 2007

Audrey Cazares
Program Supervisor
Board of Nurse Examiners
William P. Hobby Building, Suite 3-460
333 Guadalupe Street
Austin, TX 78701

Re: Shirley Ann O'Connor, LVN 214160

Dear Ms. Cazares:

The Board of Vocational Nursing and Psychiatric Technicians (Board) acknowledges receipt of your request for a copy of the disciplinary action taken against Shirley Ann O'Connor, licensed vocational nurse.

Enclosed is a certified copy of the Citation Order pertaining to Shirley Ann O'Connor, as requested. The administrative fine for this citation was paid in full on March 28, 2006

If you have further questions you may contact the Board's Enforcement Unit at (916) 263-7823.

Sincerely,

Daisy Fuentes
Enforcement Technician

Enclosure

DF



**BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS**

2535 CAPITOL OAKS DRIVE, SUITE 205
SACRAMENTO, CALIFORNIA 95833-2945
TELEPHONE (916) 263-7800; FAX (916) 263-7859
INTERNET ADDRESS: <http://www.bvnpt.ca.gov>



CITATION ORDER

September 15, 2005

Shirley O' Conner

0123456789

Dear Ms. O' Conner:

Pursuant to the Business and Professions Code, Sections 125.9 and 148, the Board of Vocational Nursing and Psychiatric Technicians (hereinafter referred to as the "Board") issues this citation.

Date of Issuance	Citation Number	Fine Assessed
September 15, 2005	05-0077-L	\$250.00

Licensing History

The records of the Board reflect that on April 4, 2005, the Board issued license number VN 214160 to Shirley O'Conner, also known as Shirley Ann O'Conner, Shirley Ann O Conner, and Shirley Ann Duncan; said license will expire on November 30, 2006, unless otherwise renewed.

Cause for Citation

Violation of Section 2878 (a) of the California Business and Professions Code, which reads as follows:

"The board may suspend or revoke a license issued under this chapter for any of the following:

- (a) Unprofessional conduct..."

Violation of Section 2878 (b) of the California Business and Professions Code, which reads as follows:

"The board may suspend or revoke a license issued under this chapter for any of the following:

- (b) Procuring a certificate by fraud, misrepresentation or mistake."

Violation of **Section 2878 (e)** of the California Business and Professions Code, which reads as follows:

“The board may suspend or revoke a license issued under this chapter for any of the following:

- (e) Making or giving any false statement or information in connection with the application for issuance of a license.”

Violation of **Section 2878 (f)** of the California Business and Professions Code, which reads as follows:

“The board may suspend or revoke a license issued under this chapter for any of the following:

- (f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.”

Violation of **Section 2878 (j)** of the California Business and Professions Code, which reads as follows:

“The board may suspend or revoke a license issued under this chapter for any of the following:

- (j) The commission of any act involving dishonesty, when that action is related to the duties and functions of the licensee.”

Violation of **Section 2521 (e)** of the California Code of Regulations, which reads as follows:

“...a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed vocational nurse to perform the functions authorized by his license in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those involving the following:

- (e) Conviction of a crime involving fiscal dishonesty.”

When making application for licensure as a vocational nurse, you completed and signed the Record of Conviction form, dated January 24, 2005. You responded, “No,” to the question, “Have you ever been “convicted” of any offense, including traffic violations?”

Information from the Federal Bureau of Investigations and the Department of Justice substantiates that you were arrested on April 2, 1998, and subsequently convicted in Pineville, Louisiana for possession of stolen goods. You failed to disclose this conviction on your application for licensure. Further, you attested to the accuracy and truthfulness of this

information, signing the document under penalty of perjury. Such convictions are substantially related to the duties, functions and responsibilities of the licensed vocational nurse.

Fine and/or Order of Abatement

You must pay an administrative penalty (fine) in the amount of \$250.00 within 30 days from the date this citation was mailed, but no later than **October 15, 2005**.

Payment of the administrative penalty should be made to the Board, 2535 Capitol Oaks Drive, Suite 205, Sacramento, CA 95833. Please note your citation number on the cashier's check or money order. Please complete and submit the enclosed Payment of Fine – Waiver Of Appeal Rights form with your payment.

Appeal Rights

You may appeal this citation or any portion thereof. Please use the enclosed Notice of Appeal form to request an Informal Citation Review Conference or a formal Administrative Hearing. Your request for an Informal Citation Review Conference must be in writing and submitted to the Board within fourteen (14) calendar days after service of the citation (the day the citation was mailed).

The request for a formal Administrative Hearing must also be in writing and submitted to the Board within thirty (30) calendar days after service of the citation. Pursuant to Section 125.3 of the Business and Professions Code, the Board has authority to request the administrative law judge to direct you to pay reasonable costs for the investigation and/or enforcement of this citation. Please refer to the enclosed Statement of Rights for additional appeal information.

Failure to request an Informal Citation Review or Administrative Hearing in a timely manner will waive your right to contest this citation. If you neither pay the fine nor request a review within the allotted time frame, your license will not be renewed for the next renewal period until the fine is paid.


TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer

9/15/05
Date

ATTACHMENTS

- Payment of Fine – Waiver of Appeal Rights
- Notice of Appeal
- Statement of Rights