BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 650940	§	
and Vocational Nurse	§	
License Number 148296	§	
issued to SUSAN CLAPP	§	ORDER

BOARD OF NURSING TEXAS
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 Boarc, considered the matter of SUSAN CLAPP, Registered Nurse License Number 650940 and Vocational Nurse License Number 148296, 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 January 29, 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 licenses.

2. Respondent waived 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. Respondent's license to practice vocational nursing in the State of Texas is currently in "delinquent" status.

4. Respondent received a Certificate in Vocational Nursing from Midland College, Midland, Texas, on August 18, 1994. Respondent was licensed to practice vocational nursing in the State of Texas on September 13, 1994. Respondent received an Associate Degree in nursing from Angelo State University, San Angelo, Texas, on May 1, 1998. Respondent was licensed to practice professional nursing in the State of Texas on June 9, 1998.

5. Respondent's complete nursing employment history is unknown.

6. On or about February 14, 2007 through June 27, 2007, while employed as the Head Nurse of the Labor and Delivery Department with Providence Hospital, Waco, Texas, Respondent had knowledge that CK, whose GN permit was invalid due to her failure of the NCLEX examination, was practicing nursing at Providence Hospital, which included:

   A. Taking report on patients;
   B. Assessing patients;
   C. Administering medications;
   D. Hanging and adjusting rates on Pitocin drips; and
   E. Documented nursing care in patients' medical records.

   Respondent's conduct failed to take into consideration patient safety when she made nursing assignments to an unlicensed person, who lacked the experience and knowledge to safely deliver nursing care, which failed to create a safe environment for patients.

7. In response to Finding of Fact Number Six (6), Respondent states that she can assure the Board that she had no knowledge that CK was practicing in any capacity as a nurse at Providence Health Center after her permit was rendered invalid due to the failure of her NCLEX exam. Respondent took reasonable and appropriate steps to make certain that CK, the preceptor assigned to CK and the nurses in the Labor and Delivery Department were aware that CK could not practice as a GN after her exam failure. Respondent states if CK continued to practice as a GN after she failed the NCLEX it was in direct violation of Respondent's specific instructions for her to cease practice as a GN.

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)&(S) and §217.12(1)(A)&(B)&(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 650940 and Vocational Nurse License Number 148296, heretofore issued to SUSAN CLAPP, including revocation of Respondent's licenses to practice registered and 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 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 licenses are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privileges 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 deliver the wallet-sized licenses issued to SUSAN CLAPP to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order.

(2) 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.*

(3) 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.*

(4) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars ($500.00). 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 licenses and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

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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 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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 17 day of March, 2010.

SUSAN CLAPP, Respondent

Sworn to and subscribed before me this 17 day of March, 2010.

SEAL

Sarah Jean Elliott

Notary Public in and for the State of Texas

SARAH JEAN ELLIOTT
Notary Public - State of Texas
Commission Expires: 09/08/13

Approved as to form and substance.

Kip Poe, Attorney for Respondent

Signed this 22 day of March, 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 17th day of March, 2010, by SUSAN CLAPP, Registered License Number 650940 and Vocational Nurse License Number 148296, and said Order is final.

Effective this 23rd day of March, 2010.

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