

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse	§	AGREED
License Number 589021	§	
and Vocational Nurse	§	
License Number 138525	§	
issued to YOLANDA L. GUERRERO	§	ORDER



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

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of YOLANDA L. GUERRERO, Registered License Number 589021 and Vocational Nurse License Number 138525, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10) & (12), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on October 12, 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 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 a Certificate in Nursing from Baptist Memorial Hospital System School of Professional Nursing on July 17, 1992 and received a Diploma in Nursing from Baptist Health System, San Antonio, Texas on December 17, 1992. Respondent was licensed to practice vocational nursing in the State of Texas on December 6, 1992 and professional nursing in the State of Texas on March 23, 1993.

5. Respondent's nursing employment history includes:

1/1993 - 4/1994	Staff Nurse	Southeast Baptist Hospital San Antonio, Texas
1994 - 1/2009	School Nurse	Seguin Independent School District Seguin, Texas
2009 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a school nurse with Seguin Independent School District, Seguin, Texas and had been in this position for fifteen (15) years.
7. On or about April 28, 2008, while employed as the School Nurse at Weinhart Elementary, Seguin, Texas, Respondent failed to report to the appropriate personnel, or notify Child Protective Services (CPS) that she had been informed by a staff member, Mrs. C, that she had witnessed verbal and physical abuse of a ten-year-old autistic student by a teacher, NP. Respondent's conduct failed to promote a safe environment for the student and exposed the student to risk of additional incidents of abuse by the teacher.
8. In response to Finding of Fact Number Seven (7), Respondent states that she had been employed with Seguin Independent School system for 15 yrs and affirms that at no time did she witness NP engage in any conduct that could reasonably be considered as physical or emotional abuse of a child. Furthermore, Respondent denies that she was informed by Ms. C of any conduct on the part of NP that would be considered physical or emotional abuse of a child. Respondent states that on one occasion, she witnessed NP be rougher and harsher with a student than she believed she should have been, however Respondent states that it was not considered child abuse and it never occurred to her to report her to CPS.

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)(10) & (13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(B) and §217.12(6)(C).

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 589021 and Vocational Nurse License Number 138525, heretofore issued to YOLANDA GUTIERREZ, including revocation of Respondent's licenses 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 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>.*

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.

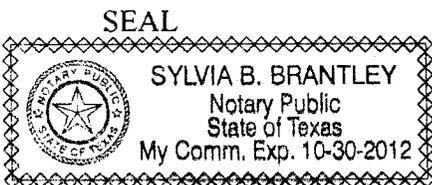
RESPONDENT'S CERTIFICATION

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

Signed this 26 day of October, 2010.

Yolanda L. Guerrero
YOLANDA L. GUERRERO, Respondent

Sworn to and subscribed before me this 26 day of October, 2010.



Sylvia B. Brantley
Notary Public in and for the State of Texas

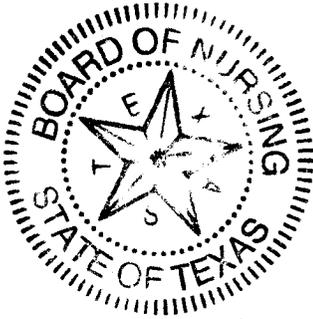
Approved as to form and substance.

Tony Conners
Tony Conners, Attorney for Respondent

Signed this 2nd day of November, 2010.

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 26th day of October, 2010, by YOLANDA L. GUERRERA, Registered Nurse License Number 589021 and Vocational Nurse License Number 138525, and said Order is final.

Effective this 3rd day of November, 2010.



A handwritten signature in cursive script, appearing to read 'Katherine A. Thomas', is written over a horizontal line.

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