

IN THE MATTER OF
PERMANENT REGISTERED NURSE
LICENSE NUMBER 655291 &
PERMANENT VOCATIONAL NURSE
LICENSE NUMBER 161367
ISSUED TO
NELDA SIEBER

§
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§
§
§
§

BEFORE THE TEXAS
BOARD OF NURSING
ELIGIBILITY AND
DISCIPLINARY COMMITTEE



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.
Patricia P. Plummer
Executive Director of the Board

ORDER OF THE BOARD

TO: NELDA SIEBER
7201 WOOD HOLLOW DRIVE, APT 327
AUSTIN, TX 78731

During open meeting held in Austin, Texas, on September 11, 2012, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by

reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that , Permanent Registered Nurse License Number 655291, and Permanent Vocational Nurse License Number 161367, previously issued to NELDA SIEBER, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 11th day of September, 2012.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed July 18, 2012.

Re: , Permanent Registered Nurse License Number 655291
& Permanent Vocational Nurse License Number 161367
Issued to NELDA SIEBER
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of September, 2012, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

NELDA SIEBER
7201 WOOD HOLLOW DRIVE APT 327
AUSTIN, TX 78731



BY:

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter § BEFORE THE TEXAS
Registered License Number 655291 and §
Vocational License Number 161367, Issued to §
NELDA SIEBER, Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, NELDA SIEBER, is a Registered Nurse holding license number 655291, which is in current status at the time of this pleading, and Licensed Vocational Nurse holding license number 161367, which is in delinquent status.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about August 5, 1998, Respondent submitted an Application for Initial Licensure for Graduates of Schools in the United States, in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

"Have you ever been convicted of a crime other than minor traffic violations?"

Respondent failed to disclose that, on or about March 1, 1989, Respondent pled Guilty and was convicted of DRIVING WHILE INTOXICATED, an offense committed on February 10, 1989, in the County Court of Llano County, Texas, under Cause No. 8841.

The above action constitutes grounds for disciplinary action in accordance with TEX. REV. CIV. STAT. ART. 4525(b)(2)&(9)(effective 9-1-1997), and TEX. REV. CIV. STAT. ART. 4528c, Sec. 10(a)(2)&(9)(effective 9-1-1997); is a violation of 22 TEX. ADMIN. CODE §217.13(17)(effective 3/1998), and 22 TEX. ADMIN. CODE §239.11(8)(effective 3-1-1998)

CHARGE II.

On or about July 16, 1999, Respondent was arrested by the Llano Police Department, Llano, Texas, for DRIVING WHILE INTOXICATED, a Class B misdemeanor offense.

On or about March 29, 2000, Respondent pled Guilty and was convicted of DRIVING WHILE INTOXICATED, a Class B misdemeanor offense committed on July 16, 1999, in the County Court of Llano County, Texas, under Cause No. 11200. As a result of the conviction, Respondent was sentenced to confinement in the Llano County Jail for a period of thirty (30) days; however, imposition of the sentence of confinement was suspended, and Respondent was placed on probation for a period of one (1) year, and ordered to pay a fine and court costs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code(effective 9/1999-1/31/04), and 302.402(a)(10)(effective 9/1999 through 1/31/04), and is a violation of 22 TEX. ADMIN. CODE §217.13(1)(effective 9/1999 through 1/31/04), and TEX. ADMIN. CODE §239.11(29)(A)(effective 9/1/1999 through 1/3/04)

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, and for Lying and Falsification, which can be found at the Board's website, www.bon.texas.gov.

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CONTINUED ON NEXT PAGE.

~~NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.~~

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated April 28, 2009.

Filed this 18th day of July, 2012.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

John R. Griffith, Assistant General Counsel
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6811
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated April 28, 2009.

D/2012.05.11

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse	§	AGREED
License Number 655291 and Vocational	§	
Nurse License Number 161367	§	
issued to NELDA SIEBER	§	ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that NELDA SIEBER, hereinafter referred to as Respondent, Registered Nurse License Number 655291 and Vocational Nurse License Number 161367, may have violated Section 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on September 16, 2008, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Elizabeth L. Higginbotham, Attorney at Law. In attendance were Mary Beth Thomas, PhD, RN, Executive Director's Designee; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Marcia Wilson, RN, Investigator; Bonnie Krznarich, Investigator; and Erin Menefee, Investigator. On April 28, 2009, Respondent appeared through her Attorneys of Record, Elizabeth L. Higginbotham and Carol S. Birch at the State Office of Administrative Hearings in Docket Number 507-09-2781 and prior to hearing, agreed to the following order:

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, notice and hearing, and consented to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in the State of Texas. Respondent's license to practice vocational nursing in the State of Texas is currently in "delinquent" status.
4. Respondent received a Certificate in Vocational Nursing from Austin Community College, Austin, Texas, on December 12, 1996, and received an Associate Degree in Nursing from Austin Community College, Austin, Texas, on August 1, 1998. Respondent was licensed to practice vocational nursing in the State of Texas on January 30, 1997, and was licensed to practice professional nursing in the State of Texas on September 22, 1998.

5. Respondent's nursing employment history includes:

01/1997 - 09/1998	Licensed Vocational Nurse (LVN)	Llano Memorial Hospital Llano, Texas
09/1998 - 1999	Registered Nurse (RN)	Llano Memorial Hospital Llano, Texas
1999 - 06/2004	Staff Nurse	Seton Healthcare Austin, Texas
2004	Agency Nurse	CareStaf Austin, Texas
12/2004 - 07/2005	Staff Nurse	Austin Surgical Hospital Austin, Texas
08/2005 - 08/2007	Unknown	
09/2007 - 03/2008	Staff Nurse	Hospice
09/2008 - Present	Unemployed	

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Austin Surgical Hospital, Austin, Texas, and had been in this position for six (6) months.
7. On or about June 29, 2005, through June 30, 2005, while employed with Austin Surgical Hospital, Austin, Texas, Respondent administered concurrent narcotic medications to Patient Medical Record Number 4332, including Klonopin, Dilaudid and Percocet, as the patient reported his pain was not controlled after administration of several narcotics by other staff on the prior shift. The accumulative effects can result in respiratory depression and the patient experienced this side effect. As a result, the patient required emergent resuscitation, including Narcan administration after having been found in respiratory distress. Respondent's conduct may have contributed to the patient suffering the effects of respiratory distress.

8. On or about June 29, 2005, through June 30, 2005, while employed with Austin Surgical Hospital, Austin, Texas, Respondent failed to adequately and fully document an assessment of the aforementioned Patient Medical Record Number 4332 prior to administration of narcotic medications, as required and as appropriate.
9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states she administered the Dilaudid after the physician ordered it because her patient continued to have pain, even though he had already taken several narcotics for pain relief. Respondent indicates that her charge nurse removed the Dilaudid for her because it was a new order and states that she assessed the patient thoroughly before and after administration of medication; however, Respondent acknowledges that she did not document the assessments adequately.
10. Charges were filed on June 19, 2008.
11. Charges were mailed to Respondent on June 19, 2008.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(B),(1)(C), (1)(D)&(3)(A) and 217.12(1)(A),(1)(B)&(4).
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 655291 and Vocational Nurse License Number 161367, heretofore issued to NELDA SIEBER.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, 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 this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in compact states.

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 Texas Board of Nursing 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 NELDA SIEBER, to the office of the Texas Board of Nursing within ten (10) days of the date of this Order.

(2) 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) contact 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 Chemical Dependency, 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>.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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>

(4) 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 at the following Board website address:*
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

(5) 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://www.learningext.com/products/generalce/critical/ctabout.asp>*

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

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 settle this matter and avoid the expense and uncertainty of trial and 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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 28 day of April, 2009.

Nelda Sieber

NELDA SIEBER, Respondent

Sworn to and subscribed before me this 28 day of April, 2009.

Carol G. Pepper

Notary Public in and for the State of Texas



Approved as to form.

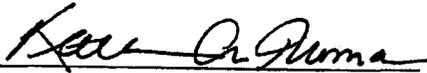
Elizabeth L. Higginbotham
Elizabeth L. Higginbotham, Attorney for Respondent

Signed this 28th day of April, 2009

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 28th day of April, 2009, by NELDA SIEBER, Registered Nurse License Number 655291 and Vocational Nurse License Number 161367, and said Order is final.

Effective this 28th day of April, 2009.




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