

Respondent's nursing employment history continued:

10/2010 - 10/2011	Registered Nurse Outfield Case Manager	BRM Home Health Harlingen, Texas
11/2011 - 1/2012	Unknown	
2/2012 - 10/2012	Registered Nurse	Rio Grande Regional McAllen, Texas
10/2012 - 3/2013	Registered Nurse	Valley Regional Medical Center Brownsville, Texas
3/2013 - 9/2013	Registered Nurse	Bay Area Medical Center Corpus Christi, Texas
10/2013	Unknown	
11/2013 - 10/2016	Registered Nurse	Valley Baptist Medical Center Harlingen, Texas
11/2016 - 2/2017	Unemployed	
3/2017 - 9/2017	Registered Nurse Med Surg	Abest Nursing Agency McAllen, TX
10/2017 - Present	Registered Nurse Med Surg	Doctor's Hospital at Renaissance Edinburg, TX

6. At the time of the incident, Respondent was employed as a Registered Nurse with Valley Baptist Medical Center, Harlingen, Texas, and had been in that position for two (2) years and eleven (11) months.

7. On or about October 5, 2016, while employed as a Registered Nurse with Valley Baptist Medical Center, Harlingen, Texas, Respondent physically abused Patient Number 1034311 in that she forced the patient to ingest his pills. Specifically, Respondent forcefully placed pills in the patient's mouth and then blocked the patient's mouth with one hand and slapped the patient with her other hand. Subsequently, when the patient managed to spit the pills out, Respondent again forcefully placed the pills in the patient's mouth and placed her hands over the patient's mouth and nose. Furthermore, when the patient managed to spit the pills out again, Respondent proceeded to crush the patient's medication and mixed them in pudding and then fed the pudding to the patient in three (3) spoonfuls, giving the patient little time to breath in between eating. Respondent's conduct was likely to cause emotional, physical, and/or psychological harm to the patient and could have interfered or disrupted the patient's treatment.

8. In response to Finding of Fact Number Seven (7), Respondent denies blocking the patient's mouth with her hand and forcing the patient to eat an entire pudding cup. Respondent states she placed a gel cap directly into the patient's mouth and he spit it out immediately. Respondent states she grabbed the pill and placed it back into the patient's mouth and he spit it out again. Respondent states a Licensed Vocational Nurse (LVN) student, who was shadowing her, also attempted twice to give the patient the gel cap but was unsuccessful. Respondent states she set the gel cap aside, crushed the rest of the patient's medication into three spoonfuls of pudding, and fed the pudding to the patient, which the patient ate willingly. Respondent states that her conduct resulted in no harm to the patient.
9. On or about March 20, 2017, Respondent underwent a Forensic Evaluation with Troy Martinez, PsyD. Dr. Martinez did not feel able to provide confident opinions and conclusions in support of Respondent's professional fitness. Dr. Martinez reports that Respondent states the incident was a matter of perception. Respondent denied specific parts of the allegations, particularly involving her blocking the patient's nose and mouth.

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(s) of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(B) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(C)&(6)(F).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 788687, heretofore issued to JACQUELINE NUNEZ, including revocation of Respondent's license to practice nursing in the State of Texas.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 788687, previously issued to JACQUELINE NUNEZ, to practice nursing in Texas is hereby **SUSPENDED** with the suspension

STAYED and Respondent is hereby placed on **PROBATION**, in accordance with the terms of this Order, for a minimum of two (2) years **AND** until Respondent fulfills the requirements of this Order.

- A. This Order **SHALL** apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order **SHALL** be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. As a result of this Order, Respondent's license(s) will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state.

II. COMPLIANCE WITH LAW

While under the terms of this Order, **RESPONDENT** agrees to 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.

III. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, **RESPONDENT** must successfully complete the Board's online course, "Understanding Board Orders," which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, **RESPONDENT** must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

IV. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, **RESPONDENT SHALL** successfully complete the following remedial education course(s) within one (1) year of the effective date of this Order, unless otherwise specifically

indicated:

- A. **A Board-approved course in Texas nursing jurisprudence and ethics** that shall be a minimum of six (6) 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. Home study courses and video programs will not be approved.
- B. **The course "Sharpening Critical Thinking Skills,"** a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

V. **EMPLOYMENT REQUIREMENTS**

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as a nurse have elapsed. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL

notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.

- B. Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on 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.
- D. Indirect Supervision:** For the remainder of the stipulation/probation period, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as 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.
- E. Nursing Performance Evaluations:** 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 individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for eight (8) quarters [two (2) years] of employment as a nurse.

VI. FURTHER COMPLAINTS

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.

VII. RESTORATION OF UNENCUMBERED LICENSE

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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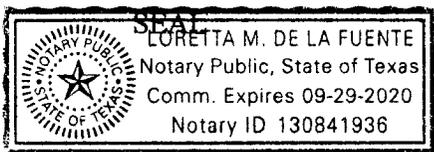
RESPONDENT'S CERTIFICATION

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 violation(s) alleged herein. By my signature on this Order, I agree to the entry of this 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 possible revocation of my license to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 19th day of January, 2018.

J. Nunez, RN
JACQUELINE NUNEZ, Respondent

Sworn to and subscribed before me this 19th day of January, 2018.



J. M. De la Fuente
Notary Public in and for the State of Texas

Approved as to form and substance.
[Signature]
Bertolino LLP, Attorneys for Respondent

Signed this 23 day of January, 2018.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 19th day of January, 2018, by JACQUELINE NUNEZ, Registered Nurse License Number 788687, and said Order is final.

Effective this 13th day of March, 2018.



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