



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.  
*Melinda Hester*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse License Number 667402 § AGREED  
issued to MICHELLE LEE PINKER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of MICHELLE LEE PINKER, Registered Nurse License Number 667402, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code.

An informal conference was held on December 22, 2009, 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 Douglas R. Lewis, Attorney at Law. In attendance were Melinda Hester, MSN, RN, Executive Director's Designee; Kyle Hensley, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Erin Menefee, Investigator; Toni Frizell, RN Investigator; and Kathy Duncan, 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 agreed 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 Baylor University, Waco,

Texas in December 1999. Respondent was licensed to practice professional nursing in the State of Texas on February 29, 2000. Respondent received a Masters Degree in Nursing from Texas Woman's University, Houston, in 2006.

5. Respondent's professional nursing employment history includes:

01/2000 - 06/2003	RN	Our Children's House at Baylor Dallas, Texas
06/2003 - 08/2006	RN	Texas Children's Hospital Houston, Texas
09/2006 - 02/2008	RN	Children's Medical Center Dallas, Texas
02/2008 - 03/2008	Employment History Unknown.	
03/2008 - 06/2008	RN	Texas Health Presbyterian Hospital Dallas Dallas, Texas
07/2008 - 12/2008	RN	Children's Medical Center Dallas, Texas
12/2008 - 02/2009	Employment History Unknown.	
02/2009 - Present	RN	Our Children's House at Baylor Dallas, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Children's Medical Center, Dallas, Texas, and had been in this position for two (2) years.

7. On or about October 7, 2008 through December 15, 2008, while employed as a Registered Nurse with Children's Medical Center Dallas, Dallas, Texas Respondent accessed the medical records of Patient 1439615, a personal acquaintance, without authorization. Thus compromising the security of patient information and confidentiality. Respondent's conduct exposed the patient unnecessarily to a risk of harm from disclosure of his confidential medical information without his written authorization and constitutes a violation of HIPAA (The Health Insurance Portability and Accountability Act).

8. In response to Finding of Fact Number Seven (7), Respondent states, "I did admit to accessing the medical record to simply look at the patient's vital signs from time to time to assure me that she was still alive and hadn't been transferred to the PICU. I never shared the

information with anyone. I never accessed any other part of the medical record."

#### 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), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(E)&(J), and 22 TEX. ADMIN. CODE §217.12(1)(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 667402, heretofore issued to MICHELLE LEE PINKER, 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 professional 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 pay a monetary fine in the amount of five hundred (\$500.00) 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.

(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 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) contact 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. 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://www.learningext.com/products/generalce/critical/ctabout.asp>*.

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in "Respecting Professional Boundaries," a 3.9 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://www.learningext.com/products/generalce/boundaries/boundariesabout.asp>.*

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional 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 22 day of December, 2009.

Michelle Pinker

MICHELLE LEE PINKER, Respondent

Sworn to and subscribed before me this 22<sup>nd</sup> day of December, 2009.



[Signature]  
Notary Public in and for the State of TEXAS

Approved as to form and substance.

[Signature]  
Douglas R. Lewis, Attorney for Respondent

Signed this 22<sup>nd</sup> day of December, 2009.

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 22<sup>nd</sup> day of December, 2009, by MICHELLE LEE PINKER, Registered Nurse License Number 667402, and said Order is final.

Effective this 23<sup>rd</sup> day of December, 2009.

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

