

BEFORE THE TEXAS BOARD OF NURSING



In the Matter of Vocational Nurse	§	AGREED
License Number 184900	§	
issued to TERESA LEWIS NIETO	§	ORDER

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

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of TERESA LEWIS NIETO, Vocational Nurse License Number 1849 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 conference, notice and hearing, and agreed to the entry of this Order offered on June 4, 2008, 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 Vocational Nursing from Coastal Bend College-Bee County, Beeville, Texas, on May 8, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on July 12, 2002.

5. Respondent's vocational nursing employment history includes:

7/02-12/05	Unknown	
1/06-12/06	LVN	Kenedy Manor Kenedy, Texas
12/06-1/07	LVN Charge Nurse	Cuero Nursing & Rehabilitation Cuero, Texas
1/07-6/07	Tile Nurse/Unit Manager	Lynnhaven Nursing Center Corpus Christi, Texas
6/07-7/07	LVN	Yoakum Nursing & Rehabilitation Center Yoakum, Texas
8/07-Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a vocational nurse with Yoakum Nursing & Rehabilitation Center, Yoakum, Texas, and had been in this position for less than one (1) month.
7. On or about July 25, 2007, while employed with Yoakum Nursing and Rehabilitation Center, Yoakum, Texas, Respondent was physically, emotionally and psychologically abusive to Patient #27024, in that she laughed at him when he fell, grabbed him by the arm and neck to restrain him, and cursed and threatened him numerous times. Respondent's conduct was likely to cause emotional and/or physical harm to the patient which could have interfered or disrupted this patient's treatment.
8. Respondent states that at no time did she laugh at said resident. He did fall from a gate while trying to leave the facility in the rain. At no time was resident emotionally, physically or psychologically harmed in any way. Respondent states that the resident was held by the arm one time to avoid staff being hit, and so another nurse could administer an injection, to help calm resident. Respondent states at no time to her knowledge was there cursing by staff, only resident, and at no time does she feel she acted inappropriately towards resident, keeping in mind his safety and the safety of all others.
9. Formal Charges were filed on February 20, 2008.
10. Formal Charges were mailed to Respondent on February 22, 2008.
11. In a letter dated June 27, 2008, from Yorktown Nursing and Rehabilitation, Yorktown,

Texas, Janice Tiemann, RN, DON states that Respondent has always been professional and in control of herself. Ms. Tiemann states she and the Administrator have discussed the situation and are willing to provide her the supervision that is required by the stipulations.

12. In a letter dated June 30, 2008, from Cuero Nursing and Rehabilitation Center, Inc., Cuero, Texas, Cynthia Strait, RN, DON states Respondent has maintained an excellent standing throughout her employment. Respondent has conducted herself in a professional manner and has provided excellent care to their residents.

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 violation of Section 301.452(b)(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B) and 22 TEX. ADMIN. CODE §217.12(6)(C).
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 184900, heretofore issued to TERESA LEWIS NIETO, 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 a WARNING WITH STIPULATIONS, and 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 Vocational 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 Respondent's multistate licensure privilege, if any, to practice vocational nursing in compact states.

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 Texas Board of Nursing 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 license issued to TERESA LEWIS NIETO, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order for appropriate notation.

(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) 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/disciplinary.action>.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in "Detecting and Preventing Abuse and Neglect ...," a five (5) contact hour workshop presented in various locations by the Texas Department of Aging and Disability Services. In order to receive credit for completion of this workshop, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this workshop to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following website:*
<http://www.dads.state.tx.us/providers/training/jointtraining.cfm> or by contacting (512) 438-2201.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A LICENSED VOCATIONAL 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 STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT

**THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) LICENSE
WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations 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 present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations 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.

(5) RESPONDENT SHALL CAUSE each present employer in 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 nurse.

(6) 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 except that RESPONDENT may be employed at Yorktown Nursing & Rehabilitation Center and Cuero Nursing and Rehabilitation Center provided RESPONDENT meets stipulations four (4) through seven (7) with both employers. Should RESPONDENT'S employment with either Yorktown Nursing & Rehabilitation Center or Cuero Nursing and Rehabilitation Center cease, then the prohibition against multiple employers is reestablished.

(7) 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 nursing. These reports shall be completed by the Registered Nurse or 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 one (1) year of employment as a nurse.

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.

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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 violation 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.

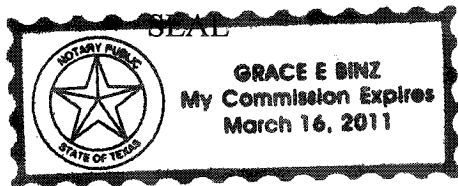
Signed this 25th day of July, 2008

Teresa Lewis Nieto
TERESA LEWIS NIETO, Respondent

Sworn to and subscribed before me this 25th day of July, 2008.

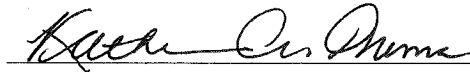
Grace E Binz

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 25th day of July, 2008, by TERESA LEWIS NIETO, Vocational Nurse License Number 184900, and said Order is final.

Effective this 9th day of September, 2008.

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

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