BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 242554	§	
issued to CHERYL J. VALLIE	§	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 Boar considered the matter of CHERYL J. VALLIE, Registered Nurse License Number 24255 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 November 4, 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 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.

4. Respondent received a Baccalaureate Degree in Nursing from the University of Texas at Arlington on December 1, 1977, and a Master's Degree in Nursing from the University of Texas at Arlington, Arlington, Texas, on December 1, 1994. Respondent was licensed to practice professional nursing in the State of Texas on March 21 1978, and was recognized as a Family Nurse Practitioner (FNP) on January 23, 1995. Respondent was granted Limited Prescriptive Authority on March 19, 1997.

5. Respondent's nursing employment history includes:

1977 - 1991	Unknown	
1992 - 1994	Director of Quality and Risk Management	Midland Memorial Hospital Midland, Texas
1995 - 2005	Staff Nurse Family Nurse Practitioner	Midland Emergency Management Midland Memorial Hospital
1996 - 1997	Staff Nurse Family Nurse Practitioner	Ward Memorial Hospital Monahans, Texas
1997 - 2002	Staff Nurse Family Nurse Practitioner	Premier Family Care Midland, Texas
2004 - Present	Owner/Operator Family Nurse Practitioner	Cheryl J. Vallie CFNP, LP Midland, Texas
2005 - 2006	Staff Nurse Family Nurse Practitioner	Emcare Medical Center Hospital Midland, Texas

6. At the time of the incident, Respondent was self-employed as a Family Nurse Practitioner (FNP) with Cheryl Vallie, CFNP, Family Medicine, Midland, Texas, and had been in this position for four (4) years.

7. On or about August 21, 2008, while self-employed with Cheryl Vallie, CFNP, Family Medicine, Midland, Texas Respondent prescribed an inappropriate dose of Risperdal in that she wrote Risperdal "10mg", 1 by mouth daily instead of Risperdal "1mg" by mouth daily. Respondent's conduct exposed the patient to risk of harm in that the administration of excessive amounts of Risperdal could result in the patient experiencing symptoms of overdose, which include muscle weakness and respiratory distress.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that if there was a dosing error it was made by the pharmacist and asserts that if the pharmacist noticed the amount ordered was excessive they could have contacted Respondent to clarify the dose. Respondent states she has changed her practice and now utilizes an electronic system that is designed to eliminate the type of error that allegedly gave rise to an erroneous dosage of Risperdal, a decimal point that may have been visible on the original prescription and was not visible on the carbon copies.

9. On or about 2008 while interacting with the public in a nursing role, Respondent failed to correctly designate her professional credentials in a Yellow Page advertisement, which read "CFNP, Family Medicine" and did not include the designation "RN". Respondent's failure to include her professional "RN" credential was likely to deceive the public, who may not be familiar with the designation "Certified Family Nurse Practitioner (CFNP)"and therefore, not be aware of the level of health care they are receiving.

10. In response to the incident in Finding of Fact Number Nine (9), Respondent states it was her understanding that the only time the use of RN designation was required was on her name tag or identification badge worn on her clothing and asserts that her name tag does include the designation RN.

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 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B),(1)(C)&(4)(B), §217.12(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 242554, heretofore issued to CHERYL J. VALLIE, 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 is 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 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://ncsbn.hivelive.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 REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(3) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations 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 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.

(4) 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.

(5) Should RESPONDENT choose to work as a Family Nurse Practitioner(FNP), RESPONDENT'S practice of professional nursing will be monitored for one (1) year by Diana Casanova, M.D. a board - certified Family Practice Physician, or should Diana Casanova, M.D. be unable to fulfill the requirements of this order, RESPONDENT must provide a list of three (3) Family Practice Physicians from which the Board shall select. For the Family Practice Physician, the list must include the following for each: name, license number or social security number, educational background and professional employment history. Monitoring shall commence no later than thirty (30) days following the date of RESPONDENT'S receipt of the name of the monitor selected by the Board. The monitor will offer guidance, advice and assistance to the RESPONDENT as necessary to ensure that deficiencies such as those set forth in this Order do not reoccur. RESPONDENT SHALL meet with the monitor at least twice a month, at least one (1) hour duration each. RESPONDENT SHALL ensure that the monitor submits reports, addressing

RESPONDENT'S progress in overcoming these deficiencies to the office of the Board at the end of each three (3) months for the one (1) year stipulation period. Meetings may be longer and more frequent if the monitor determines necessary. Multiple employers are prohibited.

(6) RESPONDENT SHALL CAUSE the monitor to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S licenses 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 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 to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 27th day of December, 2010.

CHERYL J. VALLIE, Respondent

Sworn to and subscribed before me this 27 day of December, 2010.

SEAL

Notary Public in and for the State of Texas

MILLIE HIRT
Notary Public, State of Texas
My Commission Expires
MAY 28, 2011

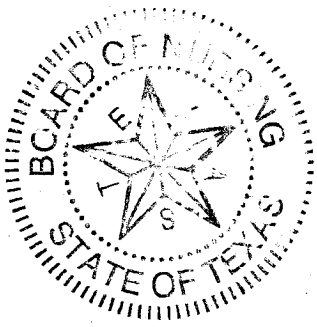
Approved as to form and substance.

Max E. Wright, Attorney for Respondent

Signed this 27th day of December, 2010.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 27th day of December, 2010, by CHERYL J. VALLIE, Registered Nurse License Number 242554, and said Order is final.

Effective this 8th day of February, 2011.



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