BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	AGREED
License Number 621202	§	
issued to JAMES D. LONG	§	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 Bo considered the matter of JAMES D. LONG, Registered Nurse License Number 621202, 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 April 28, 2010, 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 representation by counsel, 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 an Associate Degree in Nursing from Amarillo College, Amarillo, Texas on July 1, 1995. Respondent was licensed to practice professional nursing in the State of Texas on August 1, 1995.

5. Respondent's nursing employment history includes:

08/1995-09/1996	Staff Nurse St. Anthony's Hospital Amarillo, Texas

Respondent's professional nursing history continued:

09/1996-05/1997	Staff Nurse Caprock Home Health Amarillo, Texas
05/1996-07/1999	Nurse Manager Integrated Health System Amarillo, Texas
08/1999-03/2000	Staff Nurse High Plains Baptist Health Care Amarillo, Texas
04/2000-07/2001	Staff Nurse Amarillo Nursing Center Amarillo, Texas
07/2001-05/2007	Staff Nurse Northwest Texas Healthcare System Amarillo, Texas
06/2007-10/2007	Staff Nurse High Plains Rehab Hospital Amarillo, Texas
10/2007-Present	ICU Nurse Golden Plains Community Hospital Borger, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Registered Nurse with Northwest Texas Healthcare System, and had been in this position for approximately six (6) years.

7. On or about April 15, 2007, while working at Northwest Texas Healthcare System, Amarillo, Texas, Respondent failed to transcribe a Physician's order of "Lovenox 1mg/kg" for Patient MR#416778. Respondent's failure exposed said patient to the risk of harm in that subsequent caregivers would have relied on incomplete and inaccurate data on which to formulate their nursing plan of care.

8. On or about April 15, 2007, while working at Northwest Texas Healthcare System, Amarillo, Texas, Respondent failed to administer "Lovenox 1mg/kg" to Patient MR#416778, as required. Respondent's failure denied said patient added protection against but not limited to: Deep Vein Thrombosis(DVT), Pulmonary Embolisms (PE), and Myocardial Infarctions (MI).

9. In response to Finding of Fact Number Seven (7) and Eight (8), Respondent states that he does not recall the circumstance surrounding this incident but acknowledges that the patient did not receive the ordered medication. Respondent adds that he is unaware if his actions adversely affected the Patient or prolonged his stay in the hospital.

10. On or about April 7, 2007, while working at Northwest Texas Healthcare System, Amarillo, Texas, Respondent failed to administer Asprin, Plavix, Protonix, Lopressor, Altace, and Zocor to Patient MR#78446 in that Respondent documented that Patient MR#78446 had taken said medications at home. Patient MR#78446 did not list said medications as "Home Medications" upon admission to the hospital. Respondent's action may have exposed Patient MR#78446 to the risk of harm in that he denied said patient of the therapeutic effect of said medications which could result in non-efficacious treatment.

11. In response to Finding of Fact Number Ten (10), Respondent states that he was assisting another nurse with the admission of Patient MR#78446 to the hospital. Respondent adds that he documented that said patient had taken medications that did not appear on the Patient's Home Medication list as a precaution since the other nurse, who could have been completing the Patient's Home Medication list, was not aware that the Patient had taken additional medications at home. Respondent adds that he does not recall the incident well.

12. On or about July 15, 2007, while working at Northwest Healthcare System, Amarillo, Texas, Respondent failed to have competency verification on record with said facility for reinserting a Percutaneous Esophageal Gastrostomy (PEG) tube before attempting to insert a Foley Catheter to replace Patient MR# 471715's PEG tube. Respondent's failure may have exposed Patient MR#471715 to the risk of harm in that Respondent may have lacked the training to safely perform said procedure.

13. In response to finding of Fact Number Twelve (12), Respondent states that he had been trained to replace PEG tubes at another facility, but admits that he was never trained to do so at Northwest Healthcare System. Respondent states that he suggested to the admitting physician that Respondent insert a Foley Catheter to replace the PEG tube which Patient MR#47175 had pulled out. Respondent adds that the physician agreed, and although Respondent was unsuccessful in inserting the Foley Catheter, the entire incident was documented to include the physician's authorization for the procedure.

14. On or about July 24, 2007, while working at Northwest Texas Healthcare System, Amarillo, Texas, Respondent failed to document a change of condition of Patient MR#597110 in that Respondent failed to attach an EKG "strip" to said Patient's medical records, which indicated that the patient had experienced a syncopal episode. Patient MR#597110 underwent a permanent pacemaker placement later in the day. Respondent's action may have exposed Patient MR#597110 to the risk of harm in that subsequent caregivers would have relied on inaccurate and incomplete data on which to base their plan of care.

15. In response to Finding of Fact Number Fourteen (14), Respondent states that Patient MR#597110 reported to him that she experienced a "sinking spell" but no syncopal episode was recorded on the bed side monitor. Respondent adds that the bedside monitor had been set and checked at the beginning of his shift and could not be turned off. Respondent states that nothing regarding a syncopal episode was reported by the central monitoring technician. Additionally, Respondent states that the Cardiologist made rounds at the end of the shift and the history in central monitoring showed no syncopal episodes. However, Respondent states that an EKG monitor "strip" was later discovered showing a syncopal episode.

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)(B), (1)(C), (1)(D)&(1)(H), and 22 TEX. ADMIN. CODE §217.12(1)(B)&(C).

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 621202, heretofore issued to JAMES D. LONG, including revocation of Respondent's license to practice professional 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 <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 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. 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 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*.

(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://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.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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 violation 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 5th day of May, 2010.

James D. Long

JAMES D. LONG, Respondent

Sworn to and subscribed before me this 5th day of May, 2010

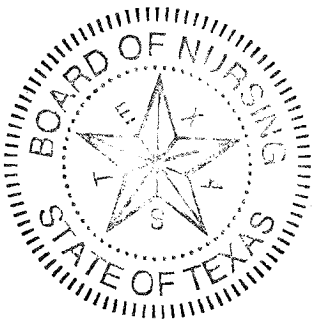
SEAL

Susan L. Bowers

Notary Public in and for the State of Texas

SUSAN L. BOWERS
NOTARY PUBLIC,
STATE OF TEXAS
My Commission Expires 1-22-2011

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 5th day of May, 2010, by JAMES D. LONG, Registered Nurse License Number 621202, and said Order is final.



Effective this 11th day of May, 2010.

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