

BEFORE THE 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.  
*Katherine A. Thomas*  
Executive Director of the Board

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In the Matter of Registered Nurse           §        AGREED  
License Number 240991 and                   §  
Vocational Nurse                               §  
License Number 40436                       §  
issued to ROSARIO PENA                   §        ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the B considered the matter of ROSARIO PENA, Registered Nurse License Number 240991 and Vocational Nurse License Number 40436, 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 proceedings, notice and hearing, and agreed to the entry of this Order offered on June 29, 2010, 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(s).
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 and vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Mercy Hospital in Laredo, Laredo, Texas in 1968, an Associate Degree in Nursing from El Centro College, Dallas, Texas on May 1, 1977, a Baccalaureate Degree in Nursing from Corpus Christi State University, Corpus Christi, Texas in 1984, and a Master's Degree in Nursing from Texas A & M Corpus Christi, Corpus Christi, Texas in 1994. Respondent was licensed to practice vocational nursing in the State of Texas on July 27, 1968 and professional nursing in the State of Texas on September 1, 1977.

5. Respondent's nursing employment history includes:

1968 - 1980	Unknown	Unknown
1981 - 1983	School Nurse	Unknown
1983 - 1994	Unit Manager	Mercy Regional Hospital Laredo, Texas
7/1994 - Present	Instructor	Laredo Community College Laredo, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as Faculty with Laredo Community College, Laredo, Texas, and had been in this position for approximately fourteen (14) years.

7. On or about April 8, 2008, while employed as faculty with the Laredo Community College Associate Degree Nursing program, Respondent distributed a test blueprint for the Comprehensive nursing program examination to fourth semester students. This test, which was for "faculty eyes only", contained the item descriptors for the Comprehensive Exit Exam (a required examination in order to successfully complete the Associate Degree Program), and would ensure that if the students studied the topics described, they would pass this examination. Respondent's conduct was deceiving and compromised the security of the 2007 Comprehensive Predictor exam. Additionally, Respondent's conduct failed to ensure nursing students demonstrated competency and mastery of knowledge of the required content.

8. In response to Finding of Fact Number Eight, Respondent states she was wrongfully reported to the Board.

#### 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(1)(G).

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 240991 and Vocational Nurse License Number 40436, heretofore issued to ROSARIO PENA, including revocation of Respondent's licenses to practice 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, 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, 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>.*

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: <http://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary>.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). 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, 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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RESPONDENT'S CERTIFICATION

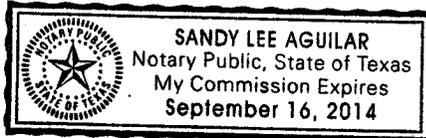
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid 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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 28<sup>th</sup> day of December, 2010.

Rosario Pena  
ROSARIO PENA, Respondent

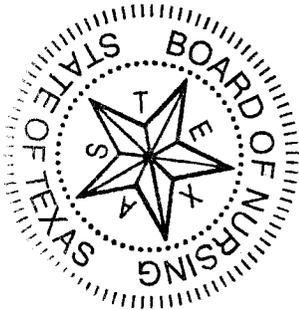
Sworn to and subscribed before me this 28<sup>th</sup> day of December, 2010.

SEAL



Sandy Lee Aguilar  
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 28th day of December, 2010, by ROASARIO PENA, Registered Nurse License Number 240991 and Vocational Nurse License Number 40436, and said Order is final.



Effective this 7<sup>th</sup> day of January, 2011.

A handwritten signature in black ink, appearing to read 'Katherine A. Thomas'.

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