

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse License Number 551291 § AGREED
and Vocational Nurse License Number 72816 §
issued to LINDA FRAUSTO § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LINDA FRAUSTO, Registered Nurse License Number 551291, and Vocational Nurse License Number 72816, 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 May 8, 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. Respondent's license to practice vocational nursing in the State of Texas is currently in "delinquent" status.
4. Respondent received a Certificate in Vocational Nursing from School of Vocational Nursing-San Antonio Independent School District, San Antonio, Texas, on June 5, 1975, and received an Associate Degree in Nursing from San Antonio College, San Antonio, Texas, on May 1, 1987. Respondent was licensed to practice vocational nursing in the State of Texas, on May 19, 1977, and was licensed to practice professional nursing in the State of Texas on April 4, 1989.

5. Respondent's complete nursing employment history is unknown.
6. On or about October 5, 2003, Respondent completed an on-line 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:

"Since Issuance or last renewal, have you plead guilty (including no contest plea), been found guilty or convicted of any felony or misdemeanor other than a minor traffic violation? (Note: DWI or DUI, including first offenses, are not considered minor traffic violations.)"

Respondent failed to disclose the following conviction:

On or about August 16, 2001, Respondent pled "Guilty" and was "Convicted" of Driving While Intoxicated, a Class B Misdemeanor, in the County Court at Law Number Two, Bexar County, Texas, under Cause Number 788395. As a result of the conviction, Respondent was sentenced to serve six (6) months in the Bexar County Jail, with the imposition of the jail sentence suspended and Respondent was placed on probation for a period of six (6) months. In addition, Respondent was ordered to pay a fine and court costs.

7. Respondent submitted a written statement from Gabe Quintanilla, Attorney, related to Finding of Fact Number Six (6), which states the Respondent had asked him if she had a duty to report the conviction to the Board. His opinion at that time was that since this charge was not the type of charge listed in the Nursing Practice Act, she was not under a duty to report them. He also states the Respondent's failure to advise the Board of her conviction for DWI at that time was primarily caused by his legal opinion which may have been erroneous."

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(22)&(23).
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 551291 and Vocational Nurse License Number 72816, heretofore issued to LINDA FRAUSTO, including revocation of Respondent's licenses to practice professional and 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 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 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 and vocational nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's licenses are 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 licenses issued to LINDA FRAUSTO 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 unencumbered licenses and multistate licensure privileges, if any, to practice professional and 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 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 licenses to practice professional and vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 12 day of June, 2008.

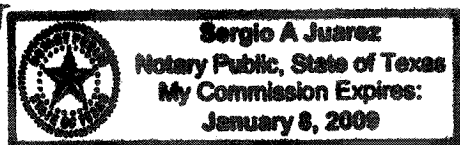
Linda Frausto
LINDA FRAUSTO, Respondent

Sworn to and subscribed before me this 12 day of June, 2008.

SEAL

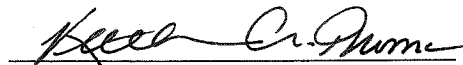
Sergio A. Juarez

Notary Public in and for the State of Texas



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 12th day of June, 2008, by LINDA FRAUSTO, Registered Nurse License Number 551291 and Vocational Nurse License Number 72816, and said Order is final.

Effective this 30th day of June, 2008.



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