



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.  
*Patricia Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse           §       AGREED  
License Number 708505                         §  
issued to PENNY DALE HAWKINS           §       ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that PENNY DALE HAWKINS, Registered Nurse License Number 708505, hereinafter referred to as Respondent, may have violated Section 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on January 12, 2010, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Dan Lype, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Tamara Cowen, MSN, RN, Board Member; John F. Legris, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Amy Grissom, 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.
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 Baccalaureate Degree in Nursing from Georgia Southern University, Statesboro, Georgia, on June 1, 1997. Respondent was licensed to practice professional nursing in the State of Texas on August 2, 2004.

5. Respondent's nursing employment history includes:

6/1997-3/1998		Unknown
4/1998-4/2000	RN-Manager	Pineland States Boro, Georgia
5/2000-1/2002	Clinic RN	SRC-Youth Detention Sylvania, Georgia
1/2002-7/2004	RN-Telemetry	East Georgia Regional Medical Center States Boro, Georgia
8/2004		Unknown
9/2004-5/2005	RN-Intermediate Care	Bay Shore Pasadena, Texas
6/2005-3/2006	RN-Behavioral Medicine	Christus St. Joseph Hospital Houston, Texas
4/2006-Present	RN	Ultra Staff Houston, Texas

6. At the time of the initial incident, Respondent was employed as a RN with Christus St. Joseph Hospital, Houston, Texas, and had been in this position for one (1) month.
7. On or about July 6, 2005, while employed with Christus St. Joseph Hospital, Houston, Texas, in the Behavioral Medicine Unit, Respondent failed to document on the Medication Administration Record a physician's order for Patient Medical Record Number 121-65-99 when the physician ordered Norvasc 5mg to be orally administered daily; consequently, the patient did not receive the medication. Respondent's conduct was likely to injure the patient in that failure to administer medications as ordered by the physician could have resulted in non-efficacious treatment.
8. On or about September 6, 2005, while employed with Christus St. Joseph Hospital, Houston, Texas, in the Behavioral Medicine Unit, Respondent failed to accurately document a physician's order for Patient Medical Record Number 122-22-06 when the physician ordered Haldol 10 mg by mouth at bed time; instead, Respondent transcribed the order as Haldol 100 mg by mouth at bed time. Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

9. On or about October 17, 2005, while employed with Christus St. Joseph Hospital, Houston, Texas, in the Behavioral Medicine Unit, Respondent failed to accurately document a physician's order for Patient Medical Record Number 80-89-78 when the physician ordered Haldol 10 mg intramuscular three (3) times a day; instead, Respondent transcribed the order as Haldol 10 mg intramuscular four (4) times a day. Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.
10. On or about October 19, 2005, while employed with Christus St. Joseph Hospital, Houston, Texas, in the Behavioral Medicine Unit, Respondent failed to accurately document a physician's order for Patient Medical Record Number 119-85-97 when the physician ordered Haldol 10 mg by mouth or intramuscular at bed time; instead, Respondent transcribed the order as Haldol 20 mg by mouth or intramuscular at bed time. Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient which could result in non-efficacious treatment.
11. On or about January 30, 2006, while employed with Christus St. Joseph Hospital, Houston, Texas, in the Behavioral Medicine Unit, Respondent failed to accurately document a physician's order for Patient Medical Record Number 94-29-39 when the physician ordered Haldol 5 mg and Ativan 1 mg by mouth or intramuscular every four (4) hours as needed for severe agitation. Respondent transcribed the order as two separate medication orders: Haldol 5 mg by mouth or intramuscular every four (4) hours as needed for severe agitation; and Ativan 1 mg by mouth or intramuscular every four (4) hours as needed for severe agitation. Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient which could result in non-efficacious treatment.
12. On or about February 27, 2006, while employed with Christus St. Joseph Hospital, Houston, Texas, in the Behavioral Medicine Unit, Respondent failed to accurately and completely document a physician's order to hold all psychotropic medications for Patient Medical Record Number 28-03-63. The psychotropic medications for this patient included Remeron, Trileptal, Cogentin, Risperdal, Desyrel and Effexor. Respondent noted on the Medication Administration Record to hold Cogentin, Risperdal, Desyrel and Effexor, but failed to note that the Remeron and Trileptal should also be held. Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient which could result in non-efficacious treatment.
13. In response to the incidents in Findings of Fact Numbers Seven (7) through Twelve (12), Respondent states that in regard to the order for Norvasc 5mg to be orally administered daily, she should not have noted it off the physician's order and should have had the nurse who took the order make corrections to the order. In regards to the incidents in Findings of Fact Numbers Eight (8) through Ten (10), Respondent admits that she was in error. Regarding the order for Haldol 5 mg and Ativan 1 mg by mouth or intramuscular every four (4) hours

as needed for severe agitation, she now understands this order was intended to be given at the same time, not Haldol as one routine order and the Ativan as a PRN order. Respondent states she now understands that the two medications she missed placing a hold on, in Finding of Fact Number Twelve (12), were intended as psychotropic medications even though she was more familiar with them in other uses.

#### 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)(A),(1)(B), (1)(C)&(1)(D) and 217.12(1)(A),(1)(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 708505, heretofore issued to PENNY DALE HAWKINS, 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 a REMEDIAL EDUCATION WITH A FINE, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, 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 compact states.

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 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, 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 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 pay a monetary fine in the amount of two hundred fifty dollars (\$250.00). 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 license 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 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

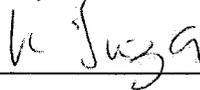
Signed this 19<sup>th</sup> day of February, 2010.



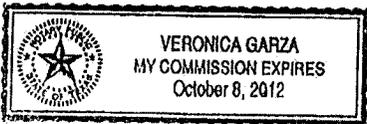
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PENNY DALE HAWKINS, RESPONDENT

Sworn to and subscribed before me this 19<sup>th</sup> day of February, 2010.

SEAL



Notary Public in and for the State of TEXAS.



Approved as to form and substance.



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Dan Lype, Attorney for Respondent

Signed this 23 day of February, 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 19<sup>TH</sup> day of February, 2010, by PENNY DALE HAWKINS, Registered Nurse License Number 708505, and said Order is final.

Effective this 25<sup>TH</sup> day of February, 2010.



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

