

6. On or about April 8, 2004, while applying for employment as a licensed vocational nurse with Pediatric Special Care, Bellaire, Texas, Respondent provided false information regarding her education on the application for employment. Respondent listed receiving her education from Blinn College of Vocational Nursing, Brenham, Texas, with a graduation date of 1981; however, Board records indicate that Respondent graduated from Memorial City Medical Center, Houston, Texas, on December 21, 1993. Respondent's conduct was likely to deceive the employer and could have affected the decision to employ Respondent.
7. On or about April 8, 2004, while applying for employment as a licensed vocational nurse with Pediatric Special Care, Bellaire, Texas, Respondent provided false information regarding her employment history. Respondent listed employment with Denson Home Health, Webster, Texas, from December 1981 through April 2004; however, when staff verified employment they were informed that Respondent worked at Denson Home Health from January 8, 2004, through January 11, 2004. Respondent's conduct was likely to deceive the employer and could have affected the decision to employ Respondent.
8. On or about April 8, 2004, while applying for employment as a licensed vocational nurse with Pediatric Special Care, Bellaire, Texas, Respondent provided false information regarding her TB tests, in that the card she presented was altered. Respondent's conduct was likely to deceive the employer and could have affected the decision to employ Respondent.
9. On or about January 24, 2005, while applying for employment as a licensed vocational nurse with Interim Healthcare Staffing Services, Bryan, Texas, Respondent provided false information regarding her education on the application for employment. Respondent listed receiving her education from The School of Vocational Nursing, Houston, Texas, with a graduation date of 1980; however, Board records indicate that Respondent graduated from Memorial City Medical Center, Houston, Texas, on December 21, 1993. Respondent's conduct was likely to deceive the employer and could have affected the decision to employ Respondent.
10. On or about January 24, 2005, while applying for employment as a licensed vocational nurse with Interim Healthcare Staffing Services, Bryan, Texas, Respondent provided false information regarding her employment history. Respondent listed employment as a "nurse" with Kelsey Seybold West Clinic, Houston, Texas, from December 1980 through July 1996; however, Respondent was not licensed to practice vocational nursing in the State of Texas until May 13, 1994. Respondent's conduct was likely to deceive the employer and could have affected the decision to employ Respondent.
11. On or about June 7, 2005, while applying for employment as a licensed vocational nurse with Active Care Home Health, Inc., Houston, Texas, Respondent provided false information regarding her education on the application for employment. Respondent listed receiving her education from Blinn College, Brenham, Texas, with a graduation date of 1980; however, Board records indicate that Respondent graduated from Memorial City Medical Center, Houston, Texas, on December 21, 1993. Respondent's conduct was likely to deceive the employer and could have affected the decision to employ Respondent.

12. On or about June 7, 2005, while applying for employment as a licensed vocational nurse with Active Care Home Health, Inc., Houston, Texas, Respondent provided false information regarding her employment history. Respondent listed employment with Interim Home Health, Brenham, Texas, from December 1980 through June 2005; however, Respondent was not licensed to practice vocational nursing in the State of Texas until May 13, 1994 and Interim Healthcare, Bryan, Texas verified that Respondent has never been employed with their agency. Respondent's conduct was likely to deceive the employer and could have affected the decision to employ Respondent.
13. Respondent admits to the allegations and states that she does not even remember writing some of the information on the applications for employment. Respondent states that her mother was very ill and, in addition, she was having to deal with her divorce and the death of her child. She had a nervous breakdown and is currently seeing a psychiatrist. Respondent submitted a "Report of Health Status of Vocational Nurse" prepared by her psychiatrist, Richard Earle Palmer, MD. Dr. Palmer states that Respondent's diagnoses are Bipolar Disorder and Anxiety Disorder. She currently takes Topamax, Effexor and Clonazepam. Respondent is compliant with her treatment and she currently poses no threat or potential threat to the health and safety of patients, their family, or the public.
14. Charges were filed on May 24, 2006.
15. Charges were mailed to Respondent on May 30, 2006.

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 Sections 301.452(b)(10) and 302.402(a)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§239.11(8) & 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 Vocational Nurse License Number 146643, heretofore issued to ELIZABETH ANN LEDESMA, 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 Board of Nurse Examiners, 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 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 license issued to ELIZABETH ANN LEDESMA, to the office of the Board of Nurse Examiners 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. 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, and documentation of care. 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing 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. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(4) RESPONDENT SHALL pay a monetary fine in the amount of one thousand seven hundred dollars (\$1700). RESPONDENT SHALL pay this fine within one hundred thirty-five (135) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

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:

(5) RESPONDENT SHALL notify each present employer in vocational 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 vocational 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.

(6) 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.

(7) For the duration of the stipulation period, 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 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 vocational nurse.

(9) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the

therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT's progress in therapy, rehabilitation and capability to safely practice vocational nursing. The report must indicate whether or not the RESPONDENT's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation period, or until RESPONDENT is dismissed from therapy.

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 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.

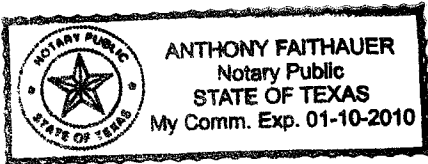
Signed this 6 day of October, 2006.

Elizabeth Ann Ledesma
ELIZABETH ANN LEDESMA, Respondent

Sworn to and subscribed before me this 6th day of October, 2006.


SEAL.

Anthony Faithauer
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 6th day of October, 2006, by ELIZABETH ANN LEDESMA, Vocational Nurse License Number 146643, and said Order is final.

Effective this 13th day of November, 2006.



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