



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

## Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701  
 Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.texas.gov

**Katherine A. Thomas, MN, RN, FAAN**  
*Executive Director*

May 2, 2018

Certified Mail No. 9171999991703795369573, Return Receipt Requested  
Copy Via USPS First Class Mail

Rebecca Caballero  
 2431 Muddy Peak Drive  
 San Antonio, Texas 78245

Dear Ms. Caballero:

We have reviewed and evaluated your Application by Examination and the supporting information related to your eligibility for licensure under the Nursing Practice Act and the Board's Rules and Regulations Relating to Nurse Education, Licensure, and Practice.

It has been determined that, upon meeting the requirements for graduation and payment of any required fees, you will be eligible to sit for the National Council Licensure Examination for Registered Nurses (NCLEX-RN® Examination).

As you will recall, on March 13, 2018, you were issued an Order by the Board affecting your licensure or eligibility for licensure. Our records indicate that you have not yet successfully completed the terms of that Order. Therefore, although you will be eligible to receive a professional nursing license upon successful completion of the NCLEX-RN® Examination, the remaining terms of your prior Order will be applied to any professional nursing license issued to you by the Board. As a result, both your vocational and professional nursing licenses will be subject to the remaining requirements of the Order, a copy of which is attached hereto for your reference.

A new Order will not be issued to you. However, if your prior Order was not considered confidential, then this correspondence is public information, and the encumbrances from your prior Order that will be applied to your professional nursing license will be forwarded to the National Council of State Boards of Nursing, Inc., and the National Practitioner Data Bank (NPDB).

**THIS LETTER DOES NOT SERVE AS YOUR AUTHORIZATION TO SIT FOR THE NCLEX-RN® EXAMINATION.** Written authorization to sit for the NCLEX-RN® EXAMINATION will be issued by Pearson Vue within ten business days of the Board receiving the Affidavit of Graduation from your school of nursing.

Sincerely,

Mark W. Majek  
 Director of Operations

MWM/238

Enclosure: Order dated March 13, 2018

S70(2017.07.13)

### Members of the Board

Kathleen Shipp, MSN, RN, FNP  
 Lubbock, *President*

Nina Almsy, MSN, RN Austin Deborah Bell, CLU, ChFC Abilene Patricia Clapp, BA Dallas Laura Disque, MN, RN Edinburg Allison Edwards, DrPH, MS Bellaire Diana Flores, MN, RN Helotes

Monica Hamby, LVN Amarillo Doris Jackson, DHA, (ABD), MSN, RN Pearland Kathy Leader-Horn, LVN Granbury Beverley Jean Nutall, LVN Weatherford David Saucedo, II El Paso Francis Stokes Port Aransas

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of § AGREED
Vocational Nurse License Number 329384 §
issued to REBECCA MARIE CABALLERO § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of REBECCA MARIE CABALLERO, Vocational Nurse License Number 329384, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on September 11, 2017.

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(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Career Point College, San Antonio, Texas, on September 1, 2015. Respondent was licensed to practice vocational nursing in the State of Texas on November 24, 2015.
5. Respondent's vocational nursing employment history includes:

12/2015 Unknown

Respondent's vocational nursing employment history continued:

1/2016 - Unknown	LVN	Windsor Mission Oaks San Antonio, Texas
5/2016 - Unknown	LVN	First Steps Converse, Texas
7/2016 - Unknown	LVN	Assure Home Healthcare Inc. San Antonio, Texas

6. At the time of the incident, Respondent was employed as a Licensed Vocational Nurse with Assure Home Healthcare Inc., San Antonio, Texas, and had been in that position for twenty-three (23) days.
7. On or about July 29, 2016, while employed as a Licensed Vocational Nurse with Assure Home Healthcare Inc., San Antonio, Texas, and assigned to provide nursing care to Patient M.L., Respondent lacked fitness to practice vocational nursing in that she was found sleeping while caring for the patient. Additionally, Respondent admitted to feeling tired and her eyes getting heavy. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
8. In response to Finding of Fact Number Seven (7), Respondent states on the night of July 28th she was on shift from 11pm to 7am. Around mid-shift she felt herself getting tired so she turned on the television and sat on the floor to keep herself from accidentally dozing off. She remembers seeing a commercial on the television and that is when her eyes started getting heavy. The patient's mother then walked in the room and startled her. Respondent states she was not feeling drowsy after being startled.

#### 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)&(1)(T) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(5).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas

Occupations Code, to take disciplinary action against Vocational Nurse License Number 329384, heretofore issued to REBECCA MARIE CABALLERO.

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 that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS** in accordance with the terms 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](http://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 four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) 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. **Indirect Supervision:** 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.
- D. **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 four (4) quarters [one (1) year] of employment as a nurse.

**VI. RESTORATION OF UNENCUMBERED LICENSE(S)**

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) 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

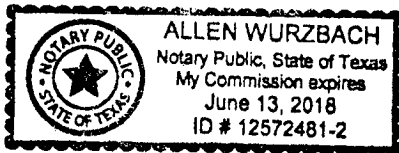
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 12<sup>th</sup> day of February, 2018.

Rebecca Marie Caballero  
REBECCA MARIE CABALLERO, Respondent

Sworn to and subscribed before me this 12<sup>th</sup> day of February, 2018.

SEAL

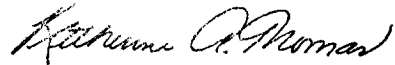


Allen Wurzbach  
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 12<sup>th</sup> day of February, 2018, by REBECCA MARIE CABALLERO, Vocational Nurse License Number 329384, and said Order is final.

Effective this 13<sup>th</sup> day of March, 2018.



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