

6. On or about August 24, 2007, Respondent submitted a License Renewal Form (Delinquent for over 90 days) 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 question:

"Have you been convicted , placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, or received a court order whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests whether or not on appeal (excluding minor Class C traffic violations)? This includes expunged offenses and deferred adjudications with or without a finding of guilt. Please note that DUIs, DWIs, and PIs must be reported and are not considered minor traffic violations. One time minor in possession {MIP} or minor in consumption {MIC} does not need to be disclosed; therefore, you may answer "No" if you have previously disclosed a criminal matter otherwise responsive to this question in a renewal and/or licensure form."

Respondent failed to disclose that, on or about January 24, 2002, Respondent entered a plea of Guilty and was convicted of the LESSER BUT INCLUDED OFFENSE OF ISSUANCE OF A BAD CHECK (a Class C Misdemeanor offense committed on September 22, 2001), in the County Court at Law No. 2 of Victoria County, Texas, under Cause No. 277144.

On or about July 17, 2003, Respondent entered a plea of Guilty and was convicted of THEFT BY CHECK (a Class B Misdemeanor offense committed on October 11, 2001), in the County Court of Lavaca County, Texas, under Cause No. 17855.

On or about July 17, 2003, Respondent entered a plea of Guilty and was convicted of FAILURE TO APPEAR (a Class A Misdemeanor offense committed on May 9, 2002), in the County Court of Lavaca County, Texas, under Cause No. 18031.

On or about July 17, 2003, Respondent entered a plea of Guilty and was convicted of FAILURE TO APPEAR (a Class A Misdemeanor offense committed on January 30, 2003), in the County Court of Lavaca County, Texas, under Cause No. 18312.

7. In response to Finding of Fact Number Six (6), Respondent states: The Theft by Check occurred right after her first nursing job. After she got a job, she opened a checking account with direct deposit. She did not understand how to use a checking account. She was writing checks without keeping record. She was arrested and later plead guilty on January 24, 2001. She paid restitution; along with a fine and court costs. She has changed her lifestyle dramatically. She no longer has problems with her finances. When she moved, she forgot to forward her mail. She moved back home due to complications with her pregnancy. She did fail to appear in court. She was later discharged from probation. After suffering her stroke in 2006, she did not immediately return to nursing. She feared that with her injuries, she would never return to nursing. When she renewed her license, she accidentally answered "No" to the question "have you ever been convicted of a crime".

8. Formal Charges were filed on January 12, 2011.
9. Formal Charges were mailed to Respondent on January 13, 2011.

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 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 Vocational Nurse License Number 183518, heretofore issued to CARMEN ELIZABETH GARCIA, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION AND A FINE, and RESPONDENT SHALL 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.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

(1) 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.

(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) 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/disciplinaryaction/stipscourses.html>

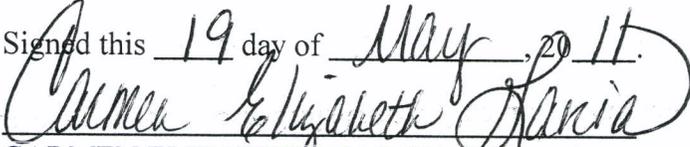
IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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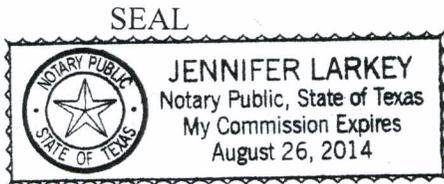
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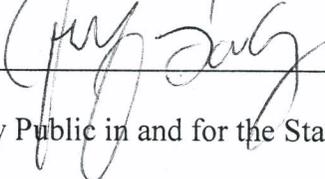
RESPONDENT'S CERTIFICATION

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 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 19 day of May, 2011.

CARMEN ELIZABETH GARCIA, Respondent

Sworn to and subscribed before me this 19th day of May, 2011.





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 19th day of May, 2011, by CARMEN ELIZABETH GARCIA, Vocational Nurse License Number 183518, and said Order is final.



Effective this 26th day of May, 2011

A handwritten signature in cursive script that reads "Katherine A. Thomas".

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