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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 156737	§	
issued to CHERYL LEE WALKER	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the E considered the matter of CHERYL LEE WALKER, Vocational Nurse License Number 156737, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on December 28, 2010, 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 vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from El Centro College, Dallas, Texas on December 14, 1995. Respondent was licensed to practice professional vocational nursing in the State of Texas on February 27, 1996.

5. Respondent's nursing employment history includes:

02/1996-04/1997	Unknown

Respondent's nursing employment history continued:

04/1997-06/1998	Staff LVN Home Care Staffing Dallas, Texas
06/1998-12/1999	Unknown
12/1999-09/2000	Staff LVN Medical City Dallas Dallas, Texas
09/2000-08/2001	Unknown
08/2001-02/2005	Staff LVN UT Southwestern Medical Center Dallas, Texas
3/2005 - 1/2006	Unknown
02/2006-02/2006	Staff LVN Parkland Health & Hospital System Dallas, Texas
03/2006-12/2006	Unknown
01/2007-06/2009	Staff LVN Plano Speciality Hospital Plano, Texas
07/2009-present	Unknown

6. At the time of the initial incident in Finding of Fact Number Seven (7) , Respondent was employed as a Licensed Vocational Nurse with Plano Speciality Hospital, Plano, Texas, and had been in this position for approximately two (2) years and five (5) months.

7. On or about June 20, 2009, while employed with Plano Speciality Hospital, Plano, Texas, Respondent discontinued the remaining blood, of a blood transfusion that had been infusing into Patient MR#5000043 in error, and infused it into Patient MR#5000014, for whom the transfusion was originally intended. Respondent's action exposed Patient MR#5000014 to the risk of harm to include but not limited to: infection, allergic anaphylactic shock, and blood borne pathogens.

8. On or about June 20, 2009, while employed with Plano Speciality Hospital, Plano, Texas, Respondent failed to follow facility's policies and standards of nursing practice in that Respondent failed to secure the remaining blood, of a blood transfusion that had been infusing into Patient MR#5000043 in error, for laboratory culture and testing. Respondent's failure to rule out blood transfusion reaction exposed Patients MR# 5000043 and Patient MR# 5000014 to the risk of harm to include but not limited to: infection, allergic anaphylactic shock, and blood borne pathogens.

9. In response to Findings of Fact Numbers Seven (7), and Eight (8), Respondent states that when two units of Packed Red Blood Cells (PRBC) were delivered for patient MR# 5000014, she and Charge Nurse JP, RN, checked the first unit of blood by verifying the patient's name, date of birth, and blood type. Respondent adds that Charge Nurse JP, RN, and Nurse BH, RN, initiated the blood transfusion for Patient MR# 5000014, while she monitored said patient's vital signs. Respondent states that when she could not locate the second unit of blood, she asked for Nurse JP's assistance in locating it. Respondent adds that Charge Nurse JP asked her to follow him into Patient MR# 5000034's room, who was assigned to another nurse, and pointed out to Respondent, without alerting the patient, that the missing second unit of blood was "spiked," attached to an (IV) pump, and connected to the patient MR# 5000034's Peripherally Inserted Central Catheter (PICC) line, but the pump was not turned on. Respondent states that she then disconnected the PRBC unit from Patient MR# 5000034's PICC line, and returned it to the shipping ice cooler. Respondent states that when Nurse JP, RN, overheard her instructing the unit secretary to contact the blood supplier for a replacement unit, he interjected, and proceeded to infuse the "contaminated" unit of blood into Patient MR# 5000014. Respondent adds that she reluctantly agreed with, and assisted Nurse JP in his actions.

10. On or about February 11, 2009, while employed with Plano Speciality Hospital, Plano, Texas, Respondent infused "Cardizem 200ml/hr, IVPB" to Patient MR#001672, instead of Cardizem 5ml/hr, IVPB, as ordered by the physician . Respondent's conduct exposed Patient MR# 001672 to the risk of harm from symptoms of overdose to include but not limited to: hypotension, arrhythmias, and bradycardia.

11. In response to Finding of Fact Number Ten (10), Respondent states that the bag of "Cardizem" was labeled with instructions to "INFUSE AT 200ml/hr." Respondent adds that she consulted with Charge Nurse FTP, RN, for advice, and assisted her in searching for an infusion protocol for "Cardizem," but without success. Respondent notes that during this time, the Charge Nurse for the oncoming shift, RF, RN, was conducting rounds, and found the "Cardizem" hanging, but according to Respondent, the (IV) pump was off and not infusing. Respondent states that she and Nurse FTP, RN, explained the situation to Nurse RF, RN, and that Respondent then placed the medication in Patient MR#001672's drawer until the infusion order could be clarified. Respondent denies ever infusing "Cardizem" at the wrong rate, and denies being counseled for the incident until she was terminated.

10. Charges were filed on December 9, 2010.

11. Charges were mailed to Respondent on December 10, 2010.

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)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A), (1)(B),(1)(C), (1)(D), (1)(O) &(1)(P) 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), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 156737, heretofore issued to CHERYL LEE WALKER, including revocation of Respondent's license(s) 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 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.

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 <u>not</u> 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 a course in medication administration. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is <u>not</u> 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.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Ordesuccessfully complete a course in "Infection Control," a 5.0 contact hours workshop presented in various locations by the Texas Department of Aging and Disability Services. In order to receive credit for completion of this workshop, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this workshop 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 website:* http://www.dads.state.tx.us/providers/Training/jointtraining.cfm *or by contacting (512) 438-2201.*

(4) 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, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations conditions on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations conditions on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) For the duration of the stipulation period, RESPONDENT SHALL be supervised by a Registered Nurse or a Licensed Vocational Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the Registered Nurse or Licensed Vocational Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

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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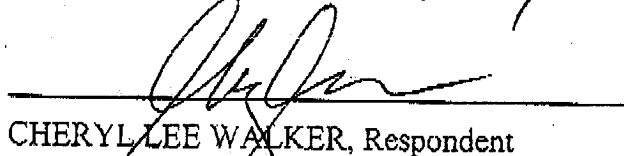
RESPONDENT'S CERTIFICATION

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.

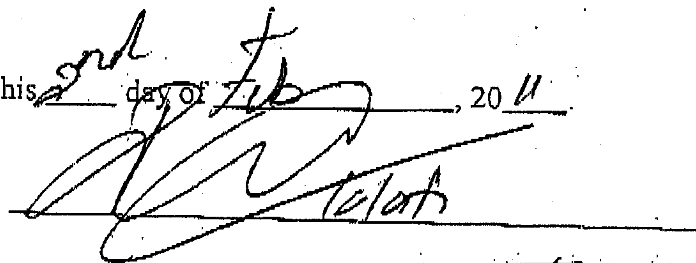
Signed this 2nd day of February 20 11.



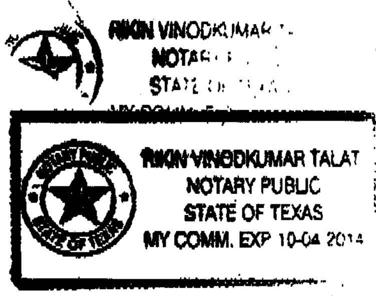
CHERYL LEE WALKER, Respondent

Sworn to and subscribed before me this 2nd day of Feb, 20 11.

SEAL



Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 2nd day of February, 2011, by CHERYL LEE WALKER, Vocational Nurse License Number 156737, and said Order is final.

Effective this 8th day of March, 2011.

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