BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
****

In the Matter of	§	ELIGIBILITY
SABRINA A. CANTU	§	
APPLICANT for Eligibility for Licensure	§	AGREED 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 the date entered below, the Board of Nurse Examiners for the State of Tex hereinafter referred to as the Board, considered the Temporary License/Endorsement Application a supporting documents filed by SABRINA A. CANTU, hereinafter referred to as APPLICANT, together with any documents and information gathered by staff and APPLICANT's Certificate contained herein. Information received by the Board produced evidence that APPLICANT may have violated Section 301.452(b)(3), Texas Occupations Code.

A public meeting was held on March 12, 2002, by the Eligibility and Disciplinary Committee of the Board of Nurse Examiners (Board), at 333 Guadalupe, Tower 3, Suite 460, Austin, Texas, in which the application of SABRINA A. CANTU, APPLICANT, was considered.

APPLICANT was not in attendance, but agreed to have her case heard via teleconference. APPLICANT was notified of her right to be represented by legal counsel and elected to waive representation by counsel.

Board Members in attendance were: Thalia H. Munoz, MS, RN; Phyllis Caves Rawley; and Linda R. Rounds, PhD, RN, FNP, APN. Staff present were: Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, General Counsel; Joy Sparks, Assistant General Counsel; Anthony L. Diggs, Director, Enforcement Division; Eunice Carter, BHA, MPA, RN, Investigator; Cathy Hilliard, BSN, RN, Investigator; Candace Villarreal, Investigator; Kim Williamson, RN, Investigator; and Patricia Vianes-Cabrera, Legal Assistant.

FINDINGS OF FACT

1. On or about January 17, 2002, Applicant submitted a Temporary License/Endorsement Application as a professional nurse in the State of Texas in compliance with Section 301.260 *et seq.*, of the Texas Occupations Code.

2. Applicant waived representation by counsel, informal conference, notice and hearing, and consented to the entry of this Order.

3. Applicant received a Baccalaureate Degree in Nursing from Saginaw Valley State University, Saginaw, Michigan, in December 1997.

4. Applicant completed the application for licensure by endorsement and answered "yes" to Question Number Eleven (11), which reads as follows: "*Have you ever been convicted of a crime other than minor traffic violations?*"

5. Applicant disclosed the following criminal history, to wit:

   A. On March 10, 1989, Applicant pled guilty to the misdemeanor charge of Retail Fraud - second degree by the 70th District Saginaw Court, Michigan. Applicant was assessed a fine in the amount of one hundred five dollars ($105.00).

   B. On June 11, 1991, Applicant pled guilty to the charge of Ordinance Larceny by the 19th District Dearborn Court, Michigan. Applicant was assessed a fine in the amount of four hundred dollars ($400.00).

   C. On March 19, 1992, Applicant was found guilty of the misdemeanor charge of Retail Fraud-second degree by the 15th District Ann Arbor Court, Michigan. Applicant was sentenced to two (2) days confinement.

   D. On August 25, 1992, Applicant pled guilty to the felony charge of Retail Fraud - first degree by the 6th District Pontiac Court, Michigan. Applicant was sentenced to ninety (90) days confinement.

6. Applicant has sworn that with the exception of matters disclosed in connection with the Temporary License/Endorsement Application her past behavior conforms to the Board's professional character requirements.

7. Applicant presented no evidence of behavior since her conviction which is inconsistent with good professional character.

8. On March 12, 2002, the Eligibility and Disciplinary Committee of the Board considered the evidence of the conviction and evaluated its direct relationship to nursing according to Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 Texas Administrative Code §213.28, including the nature and circumstance of the offenses, and the absence of any subsequent conviction.

9. On March 12, 2002, the Eligibility and Disciplinary Committee of the Board considered evidence of Applicant's post conviction behavior in light of the character factors set out in 22 Texas Administrative Code §213.27 and determined that Applicant currently demonstrates the criteria required for good professional character.

10. Licensure of Applicant poses no direct threat to the health and safety of patients or the public.

11 The Committee's review of the grounds for potential ineligibility has been made on the basis of Applicant's disclosures.

12. Applicant has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

CONCLUSIONS OF LAW

1. The Board of Nurse Examiners (Board) has jurisdiction over this matter pursuant to Section 301.453 *et seq.*, Texas Occupations Code.

2. Applicant has submitted an application in compliance with Section 301.260, Texas Occupations Code.

3. The evidence in Finding of Fact Number Five (5), is sufficient cause to take disciplinary action under Section 301.452 *et seq.*, Texas Occupations Code, and, therefore, sufficient cause to deny licensure.

4. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.

5. This Order is conditioned upon the accuracy and completeness of Applicant's disclosures. Any subsequently discovered discrepancies will result in investigation and disciplinary action.

6. The Board may license individuals who have been previously convicted of a crime upon consideration of the factors set out in 22 Texas Administrative Code §§213.27 and 213.28 and evaluating the direct relationship to nursing according to Chapter 53.

7. Applicant shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452 *et seq.*, Texas Occupations Code.

ORDER

IT IS THEREFORE AGREED that the application of SABRINA A. CANTU, APPLICANT, is hereby conditionally GRANTED and shall be subject to the following conditions:

(1) APPLICANT SHALL obtain and read the Texas Nursing Practice Act, and the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice.

(2) Upon payment of the necessary fees, APPLICANT SHALL be issued a license to practice professional nursing in the State of Texas which shall bear the appropriate notation.

(3) APPLICANT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

(4) IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to APPLICANT's multistate licensure privilege, if any, to practice professional nursing in the State of Texas.

(5) IT IS FURTHER AGREED and ORDERED that while APPLICANT's license is encumbered by this Order the APPLICANT may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where APPLICANT wishes to work.

(6) APPLICANT SHALL, within one (1) year of initial licensure, successfully complete a Texas course in nursing jurisprudence. APPLICANT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. APPLICANT 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 APPLICANT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure.

(7) APPLICANT SHALL, within one (1) year of initial licensure, successfully complete a course in nursing ethics. APPLICANT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Registered Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. APPLICANT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify APPLICANT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, APPLICANT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

APPLICANT'S CERTIFICATION

I am the Applicant in this matter. I have fully and truthfully disclosed all of my past convictions and I have caused a complete and accurate criminal history to be submitted to the Board of Nurse Examiners from each jurisdiction in which I have been convicted. I certify that my past behavior, except as disclosed in my Temporary License/Endorsement Application has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction such as conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.260, and 301.452(b) of the Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, and Board Rules at 213.27, 213.28, and 213.29 22 Texas Administrative Code which are incorporated by reference as a part of this Order. I agree with all terms of this Order and any stipulations. I agree to inform the Board of any other grounds for denial of licensure prior to accepting any permit or license from the Board of Nurse Examiners.

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.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Board of Nurse Examiners enter this Order.

Signed this 09 day of April, 2002.

Sabrina A. Cantu

SABRINA A. CANTU, APPLICANT

Sworn to and subscribed before me this 9th day of April, 2002.

SEAL

ELLEN HAIRSTON
Notary Public
STATE OF TEXAS
Commission Expires 12/12/05

Notary Public in and for the State of _____

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Eligibility Agreed Order that was signed on the 9th day of April, 2002, by SABRINA A. CANTU, APPLICANT, for Temporary License/Endorsement Application, and said Order is final.

Effective this 18th day of April, 2002.

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

Enclosures:
301.157 Program of Study and Accreditation
301.252 License Application
301.253 Examination
301.260 Temporary License by Endorsement
301.452 Grounds for Disciplinary Action
301.453 Disciplinary Authority of Board; Methods of Discipline
213.27 Good Professional Character
213.28 Licensure of Persons with Criminal Convictions
213.29 Criteria and Procedure Regarding Intemperate Use and Lack of Fitness in Eligibility and Disciplinary Matters
Chapter 53, Sec. 53.001 *et seq.*, Texas Occupations Code