BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Licensed Vocational Nurse	§	AGREED
License Number 117171	§	
issued to SANTOS ACOSTA	§	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 considered the matter of SANTOS ACOSTA, Vocational Nurse License Number 117171, 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 July 21, 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 vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from Midland College, Fort Stockton, Texas, on September 2, 1986. Respondent was licensed to practice vocational nursing in the State of Texas on May 20, 1987.

5. Respondent's nursing employment history is unknown.

6. On or about October 11, 2001, Respondent was arrested by the Pecos County Sheriff's Office, Fort Stockton, Texas, for THEFT OF PROPERTY >=$20 <$500 BY CHECK (a Class B misdemeanor offense). Respondent was subsequently charged under Cause No. 14, 443.

   On or about October 17, 2001, Cause No. 14, 443 was dismissed in the County Court of Pecos, County, Texas, for the reason: "Restitution has been paid".

7. On or about May 3, 2003, Respondent was arrested by the Ector County Sheriff's Office, Odessa, Texas, for THEFT BY CHECK $20 - $500 (a Class B misdemeanor offense committed on February 3, 1997), reduced to ISSUANCE OF BAD CHECK (a Class C misdemeanor offense committed on February 3, 1997).

   On or about July 23, 2003, Respondent entered a plea of Guilty and was convicted of THEFT BY CHECK $20 - $500 (a Class B misdemeanor offense committed on February 3, 1997), reduced to ISSUANCE OF BAD CHECK (a Class C misdemeanor offense committed on February 3, 1997), in the County Court at Law No. 2, Ector County, Texas, under Cause No. 98-962. As a result of the conviction, Respondent was ordered to pay a fine and court costs.

8. In response to Findings of Fact Numbers Six (6) and Seven (7), Respondent states that she was in a financial bind and has learned from her mistakes.

9. On or about March 5, 2004, Respondent submitted a Texas Online Renewal Document for Licensed Vocational Nurses to the Texas Board of Nurse Examiners in which she provided false, deceptive, and/or misleading information in that she answered "no" to the question:

   "Were you convicted of a misdemeanor other than a minor traffic violation since your last renewal?"

   Respondent failed to disclose that on or about July 23, 2003, Respondent entered a plea of Guilty and was convicted of THEFT BY CHECK $20 - $500 (a Class B misdemeanor offense committed on February 3, 1997), reduced to ISSUANCE OF BAD CHECK (a Class C misdemeanor offense committed on February 3, 1997), in Ector County, Texas, under Cause No. 98-962.

10. In response to Finding of Fact Number Nine (9), Respondent states that she is sincerely sorry for providing false information. It was a mistake on her part and she takes full responsibility.

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) (effective September 1, 2003), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(8) (effective February 1, 2004).

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 117171, heretofore issued to SANTOS ACOSTA, 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 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 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.

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

Signed this 27 day of September, 2010.

Santos Acosta

SANTOS ACOSTA, Respondent

Sworn to and subscribed before me this 27th day of September, 2010.

Wanda A. Hill

SEAL

WANDA A. HILL
MY COMMISSION EXPIRES
February 10, 2014

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 27th day of September, 2010, by SANTOS ACOSTA, Vocational Nurse License Number 117171, and said Order is final.

Effective this 15th day of October, 2010.

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