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 Registered Nurse	§	AGREED
License Number 423306	§	
issued to JENNIFER T L SCHUM	§	ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Bc produced evidence indicating that JENNIFER T L SCHUM, hereinafter referred to as Respondent, Registered Nurse License Number 423306, may have violated Section 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on June 15, 2010, 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 Nancy Roper Willson, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Kyle Hensley, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Soraya Trammell, Administrative Assistant; and Carolyn Schooley, RN, Investigator.

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 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.

4. Respondent received a Diploma in Nursing from Lutheran Hospital School of Nursing, Moline, Illinois, on August 21, 1970. Respondent was licensed to practice professional nursing in the State of Texas on June 15, 1971.

5. Respondent's nursing employment history includes:

6/71 - 11/87	Unknown	
12/87 - 10/89	Clinical Care Director Pediatrics	Curaflex Health Services Dallas, Texas
11/89 - 9/93	Owner/President Pediatrics	PediCare, Inc. Dallas, Texas
10/93 - 9/95	Clinical Director Pediatrics	Care Team Health Services Dallas, Texas
10/95 - 8/97	Program Director Pediatrics	IHS Symphony Home Care Ft. Worth, Texas
9/97 - 6/08	Location Director/ Administrator	Pediatric Services of America (PSA) Dallas, Texas
7/08 - Present	Division Manager Pediatric Home Health	Therapy 2000 Inc. Dallas, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Location Director/Administrator with Pediatric Services of America (PSA), Dallas, Texas, and had been in this position for nine (9) years.

7. On or about September 7, 2006, while employed as the Location Director/ Administrator with PSA, Dallas, Texas, Respondent inappropriately assigned vocational nurse CRT to provide care for Patient Number 168919, a four (4) year old tracheostomy and ventilator dependent patient. The vocational nurse did not have the necessary educational preparation, experience and knowledge to safely care for this patient. Furthermore, Respondent failed to follow the recommendations at this agency regarding the minimum qualifications required for any nurse considered for employment, which includes, but is not limited to, experience in a pediatric intensive care unit. Forty-five (45) minutes after the assigned vocational nurse placed the patient in an upright stander, the vocational nurse observed that the patient appeared asleep with flaccid arms; however, upon attempting to arouse the patient, the vocational nurse realized that the patient was unresponsive. The patient was transported by EMS to an acute care facility and it was determined that she had suffered an anoxic brain injury. The patient was discharged 12 days later with no improvement in neurological state and only rare responses to painful stimuli. Respondent's conduct may have contributed to the patient suffering anoxic brain injury.

8. On or about September 7, 2006, while employed as the Location Director/Administrator with PSA, Dallas, Texas, Respondent failed to maintain the integrity of the medical record for Patient Number 168919 in that it was later determined that documents were missing from

the medical record after it was brought to the agency office and reviewed on the day of the incident. When the medical record was eventually prepared for filing, two (2) pieces were missing: the Medication Administration Record (MAR) for the month of September 2006; as well as the Ventilator Data Sheet for September 3, 2006 through September 7, 2006, which documents the ventilator settings for each shift. Respondent's conduct resulted in an inaccurate, incomplete medical record.

9. In regard to the incidents in Findings of Fact Numbers Seven (7), Respondent denies the allegations stating that:
   - The use of an experienced and trained License Vocational Nurse (LVN) is within all minimum standards for Home and Community Support Service Agencies, and meets the industry standard for providing home health care Private Duty Nursing to pediatric patients.
   - The hiring decision was based on the information provided during the interview process of prior clinical experience, as well as verification of previous employment prior to hire, clear criminal background check, verification of nursing license, and documentation of prior ventilator training. *(Respondent provided the Board with written statement from former Agency CEO as well as other knowledgeable healthcare employees, substantiating this employee met the acceptable criteria for hiring, and that an LVN with such prior experience was acceptable per Agency practice and industry standard).*
   - All hiring documents and application were faxed to the Agency Corporate office for review prior to hire.
   - Following hire, the LVN completed the company-required orientation process including: written testing, and the orientation skills check off and competencies-including review and instruction with return demonstration of trach changes, suctioning, and use of an Ambu bag by the Supervising RN (Clinical Care Coordinator) on day of hire.
   - Prior to assignment on a vent dependent patient, the LVN was oriented to the patient's case on two separate days to learn that child's daily routine and orders. She was also checked off in the use and operation of the ventilator and associated skills needed to care for that patient, by an RN in the patient's home.
   - This process met all Agency policies for hiring and orientation that were in place at that time.

   In regard to the incidents in Finding of Fact Number Eight (8), Respondent denies the allegations stating that the Respondent failed to maintain the integrity of the Medical Record.
   - Respondent replied that when the Medical Record was prepared for filing, two (2) pages of documentation were missing: the Medication Administration Record (MAR) for the month of September 2006, as well as the Ventilator Data sheet for September 3, 2006 through September 7, 2006, which documents the ventilator settings for each shift.
   - Respondent explained that it is assumed that these documents were inadvertently left in the patient's home and were not under the Agency's direct control following transport of the child to the hospital by EMS. Because of the impending litigation, the Respondent was instructed by Agency's legal counsel not to contact the family for retrieval of these missing documents. *(Respondent provided documentation of an email to substantiate this instruction.)*

10. On March 5, 2010, Respondent successfully completed a course in Nursing Ethics/Jurisprudence which was a requirement of this Order.

11. The Board finds that as a result of the incident the facility has changed the Orientation/Training of it's new employees. All new hires are required to have Competency Evaluations and Skills Assessments done before the nurse are allowed to go to their first shift. Furthermore, no less than one unannounced patient visit will be made per month, a review of the schedule for supervisory visits will be made with the Clinical Coordinators and "Safe at Home progress will be reviewed consistently with Clinical Coordinators and action will be swiftly taken to solve any potential issues.

12. On or about June 16, 2010, Respondent successfully completed a Board approved course in Sharpening Critical Thinking Skills, which would have been a requirement of this Order.

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)(S) and 217.12(1)(A),(1)(B),(1)(C),(1)(D),(2)&(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 423306, heretofore issued to JENNIFER T L SCHUM, including revocation of Respondent's license 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 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 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(s) issued to JENNIFER T L SCHUM, 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 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, 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 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 7th day of August, 2010.

JENNIFER T L SCHUM, Respondent

Sworn to and subscribed before me this 7th day of August, 2010

MELVIN ELEX STOKES
Notary Public, State of Texas
My Commission Expires
September 23, 2012

Notary Public in and for the State of Texas

Approved as to form ~~and substance~~.

Nancy Roper Willson, Attorney for Respondent

Signed this 9th day of August, 2010.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 7th day of August, 2010, by JENNIFER T L SCHUM, Registered Nurse License Number 423306, and said Order is final.

Effective this 26th day of August, 2010.

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