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

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 Vocational Nurse License Number 119434	§	AGREED
issued to CYNTHIA RENEE SPENCER	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referr to as the Board, considered the matter of CYNTHIA RENEE SPENCER, Vocational Nu License Number 119434, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Sections 301.452(b)(10) and 302.402(a)(10), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on October 26, 2006, 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.

2. Respondent waived informal conference, 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 Navarro College, Corsicana, Texas, on August 6, 1987. Respondent was licensed to practice vocational nursing in the State of Texas on December 2, 1987.

5. Respondent's vocational nursing employment history includes:

12/87 to 8/98	Unknown
8/98 to Unknown	LVN (Licensed Vocational Nurse) USA Personnel Carrollton, Texas

Respondent's vocational employment history continued:

9/99 to 9/00	LVN Grace Presbyterian Village Dallas, Texas
11/99 to Unknown	LVN Stafmed Staffing Dallas, Texas
11/00 to Unknown	LVN Williamsbury Village Desoto, Texas
12/00 to 1/04	LVN, Field Nurse Maxim Healthcare Services Fort Worth, Texas
8/20/03 to 3/29/04	LVN, Field Nurse Carestaf of Fort Worth Fort Worth, Texas
4/04 to Present	Unknown

6. On May 21, 1991, Respondent's license to practice vocational nursing in the State of Texas was Reprimanded through an Agreed Board Order by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Agreed Board Order, Order of the Board, Endorsement of the Board, and Certificate of Service is attached and incorporated by reference as part of this Order.

7. At the time of the initial incident in Finding of Fact Number Eight (8), Respondent was employed as a LVN Field Nurse with Maxim Healthcare, Fort Worth, Texas, and had been in this position for three (3) years and one (1) month.

8. On or about January 18, 2004, while employed as a LVN Field Nurse with Maxim Healthcare Services, Fort Worth, Texas, Respondent failed to accurately and completely document care provided to Patient AA, a pediatric patient, in that Respondent arrived late to work at approximately 8:45 p.m. yet documented the initial times for the nursing narrative notes and vital signs for 7:00 p.m. and 7:30 p.m. respectively. Respondent's conduct resulted in an inaccurate medical record, and subsequent caregivers would have relied on her documentation while providing further care to the patient.

9. On or about December 2004, the Board received notice from the Texas Guaranteed Student Loan Corporation that Respondent defaulted on her student loan(s). Respondent has exhibited unprofessional conduct in that her failure to repay Texas Guaranteed Student Loan (s) may have deprived other applicants of funds for school loans.

10. On or about November 2006, the Board received notice from the Texas Guaranteed Student Loan Corporation that Respondent had again defaulted on her student loan(s). Respondent has exhibited unprofessional conduct in that her failure to repay Texas Guaranteed Student Loan(s) may have deprived other applicants of funds for school loans.

11. In response to the incident in Finding of Fact Number Eight (8), Respondent states that she did contact the patient's mother and inform her that she would be late to arrive, and that the mother gave her consent. The patient's mother provided a statement that this was the only time to her knowledge that Respondent was late. Although the mother stated that Respondent arrived at the home at 10:45 a.m. on the date of the incident, Respondent's documentation included that she arrived at the home at 8:45 p.m. and that the shift ended at 7:00 a.m. the following morning.

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 Sections 301.452(b)(10) and 302.402(a)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.12(7) [effect. 9/28/04] and 239.11(3).

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 119434, heretofore issued to CYNTHIA RENEE SPENCER, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION AND A FINE, and RESPONDENT 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 Vocational Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice vocational 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 multistate licensure 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 deliver the wallet-sized license issued to CYNTHIA RENEE SPENCER to the office of the Board of Nurse Examiners within ten (10) days of the date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence. 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) 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. 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing 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. 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 Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify RESPONDENT'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. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(5) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars ($250.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(6) RESPONDENT SHALL initiate contact with the Texas Guaranteed Student Loan Corporation and make arrangements to repay the student loan within forty-five (45) days from the date of this Order. Upon approval of a repayment contract with the Texas Guaranteed Student Loan Corporation, RESPONDENT SHALL CAUSE the Texas Guaranteed Student Loan Corporation to submit verification of the defaulted loan's repayment status directly to the Board.

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

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 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 to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 22 day of December, 20 2006

Cynthia Renee Spencer

CYNTHIA RENEE SPENCER, Respondent

Sworn to and subscribed before me this 22 day of December, 20 06.

SEAL

NETTIE D. WHITE
Notary Public, State of Texas
My Commission Expires
October 14, 2008

Nettie D. White

Notary Public in and for the State of Texas

Approved as to form and substance.

NETTIE D. WHITE
Notary Public, State of Texas
My Commission Expires
October 14, 2008

Jon E. Porter, Attorney for Respondent

Signed this 9 day of January, 20 07

119434:077

12/29/2006 00:14 5123352816 JON PORTER PAGE 09/10

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby ratify and adopt the Agreed Order that was signed on the 22nd day of December, 2006, by CYNTHIA RENEE SPENCER, Vocational Nurse License Number 119434, and said Order is final.

Effective this 11th day of January, 2007.

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

119434

BOARD OF VOCATIONAL NURSE EXAMINERS	*	STATE OF TEXAS
VS.	*	
CYNTHIA RENEE HAWKINS	*	COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of vocational nurse license number 119434 held by CYNTHIA RENEE HAWKINS, hereinafter called Respondent.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Respondent of its intent to take disciplinary action with respect to said license held by Respondent as a result of a complaint and subsequent investigation. Said investigation produced evidence indicating that Respondent has been convicted of a crime of the grade of felony or a crime of a lesser grade which involves moral turpitude, in violation of Article 4528c, Section 10 (a) (3), Revised Civil Statutes of Texas, in the following manner:

a. On or about July 26,1984, Respondent was convicted of the felony offense of Theft in the 13th District Court of Navarro County, Texas, under Cause Number 21,785. As a result of said conviction, Respondent was placed on probation for a period of four (4) years, and fined $500.00.

b. In about September, 1987, Respondent submitted her Application for Licensure by Examination to the Board office and falsely checked "no" in response to item number 33: "Have you been convicted of a felony or misdemeanor other than a minor traffic violation?".

c. Said conviction is inconsistent with the basic duties and responsibilities inherent in the occupation of vocational nursing in that said conviction requires the maintenance of accurate and complete records, and safeguarding personal property of the patient, client, and employer.

By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the matters previously set out in this Order with respect to the above mentioned investigation. By Respondent's signature on this Order, Respondent acknowledges that she has read and understood this Order and has approved it for consideration by the Board.

By her notarized signature on this Order, Respondent does hereby waive the right to Notice of Formal Hearing, to a Formal Hearing before the Board of Vocational Nurse Examiners, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

THEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse Examiners does hereby order that license number 119434, issued to CYNTHIA RENEE HAWKINS, be reprimanded.

It is also ordered that CYNTHIA RENEE HAWKINS shall comply with all the provisions of Article 4528c, Revised Civil Statutes of Texas.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.

Date this the 24th day of May, 1991.

Signature of Respondent

309 Cedar Lane
Current Address

Wilmer Texas - 75172
City, State and Zip

(None
Area Code and Telephone Number

The State of Texas
County of Dallas

Before me, the undersigned authority, on this day personally appeared CYNTHIA RENEE HAWKINS, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me on this the 1st day of May, 1991.

E. S. HARRISON
Notary Public, State of Texas
My Commission Exp. 6-21-91

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 6/21/91

Marjorie A. Bronk, R.N.
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 13th day of May, 1991.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
Linda Rae Kent
My Commission Expires 10-24-93

MAY 13 1991

ENDORSEMENT OF THE BOARD
To The Agreed Board Order
in the matter of Vocational Nurse
License No. 119434
Issued to CYNTHIA RENEE HAWKINS

At its regularly called session, 21st day of May, 1991, came on to be considered the indicated Agreed Board Order pertaining to CYNTHIA RENEE HAWKINS. The Board having reviewed the contents of said Order, the Order should be, and is hereby, endorsed as an Order of the Board and made an official act of the Board of Vocational Nurse Examiners for the State of Texas.

Said Order is rendered this the 21st day of May, 1991.

[signature]	Betty Fox McLemore
Connie M. Davis	Sandra U. Knight, WN
Virginia M. Bauman	
Annie V. Roe Parker LVN	
Norma Jean Clark LVN	
Doris A. Parker LVN	

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of May, 1991, a true and correct copy of the foregoing Order was served by placement in the U.S. Mail, first class, and addressed to the following person(s):

Cynthia Renee Hawkins
309 Cedar Lane
Wilmer, Texas 75172

Marjorie A. Bronk, RN

Marjorie A. Bronk, R.N.
Executive Director
Agent for the Board of Vocational Nurse Examiners