

Respondent's nursing employment history continued:

7/2009 - 11/2009	Charge Nurse	Renaissance Care Centers Gainesville, Texas
11/2009 - 6/2011	Charge Nurse	Pecan Tree Health and Rehabilitation Gainesville, Texas
6/2011 - 11/2011	Charge Nurse	Denton Health and Rehabilitation Denton, Texas
12/2011 - 6/2013	Unknown	
7/2013 - 1/2014	Director of Nursing (DON)	Longmeadow Nursing Center Justin, Texas
1/2014 - 9/2014	LVN	Homestead Nursing and Rehabilitation of Collinsville Collinsville, Texas
10/2014 - Present	Charge Nurse	Renaissance Care Centers Gainesville, Texas

6. On or about May 21, 2011, Respondent was issued the sanction of REMEDIAL EDUCATION through an Agreed Order by the Board. A copy of the Agreed Order, including the Findings of Fact, Conclusions of Law, and Order dated May 21, 2011, is attached and incorporated by reference as part of this Order.
7. At the time of the incident in Finding of Fact Number Eight (8), Respondent was employed as an LVN with Homestead Nursing and Rehabilitation of Collinsville, Collinsville, Texas, and had been in that position for eight (8) months.
8. On or about September 2, 2014, while employed as an LVN with Homestead Nursing and Rehabilitation of Collinsville, Collinsville, Texas, Respondent failed to document medications she administered to twenty-eight (28) residents in the residents' Medication Administration Records (MARs) during her 2 pm to 10 pm shift. Respondent's conduct resulted in incomplete medical records and unnecessarily exposed the residents to a risk of harm by depriving subsequent caregivers of vital information needed to provide further care.
9. In response to the incident in Finding of Fact Number Eight (8), Respondent states that regretfully she did not sign the MAR on the 2-10 pm shift on her last day of employment. Respondent indicates that in twenty (20) years of nursing she has never forgotten to sign any MARs, but in the evening in question they were very short handed, with only an aide to help,

and she simply forgot. Respondent explains that she quit after this shift as being short handed was becoming the norm, and being the only licensed nurse in the building was unsafe, unrealistic, and too much for one nurse to handle.

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(s) of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(D)&(2)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 174934, heretofore issued to CHERYL ANN HATHORN.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **REMEDIAL EDUCATION** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to 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.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) **within one (1) year of the effective date of this Order, unless otherwise specifically indicated:**

- A. **A Board-approved course in Texas nursing jurisprudence and ethics** that 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. Home study courses and video programs will not be approved.
- B. **A Board-approved course in nursing documentation** that shall be a minimum of six (6) hours in length. The course's content shall include: 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. Home study courses and video programs will not be approved.
- C. **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/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

IV. RESTORATION OF UNENCUMBERED LICENSE(S)

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 may 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 waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 28 day of July, 2015.

Cheryl Ann Hathorn
CHERYL ANN HATHORN, Respondent

Sworn to and subscribed before me this 28th day of July, 2015.

SEAL



[Signature]

Notary Public in and for the State of Oklahoma

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 28th day of July, 2015, by CHERYL ANN HATHORN, Vocational Nurse License Number 174934, and said Order is final.

Effective this 3rd day of August, 2015.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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



BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 174934 §
issued to CHERYL ANN HATHORN § 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 B considered the matter of CHERYL ANN HATHORN, Vocational Nurse License Number 174934, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 302.402(a)(3)&(10)(effective 9/1/2001), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on April 13, 2011, 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 Southern Oklahoma Area Vocational Technical School on February 9, 1996. Respondent was licensed to practice Vocational Nnursing in the State of Texas on January 26, 2000.
5. Respondent's nursing employment history is unknown.

6. On or about September 10, 2002, Respondent entered a plea of Guilty and was convicted of OBTAINING CASH, MERCHANDISE OR OTHER VALUABLE GOODS BY MEANS OF FALSE AND BOGUS CHECK (a Felony offense committed on May 12, 2000) in the district court of Jefferson County, Oklahoma, under Cause Number CF-2001-24. As a result of the conviction, Respondent was sentenced to confinement in the Oklahoma Department of Corrections for a period of two (2) years; however, the imposition of sentence of confinement was suspended. Additionally, Respondent was ordered to pay a restitution in the amount of four hundred and eighty-eight dollars and seventy cents (\$488.70), a fine, and court costs.
7. On or about November 26, 2001, Respondent was arrested with LARCENY OF A MOTOR VEHICLE (a felony offense). On or about January 16, 2003, Respondent entered a plea of No Contest and was convicted of A REDUCED CHARGE OF UNAUTHORIZED USE OF MOTOR VEHICLE (a Felony offense), in the District Court of Love County, Oklahoma, under Case Number CF2002-4. As a result of the conviction, Respondent ordered to pay restitution in the amount of fifteen hundred (\$1500) dollars, a fine, and court costs.
8. In response to Findings of Fact Numbers Six(6) and Seven (7), Respondent states: The bogus check was written on her own account prior to any knowledge of insufficient status. The check was written for groceries at a local store near her home in Oklahoma. She plead "No Contest" to the charge against her taking responsibility for the check she had indeed written on her own account. She was never on probation, never reported to a probation officer. Only paid restitution, fines, and court cost. The case was and still remains closed after Jefferson County received final payment nearly nine years ago. When she received the requested court papers, she was surprised when she read them, to her knowledge a two year suspended sentence was never a part of her plea bargain. However, this case has been closed for nearly nine years and she was never placed into the Department of Corrections system, The unauthorized use of motor vehicle was settled for fines, restitution and court costs. She plead no contest due to just having her baby girl, who was and still remains disabled due to breathing difficulties. In hindsight, she should have fought this charge. The fact is she never drove this vehicle. She had agreed to buy the 1994 Dodge Ram from a long time friend and landlord at that time, to help her financially. She had the truck sent to a mechanic due to the transmission was locked up. During the process of having the vehicle looked at by a mechanic, her friend, or so she thought, came to her saying she'd have to keep the truck cause she couldn't get approved for a loan for a new car and she agreed to help her have the truck fixed then pay \$1500 to help her w/ the down payment she needed to get a new car. Long story short she was young still believed a hand-shake between friends was as good or better than a contract. After all was said and done her friend changed her mind and couldn't pay the bill to get her truck out of the shop. The mechanic placed a lien on the truck due to non-payment. Her friend claimed she stole the truck instead of admitting she simply couldn't pay her bill. She stood in court told the truth that she agreed to buy the truck and or help her fix it. \$1500 was the amount she paid her the original price court costs and restitution. The mechanic kept the vehicle she was paid \$1500 and she left with a conviction. Less money

than when she arrived but free to raise her newborn and go on with her life.

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 302.402(a)(3)&(10)(effective 9/1/2001), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(29)(A)(effective 9/1/2001).
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 174934, heretofore issued to CHERYL ANN HATHORN, 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, 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, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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://learningext.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.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

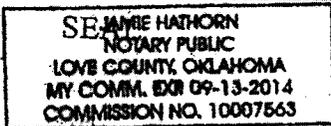
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I 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 21st day of May, 2011.

Cheryl Ann Hathorn
CHERYL ANN HATHORN, Respondent

Sworn to and subscribed before me this 21 day of May, 2011.



Jan [Signature]

Notary Public in and for the State of Oklahoma

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 21st day of May, 20 11, by CHERYL ANN HATHORN, Vocational Nurse License Number 174934, and said Order is final.

Effective this 27th day of May, 20 11.



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