BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse License Number 680178	§	AGREED
and Vocational Nurse License Number 178523	§	
issued to JOAN CATHERINE BODWELL	§	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 Bo considered the matter of JOAN CATHERINE BODWELL, Registered Nurse License Nu 680178 and Vocational Nurse License Number 178523, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(12), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on March 27, 2011, 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(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 professional nursing in the State of Texas. Respondent holds a license to practice vocational nursing in the State of Texas which is in delinquent status.

4. Respondent received an Certificate in Vocational Nursing from McClennan Community College, Waco, Texas, on August 15, 2000. Respondent was licensed to practice vocational nursing in the State of Texas on November 2, 2000. Respondent received an Associate Degree in Nursing from McClennan Community College, Waco, Texas, on May 10, 2001. Respondent was licensed to practice professional nursing in the State of Texas on July 31, 2001.

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

6. On or about October 13, 2009, Respondent submitted a Texas Online Renewal Document, Registered Nurse, to the Texas Board of Nursing, in which she answered "Yes" to the following question:

> "In the past 5 years, have you been diagnosed with or treated or hospitalized for schizophrenia or other psychotic disorder, bipolar disorder, paranoid disorder, antisocial personality disorder, or borderline personality disorder? (You may answer no if you have completed and/or are in compliance with TPAPN for mental illness)(You may answer no if you've previously disclosed to the Board and have remained complaint with your treatment regime and have had no further hospitalization since disclosure."

Respondent disclosed that she has a diagnosis of Bipolar Disorder and had been hospitalized at Austin Lakes Hospital on April 8, 2009.

7. In response to Finding of Fact Number Seven (7), Respondent states: "The incident that caused me to answer YES on the mental health question actually took place in April 2009. I had been dealing with chronic neck and back pain, was trying to quit smoking and was taking Chantix, going through menopause, was suffering from burnout in my job as a Hospice nurse, and had a 22 year marriage in trouble. I told my employer that I needed a leave of absence due to burnout. About three days later I began to experience a "psychotic episode" and was hospitalized at Austin Lakes Mental Hospital for 72 hour evaluation and treatment. At that time I was diagnosed with Bipolar disorder. I was then discharged from the hospital and was advised to take 3-4 months off of work and follow up with Dr. Rickenbacker, whom I have continued to see. I was off of work until September 2009, when I returned to work part time as RN consultant to an assisted living facility. In January 2010 I went back to work full time as Clinical Coordinator for Hill Country Home Health. I have had no further psychotic issues and have continued to be compliant with my psychiatrist and all prescribed medications. Over the last year I have seen a neurological surgeon, pain management doctor, physical therapist and chiropractor."

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)(12), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(5).

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 680178 and Vocational Nurse License Number 178523, heretofore issued to JOAN CATHERINE BODWELL, including revocation of Respondent's licenses to practice 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, 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 Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

(1) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT'S progress in

therapy, rehabilitation and capability to safely practice nursing. The report must indicate whether or not the RESPONDENT'S stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation, or until RESPONDENT is dismissed from therapy.

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

Signed this 3 day of May, 2011.

Joan Catherine Bodwell

JOAN CATHERINE BODWELL, Respondent

Sworn to and subscribed before me this 3rd day of May, 2011.

SEAL

Jennifer M. Smith

Notary Public in and for the State of Texas

JENNIFER M. SMITH
Notary Public
STATE OF TEXAS
My Comm. Exp. Mar. 27, 2012

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 3rd day of May, 2011, by JOAN CATHERINE BODWELL, Registered Nurse License Number 680178 and Vocational Nurse License Number 178523, and said Order is final.

Effective this 14th day of June, 2011.

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