BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Professional Nurse	§	AGREED
License Number 594637	§	
issued to JOSEPH EDWARD FRANK	§	ORDER

TEXAS BOARD OF NURSING
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.
Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as the B considered the matter of JOSEPH EDWARD FRANK, Registered Nurse License Number 594637, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4525(b)(2)&(9), TEX. REV. CIV. STAT. ANN., (effective 9/1/95). Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on October 10, 2009, 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 proceedings, 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 an Associate Degree in Nursing from Grayson County College, Denison, Texas, on May 15, 1993. Respondent was licensed to practice professional nursing in the State of Texas on September 22, 1993.

5. On May 11, 1993, Respondent completed the Registration by Examination for Graduates of Schools in the United States with the Board of Nurse Examiners for the State of Texas and answered "No" to the questions which reads: "Have you ever been convicted of a crime other than a minor traffic violation?"

6. Respondent failed to disclose that on or about November 19, 1979, Respondent was convicted of the misdemeanor offenses of Possession with Intent to Deliver, Consumption Public Highway, and Contributing to the Delinquency of a Minor.

7. In addition; Respondent failed to disclose that on or about December 21, 1984, Respondent was convicted of the misdemeanor offense of Public Intoxication. Respondent was assessed a fine and court costs.

8. In response to Finding of Fact Number Five (5), Respondent states that she does agree that her arrests did happen to her. Respondent also agrees that she violated the Board of Nurse Examiners Admin. Code/Rule 217.7(b).

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 Article 4525(b)(2)&(9), TEX. REV. CIV. STAT. ANN., (effective 9/1/95), and 22 TEX. ADMIN. CODE §217.13(1).

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 594637, heretofore issued to JOSEPH EDWARD FRANK, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION WITH 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 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.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars ($250). 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 <u>not</u> 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..*

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

Signed this 15th day of October, 2010.

Joseph Edward Frank RN

JOSEPH EDWARD FRANK, Respondent

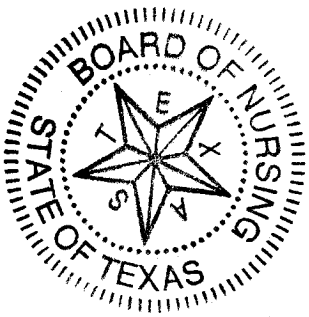
Sworn to and subscribed before me this 15th day of October, 2010.

SEAL JUDY R. PETTY Notary Public State of Texas Comm. Expires 02-27-2013

Judy R. Petty

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 15th day of October, 2010, by JOSEPH EDWARD FRANK, Registered Nurse License Number 594637, and said Order is final.



Effective this 11 day of January, 2011.

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