



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. Thomas
Executive Director of the Board

DOCKET NUMBER 507-10-4949

IN THE MATTER OF § BEFORE THE STATE OFFICE
PERMANENT CERTIFICATE §
NUMBER 738054 § OF
ISSUED TO §
THERESA CHRISTOFERSEN § ADMINISTRATIVE HEARINGS

OPINION AND ORDER OF THE BOARD

TO: THERESA CHRISTOFERSEN
535 THOMAS STREET
PLAINWELL, MI 49080

KATHERINE L. SMITH
ADMINISTRATIVE LAW JUDGE
300 WEST 15TH STREET
AUSTIN, TEXAS 78701

At the regularly scheduled public meeting on October 21-22, 2010, the Texas Board of Nursing (Board) considered the following items: (1) The Proposal for Decision (PFD) regarding the above cited matter; (2) Staff's recommendation that the Board adopt the PFD regarding the registered nursing license of Theresa Christofersen with changes; and (3) Respondent's recommendation to the Board regarding the PFD and order, if any.

The Board finds that after proper and timely notice was given, the above styled case was heard by an Administrative Law Judge (ALJ) who made and filed a PFD containing the ALJ's findings of facts and conclusions of law. The PFD was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein. No exceptions were filed by any party.

The Board has authority to review and modify the PFD in accordance with the Government Code §2001.058(e). The Board, after review and due consideration of the

PFD, Staff's recommendations, and the presentation by Respondent during the open meeting, if any, has determined that Conclusion of Law Number Six contains a technical error regarding a citation to the Texas Administrative Code. Therefore, the Board finds that the current PFD should BE MODIFIED under the authority of the Government Code §2001.058(e)(3) to correct this technical error.

IT IS, THEREFORE, ORDERED THAT the PFD signed on July 28, 2010, is hereby MODIFIED under the authority of the Government Code §2001.058(e) for the reasons outlined above, in order to correct a technical error in Conclusion of Law Number Six.

IT IS FURTHER ORDERED THAT Findings of Fact Numbers 1 through 9 and Conclusions of Law Numbers 1 through 5 and 7 contained in the PFD of July 28, 2010, are ADOPTED without modification. All proposed findings of fact and conclusions of law filed by any party or the ALJ not specifically adopted herein are hereby DENIED.

AMENDED CONCLUSION OF LAW NUMBER SIX

IT IS FURTHER ORDERED THAT CONCLUSION OF LAW NUMBER SIX is AMENDED and ADOPTED as follows:

Based on Findings of Fact Nos. 8 and 9 and Conclusion of Law No. 5, Respondent violated Code §301.452(b)(10) and (13) and 22 Tex. Admin. Code §217.11(1)(A)-(C), (F), (H), (M), (P), and (3)(A) and §217.12(1)(A) and (B) and (4).

IT IS, THEREFORE, ORDERED THAT Permanent Certificate Number 738054, previously issued to THERESA CHRISTOFERSEN, to practice nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 738054, previously

issued to THERESA CHRISTOFERSEN, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

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

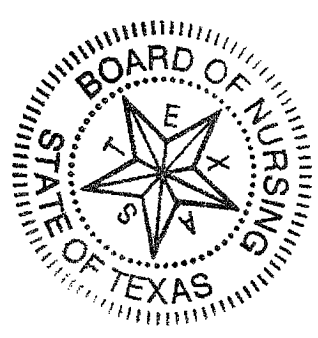
Entered this 22nd day of October, 2010.

TEXAS BOARD OF NURSING

Katherine A. Thomas

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR FOR THE BOARD

Attachment: Proposal for Decision; Docket No. 507-10-4949 (July 28, 2010).



I certify this to be a true copy of the records on file with the Texas Board of Nursing.
Date: 10-26-10
Signed: Barbara Darling

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge
July 28, 2010

Katherine A. Thomas, M.N., R.N.
Executive Director
Texas Board of Nursing
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701

VIA INTER-AGENCY

RE: Docket No. 507-10-4949; In The Matter Of Permanent Certificate No.
738054 Issued To Theresa Christofersen

Dear Ms. Thomas:

Please find enclosed a Proposal for Decision in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 TEX. ADMIN. CODE § 155.507(c), a SOAH rule which may be found at www.soah.state.tx.us.

Sincerely,

A handwritten signature in cursive script that reads "Katherine L. Smith".

Katherine L. Smith
Administrative Law Judge

KLS/Ls
Enclosures

XC: Lance R. Brenton, Assistant General Counsel TBN, 333 Guadalupe, Tower III, Ste. 460, Austin, TX 78701
- **VIA INTER-AGENCY**
Dina Flores, Legal Assistant TBN, 333 Guadalupe, Tower III, Ste. 460, Austin, TX 78701 - (with no hearing CD - recorder malfunctioned; Certified Evidentiary Record) - **VIA INTER-AGENCY**
Theresa Christofersen, 535 Thomas St., Plainwell, MI 49080 - **VIA REGULAR MAIL**

SOAH DOCKET NO. 507-10-4949

IN THE MATTER OF PERMANENT

CERTIFICATE NO. 738054 ISSUED TO

THERESA CHRISTOFERSEN

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

Staff of the Texas Board of Nursing (Staff/Board) brought action against Theresa Christofersen (Respondent) seeking to revoke Respondent's license as a registered nurse pursuant to TEX. OCC. CODE ANN. (Code) § 301.452(b)(10) and (13). The Administrative Law Judge (ALJ) recommends that Respondent's license be revoked.

I. JURISDICTION, NOTICE, AND PROCEDURAL HISTORY

The hearing convened on July 26, 2010, before ALJ Katherine L. Smith in the William P. Clements Building, 300 West 15th Street, Fourth Floor, Austin, Texas. Staff was represented by Lance R. Brenton, Assistant General Counsel, who moved for a default based on the failure of Respondent to appear.

Staff offered competent evidence establishing jurisdiction and that appropriate notice of the hearing was provided to Respondent. Those matters are set out in the Findings of Fact and Conclusions of Law.

II. RECOMMENDATION

Based upon the following Findings of Fact and Conclusions of Law and in accordance with 1 TAC § 155.501, the ALJ grants Staff's motion for default and recommends that Respondent's registered nursing license be revoked.

III. FINDINGS OF FACT

1. Theresa Christopherson (Respondent) is licensed as a registered nurse and holds License No. 738054 issued by the Texas Board of Nursing (Staff/Board).

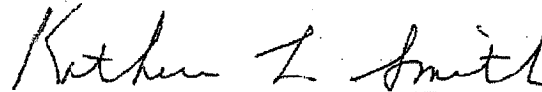
2. On November 7, 2007, Staff notified Respondent that it was initiating an investigation of charges against Respondent.
3. On November 23, 2009, Staff notified Respondent of the Formal Charges that had been filed against her.
4. On June 29, 2010, Staff mailed its Notice of Hearing to Respondent, at her last known address; 535 Thomas Street, Plainwell, MI, 49080, by United States Post Office certified mail. The notice was returned unclaimed.
5. The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the matters asserted.
6. The notice of hearing contained the following language in capital letters in at least 12-point boldface type: "FAILURE TO APPEAR AT THE HEARING IN PERSON OR BY LEGAL REPRESENTATIVE, REGARDLESS OF WHETHER AN APPEARANCE HAS BEEN ENTERED, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF SHALL BE GRANTED BY DEFAULT."
7. Respondent did not appear and was not represented at the hearing, and the factual allegations set forth in the Formal Charges were deemed admitted.
8. On or about September 2, 2007, while employed as a Staff Nurse with Girling Health Care, Corpus Christi, Texas, Respondent failed to provide adequate care for Patient Medical Record Number 00348773 by accepting a nursing assignment without adequate experience and/or knowledge regarding the use of a wound vacuum, which is used to promote faster healing of a wound. As a result, Respondent inappropriately placed multiple layers of gauze in the patient's wound, and the patient's wound became malodorous over the next three days before the error was noted.
9. Respondent was also unable to adequately educate the patient's family on the use and purpose of the wound vacuum, as ordered.

IV. CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to TEX. OCC. CODE ANN. (Code) ch. 301.
2. The State Office of Administrative Hearings has jurisdiction over the hearing in this proceeding, including the authority to issue a proposal for decision with proposed findings of fact and conclusions of law, pursuant to TEX. GOV'T CODE ANN. ch. 2003.

3. Notice of the formal charges and of the hearing on the merits was provided as required by Code § 301.454 and by the Administrative Procedure Act, TEX. GOV'T CODE ANN. §§ 2001.051 and 2001.052.
4. The Board had the burden of proving the case by a preponderance of the evidence.
5. Based on the above findings of fact, Respondent's conduct was likely to injure the patient by creating adverse wound complications, including possible tissue damage and infection.
6. Based on Findings of Fact Nos. 8 and 9 and Conclusion of Law No. 5, Respondent violated Code § 301.452(b)(10) and (13) and 22 TEX. ADMIN. CODE § 217.11(1)(A)-(C), (F), (H), (M), (P) and (3)(A) and 1217.12(1)(A) and (B) and (4).
7. Based upon Findings of Fact Nos. 8 and 9 and Conclusion of Law No. 5, the Board should revoke Respondent's registered nurse license.

SIGNED July 28, 2010.



KATHERINE L. SMITH
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS