

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse License Number 63308 § AGREED
issued to RAMONA VASQUEZ § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that RAMONA VASQUEZ, hereinafter referred to as Respondent, Vocational Nurse License Number 63308, may have violated Section 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on April 22, 2008, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Nancy Roper Willson, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Nancy Krause, RN, Investigator; Dennis Riggins, Investigator; John DeLaRosa, Investigator; Veronica Franco, Investigator; and Kim L. Williamson, RN, Investigator.

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 consented 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 Mt. Pleasant School of Vocational Nursing, Mt. Pleasant, Texas, on June 24, 1974. Respondent was licensed to practice vocational nursing in the State of Texas on May 19, 1975.

5. Respondent's vocational nursing employment history includes:

5/19/75 to 1979	Licensed Vocational Nurse (LVN) Denton State School Denton, Texas
1979 to 1988	LVN Flow Hospital Denton, Texas
1988 to 2000	LVN Dallas Nursing and Rehabilitation Dallas, Texas
2/2/00 to 2005	LVN, Charge Nurse Cross Timbers Rehabilitation and Healthcare Center Flower Mound, Texas
2005 to 3/30/07	LVN Golden Acres Dallas, Texas
4/3/07 to Present	LVN The Gardens of Richardson Richardson, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a LVN with Cross Timbers Rehabilitation and Healthcare Center, Flower Mound, Texas, and had been in this position for four (4) years and ten (10) months.

7. On or about December 19, 2004, while employed as a LVN Charge Nurse with Cross Timbers Rehabilitation and Healthcare Center, Flower Mound, Texas, Respondent inappropriately documented that a Stage IV decubitus ulcer to the right elbow of Resident AQ on the admission nursing assessment on November 23, 2004, several day to weeks after the admission. In December, the resident was noted by another nurse to have an ulcer to the elbow, the physician was notified and treatments were initiated. Respondent submitted a letter to her supervisor that she documented the Stage IV ulcer to the right elbow on the admission assessment, but she thought she did it the next day. Respondent's conduct resulted in an inaccurate medical record, and was likely to injure the resident in that caregivers would have relied on her documentation and assessment to provide appropriate care to the resident.

8. During March 2007, while employed as a LVN with Golden Acres, Dallas, Texas, Respondent failed to maintain professional boundaries of the nurse / client relationship in that she kissed Resident RB, referred to him as her "daddy," stated she felt like he was a father to her, as she no longer had a father. In addition, Respondent told the resident and his wife that she loved both of them. The resident's wife had reported to other staff that she was uncomfortable with Respondent's behavior. Respondent's conduct was likely to injure the resident in that it could have interfered with Respondent's role as a nurse and with Respondent's nursing judgment. In addition, Respondent's conduct may have caused distress for the resident or the resident's family, which may not be recognized or felt by the resident or the resident's family until harmful consequences occur.
9. On or about May 23, 2007, while employed as a LVN with The Gardens of Richardson, Richardson, Texas, Respondent falsified the narcotic count sheet of Resident JR after she spilled Morphine Sulfate. Respondent altered entries by other staff on the narcotic count sheet. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the resident in that subsequent care givers would rely on her documentation to further medicate the resident which could result in an overdose. Respondent placed the hospital in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
10. In response to the events in Finding of Fact Number Seven (7), Respondent states that in December she reported to the Assistant Director of Nursing (ADON) that Resident AQ had an ulcer to the elbow. The ADON presented Respondent with a form to complete, which Respondent believed was a weekly skin assessment. Several weeks later Respondent discovered that the form on which she documented the ulcer was the assessment form and not a skin assessment. Respondent was instructed by the ADON to tell everyone the assessment [of the ulcer] was in November, and that they must stick to their story or Respondent would be in worse trouble. Respondent admits she used poor judgment to allow others to tell her what to write down, and that she is a stronger person now. In response to the incidents in Finding of Fact Number Eight (8), Respondent states that she is a very affectionate person and hugging and kissing were normal greetings and that the resident and his wife gave her permission to call them Mom and Dad. Respondent states she has read the publication regarding professional boundaries by the National Council of the State Boards of Nursing and now knows that these behaviors are not appropriate. In response to the incident in Finding of Fact Number Nine (9), Respondent states she was attempting to make corrections to the subtraction on the narcotic count.
11. Charges were filed on October 4, 2007, and First Amended Formal Charges were filed on April 16, 2008.
12. Charges were mailed to Respondent on October 10, 2007, to her attorney of record. The First Amended Formal Charges were sent via facsimile and certified mail to Respondent on April 16, 2008, to her attorney of record.

13. On or about May 18, 2005, Respondent successfully completed a Board approved course in Texas nursing jurisprudence and ethics. This was completed before the incidents in Findings of Fact Numbers Eight (8) and Nine (9).

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(D),(1)(J) and 217.12(1)(A),(1)(C),(6)(A),(6)(D),(6)(H),(10)(B)&(10)(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 63308, heretofore issued to RAMONA VASQUEZ, 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 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 RAMONA VASQUEZ, to the office of the Texas Board of Nursing within ten (10) days of the date 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 medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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](http://www.bon.state.tx.us/disciplinary_action).*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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](http://www.bon.state.tx.us/disciplinary_action).*

(5) 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, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL 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 A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD.

(6) 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.

(7) 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.

(8) 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.

(9) 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 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 23 day of April, 2008.

Ramona Vasquez
RAMONA VASQUEZ, Respondent

Sworn to and subscribed before me this 23 day of April, 2008



Francisca S. Al Wairy
Notary Public in and for the State of Texas

Approved as to form and substance.

Nancy Roper Willson
Nancy Roper Willson, Attorney for Respondent

Signed this 23 day of April, 2008

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 23rd day of April, 2008, by RAMONA VASQUEZ, Vocational Nurse License Number 63308, and said Order is final.

Effective this 10th day of June, 2008.



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