

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse License Number 114310 § AGREED
issued to LINETTE ZAMUDIO § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LINETTE ZAMUDIO, Vocational Nurse License Number 114310, 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 representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on October 17, 2007, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 conference, 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 Nursing from Del Mar College, Corpus Christi, Texas, on February 28, 1985. Respondent was licensed to practice vocational nursing in the State of Texas on May 22, 1986.
5. Respondent's complete vocational nursing employment history is unknown.



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

6. On or about May 30, 2000, Respondent was issued the sanction of Suspend/Probate by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Agreed Board Order, dated May 30, 2000, is attached and incorporated, by reference, as part of this Order.
7. On or about March 1, 2004, Respondent entered a plea of Guilty to EVADING ARREST OR DETENTION, USING VEHICLE (a State Jail Felony offense committed on September 26, 2003), in the 214th District Court of Nueces County, Corpus Christi, Texas, under Cause No. 03-CR-3163-F. An adjudication of guilt was deferred, and Respondent was placed on Community Supervision for a period of two (2) years. Additionally, Respondent was ordered to pay a seven hundred fifty dollar (\$750) fine and court costs. Furthermore, Respondent was ordered to attend, participate, and successfully complete a Felony Victim Impact Panel, and complete one hundred fifty (150) hours of Community Service Restitution.
8. On or about March 1, 2004, Respondent was Convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on September 26, 2003), in the County Court at Law No. 2 of Nueces County, Corpus Christi, Texas, under Cause No. 2003-7376-2. Respondent was sentenced to confinement in the Nueces County Jail for a period of ninety (90) days, with the imposition of the sentence of confinement suspended, and Respondent was placed on Community Supervision for a period of one (1) year. Additionally, Respondent was ordered to pay a five hundred dollar (\$500) fine and court costs. Furthermore, Respondent was ordered to successfully complete the Nueces County Traffic Safety Education Program and complete twenty-four (24) hours of Community Service.
9. On or about January 25, 2005, Respondent submitted a Texas Online Renewal Document 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 been convicted, adjudged guilt by 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) since the last renewal? 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. (one time minor in possession [MIP] or minor in consumption [MIC] do not need to be disclosed, therefore, you may answer "No". If you have two or more MIP's or MIC's, you must answer "Yes".

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2003), in the County Court at Law No. 2 of Nueces County, Corpus Christi, Texas, under Cause No. 2003-7376-2.

10. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

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 §§217.12(6)(H)&(I) (effective on September 28, 2004) and 239.11(29)(A)(effective to 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 114310, heretofore issued to LINETTE ZAMUDIO, 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 Vocational Nurse License Number 114310, previously issued to LINETTE ZAMUDIO, to practice vocational nursing in Texas is hereby SUSPENDED, with the suspension STAYED, and Respondent is hereby placed on PROBATION for two (2) years with the following agreed terms of probation:

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this order the Respondent may not work outside the State of Texas pursuant to a

multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

(1) RESPONDENT 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 Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

(2) RESPONDENT SHALL pay all re-registration fees, if applicable, and be issued a license to practice vocational nursing in the State of Texas with the appropriate notation.

(3) 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 the suspension being stayed. Payment is to be made directly to the Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in 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 Chemical Dependency, 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/about/stipscourses.html>.*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A LICENSED VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(5) RESPONDENT SHALL notify all future employers in vocational nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in vocational nursing to submit the Notification of Employment form, which is provided to the Respondent

by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a vocational nurse.

(7) RESPONDENT SHALL be supervised by a Registered Nurse or a Licensed Vocational Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice vocational nursing. These reports shall be completed by the Registered Nurse or a Licensed Vocational Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for two (2) years of employment as a vocational nurse.

(9) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT

SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.**

(10) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the next three (3) month period, random screens shall be performed at least twice per month. For the next six (6) month period, random screens shall be performed at least once per month. For the remainder of the stipulation/probation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

| | |
|---------------------------------|---------------|
| Amphetamines | Meperidine |
| Barbiturates | Methadone |
| Benzodiazepines | Methaqualone |
| Cannabinoids | Opiates |
| Cocaine | Phencyclidine |
| Ethanol | Propoxyphene |
| tramadol hydrochloride (Ultram) | |

A Board representative may appear at the RESPONDENT's place of employment at any time during the probation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the probation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

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

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 this Order is subject to

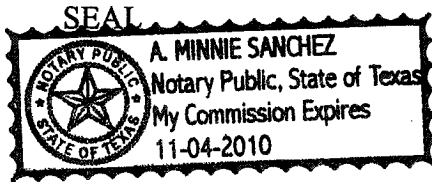
ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 5 day of Dec, 20 07.

Linette Zamudio

LINETTE ZAMUDIO, Respondent

Sworn to and subscribed before me this 5th day of December, 20 07



A. Minnie Sanchez

Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 5th day of December, 2007, by LINETTE ZAMUDIO, Vocational License Number 114310, and said Order is final.

Effective this 17th day of January, 2008.



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

BOARD OF VOCATIONAL
NURSE EXAMINERS

• STATE OF TEXAS
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VS.

LINETTE ZAMUDIO

• COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of vocational nurse license number 114310 held by LINETTE ZAMUDIO, hereinafter called Respondent.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Respondent of its intent to take disciplinary action with respect to said license held by Respondent, as a result of a complaint and subsequent investigation. Said investigation produced evidence indicating that Respondent has engaged in unprofessional or dishonorable conduct that, in the Board's opinion, is likely to deceive, defraud, or injure the public, in violation of Texas Occupations Code, Chapter 302, Section 302.402 (a) (10), in the following manner:

I.

- a. Respondent was employed as a licensed vocational nurse at Alameda Oaks Nursing Facility in Corpus Christi, Texas from about February 23, 1999 through about June 16, 1999.
- b. While so employed at said facility, on or about June 14-15, 1999, Respondent was responsible for discrepancies in the administration and documentation of medications and treatments, to-wit: falsely documented that she administered Trovan 200 mg to resident A.R., however the narcotic log showed that said drug had not been signed out; failed to administer bolus feeding (Glucerna) to resident A.R. and a relief nurse found an unopened syringe in said resident's room; Respondent failed to annotate on the Medication Administration Record (MAR) that Prednisone 7.5 mg was discontinued for resident A.R., resulting in said resident's subsequent overmedication.

By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the matters previously set out in this Order with respect to the above-mentioned investigation. By Respondent's signature on this Order, Respondent acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

AGREED BOARD ORDER
RE: LINETTE ZAMUDIO
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By their notarized signature on this Order, Respondent does hereby waive the right to a formal Complaint, Notice of Hearing and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED that license number 114310, heretofore issued to LINETTE ZAMUDIO to practice vocational nursing in the State of Texas be, and the same is hereby suspended, with said suspension stayed and placed on probation for a period of one (1) year.

1. That if Respondent's place of employment, name, address or telephone number changes, Respondent is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said notification shall be in the form of a written letter or report.
2. That Respondent shall comply with Federal, State, and local laws, and all the provisions of the Texas Occupations Code, Chapter 302 and Rules and Regulations of the Board.
3. That by copy of this Board Order, Respondent shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.
4. That Respondent shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a monthly basis for the first three (3) months of probation. Thereafter, and throughout the remainder of said probation, Respondent shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a quarterly basis. The receipt of an unfavorable and/or untimely report shall be considered a violation of probation.
5. That any period(s) of nursing unemployment must be documented in writing by Respondent and submitted to the Board office, as provided in Stipulation No. four (4).
6. That Respondent shall work only under the supervision of a licensed medical professional (MD, RN, LVN) who is physically present on the work premises during Respondent's shift assignment(s), throughout the term of the probation.

AGREED BOARD ORDER
 RE: LINETTE ZAMUDIO
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7. That Respondent shall not be employed by a nurse registry, temporary nurse employment agency, home health agency, or as a private duty nurse, throughout the term of probation.
8. That Respondent shall not be the only licensed medical professional in the facility throughout the term of probation.
9. That Respondent shall successfully complete nursing program course(s) encompassing the following areas of study: Legal Aspects of Nursing (to include Charting and Patient Confidentiality). Respondent shall be responsible for locating said course(s) and obtaining prior written approval of Board staff prior to committing to said course(s). Said course(s) shall be correspondence (through a recognized provider), in-house at a community college, university or nursing program, and/or tutored by a state approved, licensed nursing program faculty member. The expense of said course(s) shall be borne by Respondent. Failure to successfully complete said course(s) within the time frame stipulated, shall be considered a violation of probation.
10. That Respondent shall pay a Probation Monitoring fee in the amount of thirty (\$30.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said fee shall be paid quarterly, due on the 15th of each quarter, commencing the quarter following the date of the Board's endorsement of the Order, and continuing thereafter until the successful completion of Respondent's probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners, 333 Guadalupe, Suite 3-400, Austin, TX 78701". Failure by Respondent to make any quarterly payment on time shall constitute a violation of probation.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.

Dated this the 30th day of May, 2000.

Linette Zamudio
 Signature of Respondent

231 Allen Lot # A
 Current Address

Portland, Tx 78374
 City, State and Zip

361. 777-3779
 Area Code and Telephone Number

AGREED BOARD ORDER
RE: LINETTE ZAMUDIO
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SWORN TO AND SUBSCRIBED before me on this the 30th day of May, 2000.

Andy A. Figueroa
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 10/17/2000

Mary M. Strange
Mary M. Strange, RN
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 6th day of June, 2000.

Sandy Gardner
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS




00114310

BOARD ORDER
RE: LINETTE ZAMUDIO, LVN #114310
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WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed order that was signed on the 30th day of May, 2000 by Respondent, license number 114310 and that Said Order is Final.

Effective this 5th day of June, 2000.



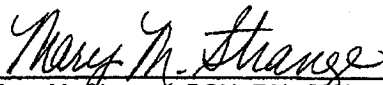
Mary M. Strange, BSN, RN, CNA
Executive Director
On Behalf of Said Board

BOARD ORDER
RE: LINETTE ZAMUDIO, LVN #114310
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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of June, 2000, a true and correct copy of the foregoing
BOARD ORDER was served by placement in the U.S. Mail, first class, and addressed to the
following person(s):

LINETTE ZAMUDIO
231 ALLEN LOT A
PORTLAND, TX 78374



Mary M. Strange, BSN, RN, CNA
Executive Director
Agent for the Board of Vocational Nurse Examiners

BOARD OF VOCATIONAL NURSE
EXAMINERS

VS.

LINETTE ZAMUDIO

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STATE OF TEXAS

COUNTY OF TRAVIS

COMPLAINT

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Carolyn Hudson, who after being by me duly sworn, did depose and say:

As an Investigator for the Board of Vocational Nurse Examiners, I, Carolyn Hudson, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against LINETTE ZAMUDIO, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 114310, hereinafter called Respondent.

I.

- a. On June 5, 2000, the Board of Vocational Nurse Examiners endorsed an Agreed Board Order in which Respondent's license to practice Vocational Nursing in the State of Texas was suspended, with said suspension stayed and placed on probation for a period of one (1) year.
- b. Said Order stipulated, in part, that Respondent shall successfully complete nursing program course(s) encompassing the following areas of study: Legal Aspects of Nursing (to include Charting and Patient Confidentiality).
- c. Respondent has failed to submit documentation of successful completion of the required nursing course to the Board office on or before the due date of June 5, 2001.
- d. By said conduct Respondent has violated the terms of her probation.

COMPLAINT
RE: LINETTE ZAMUDIO, LVN #114310
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II.

Respondent has violated the Texas Occupations Code, a rule or order issued under this code, contrary to the Texas Occupations Code, Chapter 302, Section 302.402 (a) (1).

III.

The foregoing acts constitute grounds for the Board of Vocational Nurse Examiners to take disciplinary action as provided under the Texas Occupations Code Chapter 302, Licensed Vocational Nurse, Section 302.403 and Section 302.451, relief such as revocation, suspension, suspension with probation, reprimand, warning, denial of licensure and/or imposition of administrative penalties (fines), may be recommended by the Board. Pursuant to Board Rule 239.19 the Board may assess penalties (fines), in the minimum amount of two hundred fifty dollars (\$250.00), not to exceed two thousand dollars (\$2,000.00).

WHEREFORE, PREMISES CONSIDERED, I, Carolyn Hudson, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against LINETTE ZAMUDIO, LVN # 114310, in accordance with the provisions of the laws of the State of Texas.



AFFIANT

COMPLAINT
RE: LINETTE ZAMUDIO, LVN #114310
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SUBSCRIBED AND SWORN TO BEFORE ME by the said Carolyn Hudson, on this the 30th day of August 2001.



Sandy Gardner

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Filed with the Board of Vocational Nurse Examiners on the 30th day of August 2001.

Kirby W. Hattox

Kirby W. Hattox, Supervisor
Enforcement Division
Board of Vocational Nurse Examiners