

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 541789	§	
issued to LAURIE ANN YBARRA	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LAURIE ANN YBARRA, Registered Nurse License Number 541789, 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 January 14, 2008, by Katherine A. Thomas, MN, RN, Executive Director.

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 professional nursing in the State of Texas.
4. Respondent received a Baccalaureate Degree in Nursing from Texas Tech University, Lubbock, Texas, on August 1, 1987. Respondent was licensed to practice professional nursing in the State of Texas on August 24, 1987.
5. Respondent's complete professional nursing employment history is unknown.

6. On or about November 6, 2006, Respondent submitted a renewal application to the Board of Nurse Examiners for the State of Texas in which she answered "Yes" to the following question: "Have you ever been convicted, placed on community supervision...?" Respondent disclosed the following offense:

On or about December 22, 2002, Respondent was arrested for Driving While Intoxicated, by the Bedford Police Department.

On or about January 21, 2003, Respondent entered a plea of "Guilty" and was "Convicted" of Driving While Intoxicated, a Class B Misdemeanor, in the Tarrant County Court at Law #8, Fort Worth, Texas, under Cause #0872190001. As a result of the conviction, Respondent was sentenced to serve ninety days in the Tarrant County Jail, with the imposition of the jail sentence suspended, and was placed on twenty-four (24) months probation and ordered to pay a fine and court costs.

7. On or about November 11, 2004, Respondent submitted a renewal application 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 following question: Have you been convicted, adjudged guilty by a court...?" Respondent failed to disclose the following conviction.

On or about January 21, 2003, Respondent entered a plea of "Guilty" and was "Convicted" of Driving While Intoxicated, a Class B Misdemeanor, in the Tarrant County Court at Law #8, Fort Worth, Texas, under Cause #0872190001. As a result of the conviction Respondent was sentenced to serve ninety days in the Tarrant County Jail, with the imposition of the jail sentence suspended and placed on twenty four (24) months probation and ordered to pay a fine and court costs.

8. On or about January 8, 2007, Respondent submitted a written response to Finding of Fact Number Seven (7), which states that it is true that she was convicted in 2003 of a misdemeanor DUI. In 2004, she renewed online and misunderstood the question. She thought the question was inquiring about a felony conviction not a misdemeanor, so she answered no. Basically it was a misunderstanding and was not her intention to provide false, deceptive or misleading information and she deeply apologizes for the confusion.

#### 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, and 22 TEX. ADMIN. CODE §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 Registered Nurse License Number 5417 89, heretofore issued to LAURIE ANN YBARRA, including revocation of Respondent's license to practice professional 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 REMEDIAL EDUCATION WITH A FINE, 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 Professional 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 professional nursing in the State of Texas.

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 LAURIE ANN YBARRA to the office of the Texas Board of Nursing within ten (10) days of 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 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.bne.state.tx.us/about/stipscourses.html>.*

(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 entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

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 professional 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 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 revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 15 day of February, 2008.

Laurie Ann Ybarra  
LAURIE ANN YBARRA, Respondent

Sworn to and subscribed before me this 15 day of Feb., 2008.

SEAL

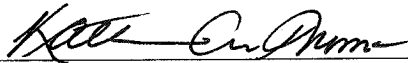
Ken Faris

Notary Public in and for the State of TX



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 15th day of February, 2008, by LAURIE ANN YBARRA, Registered Nurse License Number 541789, and said Order is final.

Effective this 21st day of February, 2008.

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