BEFORE THE TEXAS BOARD OF NURSING

****

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

In the Matter of Registered Nurse	§	AGREED
License Number 687062	§	
issued to ANGELA JANET ROBERTS	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of ANGELA JANET ROBERTS, Registered Nurse License Number 687(hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2),(3)&(10), Texas Occupations Code (effective September 1, 2003 and September 1, 2005). Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on March 15, 2010, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 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 Baccalaureate Degree in Nursing from University of Texas at Tyler, Tyler, Texas, on May 11, 2002. Respondent was licensed to practice professional nursing in the State of Texas on June 25, 2002.

5. Respondent's professional nursing employment history is unknown.

6. On or about July 27, 1998, Respondent entered a plea of Guilty to THEFT BY CHECK (a State Jail Felony offense committed on April 15, 1995), in the 114th District Court of Tyler,

Texas, under Cause No. 114-81755-96. As a result, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of five (5) years. Additionally, Respondent was ordered to pay court costs and restitution in the amount of four thousand three hundred eighty-five dollars and ninety-six cents ($4,385.96).

7. On or about June 10, 2004, Respondent entered a plea of Guilty to THEFT BY CHECK (a Misdemeanor offense committed on March 31, 2003), in the County Court at Law No. 3 of Smith County, Texas, under Cause No. 003-80740-04. As a result, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of six (6) months. Additionally, Respondent was ordered to pay a fine and court costs. On or about January 25, 2005, Respondent was discharged from community supervision.

8. On or about June 28, 2005, Respondent submitted an Online Renewal Document 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, adjudged guilty by a court, pled guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrest since the last renewal?"

   Respondent failed to disclose, that on or about June 10, 2004, Respondent entered a plea of Guilty to THEFT BY CHECK in Smith County, Texas.

9. On or about January 26, 2006, Respondent entered a plea of Guilty to THEFT PROP>=$50 < $500 BY CHECK (a Class B Misdemeanor offense committed on August 18, 2005), in the County Court of Henderson County, Texas, under Cause No. 20050508CC. As a result, the proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of twelve (12) months. Additionally, Respondent was ordered to pay a fine and court cost.

   On or about June 11, 2007, the unadjudicated probation granted to Respondent under cause No. 20050508CC, was Revoked, in the County Court of Henderson County, Texas, based on Findings by the court that Respondent had violated the terms of her probation. As a result, Respondent was sentenced to confinement in the Henderson County Justice Center for a period of one (1) day with credit for one (1) day served.

10. On or June 11, 2007, Respondent entered a plea of Guilty and was convicted of THEFT PROP >=$20 <$500 BY CHECK (a Class B Misdemeanor offense committed on February 7, 2007), in the County Court of Henderson County, Texas, under Cause No. 2007-0306-CC. As a result of the conviction, Respondent was sentenced to confinement in the Henderson County Jail for a period of one hundred eighty (180) days; however, the imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a

period of twelve (12) months. Additionally, Respondent was ordered to pay a fine and court costs.

11. On or about July 31, 2007, Respondent submitted an Online Renewal Document 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 ever 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 arrested whether or not on appeal?"

Respondent failed to disclose that on or about July 27, 1998, Respondent entered a plea of Guilty to THEFT BY CHECK (a State Jail Felony offense committed on April 15, 1995), in Tyler County, Texas.

Respondent failed to disclose that on or about June 10, 2004, Respondent entered a plea of Guilty to THEFT BY CHECK in Smith County, Texas.

Respondent failed to disclose that on or about January 26, 2006, Respondent entered a plea of Guilty to THEFT PROP>=$50 < $500 BY CHECK, in Henderson County, Texas.

Respondent failed to disclose that on or June 11, 2007, Respondent entered a plea of Guilty and was convicted of THEFT PROP >=$20 <$500 BY CHECK in Henderson County, Texas.

12. In response to Finding of Fact Numbers six (6) through eleven (11), Respondent is not disputing her criminal history, it is her position with regards to not reporting the history that her attorney at the time advised that if she completed the terms of probation, she would not be lying by answering on any application that she had not been convicted of a criminal offense as she was placed on deferred adjudication probation.

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),(3)&(10), Texas Occupations Code (effective September 1, 2003 and September 1, 2005); and 22 TEX. ADMIN. CODE §217.12(6)(I) & (13) (effective after September 28, 2004).

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 687062, heretofore issued to ANGELA JANET ROBERTS, including revocation of Respondent's license to practice professional 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 a WARNING WITH STIPULATIONS, 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 is 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 Texas Board of Nursing 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 <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.*

(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). 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, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND

PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(6) RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT,

but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

IT IS FURTHER AGREED THAT, RESPONDENT MAY BE EMPLOYED AT A TRINITY VALLEY HOME HEALTH AND THERAPY SERVICES, PLLC, A LICENSED HOME HEALTH AGENCY, AS A DIRECTOR OF NURSES SO LONG AS THE RESPONDENT DOES NOT VISIT PATIENTS WITHOUT ANOTHER RN OF THE AGENCY PRESENT. THE RESPONDENT SHALL NOT WORK IN ANY OTHER HOME HEALTH AGENCY WHILE UNDER THIS ORDER. SHOULD RESPONDENT CEASE WORKING AT A TRINITY VALLEY HOME HEALTH AND THERAPY SERVICES, PLLC, AS STATED ABOVE, RESPONDENT MUST COMPLY WITH THE REQUIREMENTS OF STIPULATION NUMBER SIX (6) AS WRITTEN.

(7) RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the

RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

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

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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 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 this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and 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 13th day of September, 2010.

Angela Janet Roberts

ANGELA JANET ROBERTS, Respondent

Sworn to and subscribed before me this 13th day of September, 2010.

SEAL

Boyce A. Edwards

Notary Public in and for the State of Texas

BOYCE A. EDWARDS
Notary Public, State of Texas
My Commission Expires
June 24, 2012

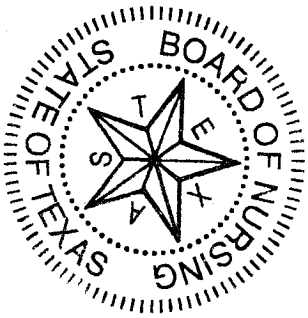
Approved as to form and substance.

Mark E. Price (with Mark's permission)

Mark E. Price, Attorney for Respondent

Signed this 13th day of September, 2010

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 13th day of September, 2010, by ANGELA JANET ROBERTS, Registered Nurse License Number 687062, and said Order is final.



Effective this 21st day of October, 2010.

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