BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 107480	§	
issued to CLARA MAY WELLMAKER	§	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 Bc considered the matter of CLARA MAY WELLMAKER, Vocational Nurse License Number 107480, 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 informal proceedings, notice and hearing, and agreed to the entry of this Order offered on September 20, 2009 by Katherine A. Thomas, MN, RN, Executive Director.

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 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 Brownwood School of Vocational Nursing, Brownwood, Texas on August 24, 1984. Respondent was licensed to practice vocational nursing in the State of Texas on December 17, 1984

5. Respondent's vocational nursing employment history includes:

   8/1984 - 3/1990 Unknown

Respondent's vocational nursing employment history continued:

4/1990 - 4/2000	Charge Nurse	Rising Star Nursing Center Rising Star, Texas
4/2000 - Present	Staff Nurse	Brownwood Regional Medical Center Brownwood, Texas

6. At the time of the incidents in Findings of Fact Numbers Seven (7), and Number (8), Respondent was employed as a staff nurse with Brownwood Regional Medical Center, Brownwood, Texas, and had been in this position for three (3) years and nine (9) months.

7. On or about January 22, 2005, while employed as a staff nurse with Brownwood Regional Medical Center, Brownwood, Texas, Respondent failed to assure that the physician was notified that Patient #000022361 had elevated cardiac enzymes and an episode of Ventricular Tachycardia (V-Tach). Respondent's conduct deprived the physician of essential information to initiate timely medical interventions required to stabilize the patient.

8. On or about January 22, 2005, while employed as a staff nurse with Brownwood Regional Medical Center, Brownwood, Texas, Respondent failed to perform and/or document a complete assessment of Patient #000022361 after the patient experienced an episode of V-Tach. Additionally, Respondent failed to document that she had notified the charge nurse of the patient's change in condition. Respondent's conduct was likely to cause injury to the patient in that subsequent care givers would rely on her documentation in order to provide further patient care.

9. In response to the incident in Finding of Fact Number Seven (7), Respondent states that the episode of V-Tach was reported to the house supervisor in the absence of the charge nurse, and that the house supervisor reviewed the strip and instructed Respondent to notify the charge nurse when she returned to the unit, which she did. The charge nurse informed Respondent that she had notified the physician and been given verbal orders that as long as the patient remained asymptomatic it was not necessary to notify the physician.

10. In response to the incident in Finding of Fact Number Eight (8), Respondent states she did document her assessment and that she had worked with that charge nurse for approximately one year and had no reason not to trust her to follow through with the information Respondent had given her.

11. On June 11, 2010, Respondent provided three (3) annual performance evaluations from her employer which demonstrate acceptable and commendable job performances for the years 2007, 2008, and 2009, with no additional employee counselings or incidents.

12. Charges were filed on May 11, 2010.

11. Charges were mailed to Respondent on May 14, 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 violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B),(1)(D) & (2)(A) and 22 TEX. ADMIN. CODE §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 Vocational Nurse License Number 107480, heretofore issued to CLARA MAY WELLMAKER, including revocation of Respondent's license to practice vocational 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 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 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 State of Texas 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 a course in physical assessment. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. 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. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. 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 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.*

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license 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 when this Order becomes final and the terms of this Order become effective, 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 30 day of July, 2010.

Clara May Wellmaker

CLARA MAY WELLMAKER, Respondent

Sworn to and subscribed before me this 30th day of July, 2010.

SEAL

DEBBIE JOHNSON
MY COMMISSION EXPIRES
January 15, 2012

Notary Public in and for the State of Texas

Approved as to form ~~and substance~~ new.

Nancy Roper Willson

Nancy Roper Willson, Attorney for Respondent

Signed this 25th day of August, 2010

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 30th day of July, 2010, by CLARA MAY WELLMAKER, Vocational Nurse License Number 107480, and said Order is final.

Effective this 25th day of August, 2010.

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