BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	AGREED
License Number 745409	§	
issued to CLAUDIA LEANN (HUGHES) BYRGE	§	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 CLAUDIA LEANN (HUGHES) BYRGE, Registered Nurse License Number 745409, 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 January 13, 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 Lincoln Memorial University, Harrogate, TN, on May 1, 1996. Respondent was licensed to practice professional nursing in the State of Texas on July 26, 2007.

5. Respondent's professional nursing employment history includes:

1996-2007	DON/Administrator Hillcrest Healthcare Knoxsville, TN

Respondent's professional nursing employment history continued:

04/2007-11/2007	Director of Nursing Regent Care Center of San Antonio San Antonio, Texas
11/2007-Present	Director of Nursing Trinity Mission of Comfort Comfort, Texas

6. At the time of the Findings of Fact Number Seven(7) and Eight (8), Respondent was employed as Director of Nursing with Regent Care Center, San Antonio, Texas, and had been in this position for approximately seven (7) months.

7. On or about September 2007, through November 2007, while employed as Director of Nursing with Regent Care Center, San Antonio, Texas, Respondent failed to verify the credentials and/or permits of Nursing Student AE, and Nursing Student CD, as required. Respondent's failure deprived patients of care by a licensed nurse, who could ensure the delivery of safe nursing care.

8. On or about September 2007, through November 2007, while employed as Director of Nursing with Regent Care Center, San Antonio, Texas, Respondent assigned patients to Nursing Student AE, and Nursing Student CD, and allowed said students to practice nursing without a permit or proper credentials. Respondent's actions were deceitful to patients and the public, and deprived patients of safe nursing care they believed was being provided by licensed nurses.

9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that it was not her duty to verify credentials of employees, and denies assigning Nursing Student AE, and Nursing Student CD, to perform any nursing care. Respondent notes that Nursing Student AE was a Patient Care Technician (PCT), and performed her duties as such. Respondent states that Nursing Student CD was a Medical Records Associate and performed her duties as such. Respondent adds that she was aware that both Nursing Students were pursuing nursing degrees, but had not received their GVN permits or licenses.

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)(A), (1)(B),(1)(S)&(1)(V), and 22 TEX. ADMIN. CODE §217.12(1)(B),(1)(D),(2),(4)&(11)(A).

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 745409, heretofore issued to CLAUDIA LEANN (HUGHES) BYRGE, including revocation of Respondent's license to practice professional 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 WITH A FINE, 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 multistate licensure privilege, 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 multistate licensure 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 pay a monetary fine monitoring fee in the amount of one thousand ($1000) dollars. RESPONDENT SHALL pay this fine within forty five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

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 26 day of March, 2010.

Claudia Leann Hughes Byrge
CLAUDIA LEANN (HUGHES) BYRGE, Respondent

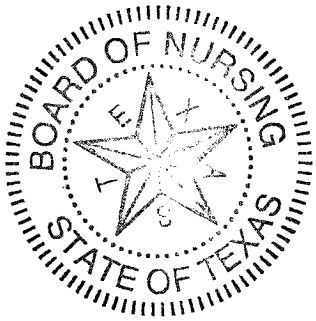
Sworn to and subscribed before me this 26th day of March, 2010.

SEAL

Denise McClendon
Notary Public in and for the State of Texas

DENISE MCCLENDON
NOTARY PUBLIC
STATE OF TEXAS
EXPIRES
10-21-2011

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 26th day of March, 2010, by CLAUDIA LEANN (HUGHES) BYRGE, Registered Nurse License Number 745409, and said Order is final.

Effective this 30th day of March, 2010.

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