



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 85888 §
issued to REBECCA MAE BARNES § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of REBECCA MAE BARNES, Vocational Nurse License Number 85888, 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 September 18, 2009, 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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from North Harris County College, Houston, Texas, on February 26, 1980. Respondent was licensed to practice vocational nursing in the State of Texas on April 14, 1980.
5. Respondent's vocational nursing employment history includes:

4/1980 - 4/1995 Unknown

Respondent's vocational nursing employment history continued:

5/1995 - 9/2004	Staff Nurse	Alpha Staffing Tyler, Texas
3/1998 - 9/2002	Nurse Scheduler	East Texas Medica Center Tyler, Texas
3/2003 - 4/2004	Clinical Coordinator Chart Audits	Home Care Network Mesquite, Texas
9/2004 - 4/2005	Charge Nurse	Pinehurst Alz Specialty Tyler, Texas
5/2005 - Present	Staff Nurse	Neuro Restorative Specialty The University of Texas Health Center at Tyler(UTHCT) Tyler, Texas

6. At the time of the incidents in Findings of Fact Numbers Seven (7), Nine (9), and Eleven (11), Respondent was employed as a Staff Nurse with Neuro Restorative Specialty Services at UTHCT , Tyler, Texas, and had been in this position for two (2) years and seven (7) months.
7. On or about September 2007, through December 2007, while employed as a Staff Nurse with Neuro Restorative Specialty Services at UTHCT, Tyler, Texas, Respondent failed to completely and accurately document the administration of Salsalate 500mg, B-Complex, and Borage Oil, in the Medication Administration Records (MARs), and/or Nurses notes of Patient CS and Patient JH. Respondent's conduct was likely to injure patients in that it resulted in an inaccurate medical record which subsequent care givers would rely to provide further patient care.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states she could have inadvertently failed to document a medication given, but she tries to double check herself to insure that she doesn't and her intent has always been to do a good job.
9. On or about September 2007, through December 2007, while employed as a Staff Nurse with Neuro Restorative Specialty Services at UTHCTr, Tyler, Texas, Respondent failed to administer Salsalate 500mg, B-Complex, and Borage Oil to Patient CS and Patient JH, as ordered by their physician. Respondent's conduct was likely to injure the patients in that failure to administer medications could have resulted in nonefficacious treatment.

10. In response to the incident in Finding of Fact Number Nine (9), Respondent states if she ever failed to administer a medication it was never intentional. Furthermore, the patients are in classes or therapy sessions during the day and it is the facility's goal to have the patients take on the responsibility of requesting their medications because they will have to take their own medications when they go home. Respondent states that if a patient misses a medication she tries to locate them so she can administer their medication.
11. On or about September 2007, through December 2007, while employed as a Staff Nurse with Neuro Restorative Specialty Services at UTHC Tyler, Tyler, Texas, Respondent failed to write an incident report and/or failed to report to the Texas Board of Nursing when she was made aware that another Licensed Vocational Nurse transcribed a physician's order incorrectly in the medical record of Patient WT. Respondent's conduct was likely to cause injury to the patient in that the medication transcription error would go unaddressed and could lead to additional errors of a similar nature in the future which could result in injury to the patient.
12. In response to the incident in Finding of Fact Number Eleven (11), Respondent states she discussed the incident with the nurse who was on duty at the time of the transcription error.

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, 22 TEX. ADMIN. CODE §217.11(1)(B),(1)(C),(1)(D)&(1)(K), and 22 TEX. ADMIN. CODE §217.12(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 85888, heretofore issued to REBECCA MAE BARNES, including revocation of Respondent's license to practice 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 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 deliver the wallet-sized license issued to REBECCA MAE BARNES to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order.

(2) 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.

(3) 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>

(4) 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>

(5) 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>.

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 waive representation by counsel. 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

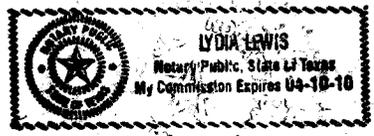
Signed this 17 day of December, 2009.

Rebecca Mae Barnes
REBECCA MAE BARNES, Respondent

Sworn to and subscribed before me this 17 day of DECEMBER, 2009.

Lydia Lewis
Notary Public in and for the State of TEXAS

SEAL



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 December, 2009, by REBECCA MAE BARNES, Vocational Nurse License Number 85888, and said Order is final.

Effective this 30th day of December, 2009.



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

