

Respondent's professional nursing employment history continued:

2/1988-8/1988	Medicare Nursing Supervisor Staff Builders Health Services Houston, Texas
8/1988-10/1988	Nurse Reviewer (Temporary assignment) Beech Street Houston, Texas
10/1988-1/1991	Utilization Management Nurse Equicor Health Plan, Inc. Houston, Texas
1/1991-6/1992	Case Manager/Patient Care Coordinator Cigna Health Plan of Texas, Inc. Houston, Texas
6/1992-5/2000	Director Utilization Management SE Texas Blue Cross and Blue Shield of Texas Houston, Texas
1/1998-6/2004	Quality Improvement Director Gulf Coast Community Health Services, Inc. Houston, Texas
3/2001-6/2004	Alternate Director of Nursing/Alternate Administrator Gulf Coast Community Health Services, Inc. Houston, Texas
6/2004-5/2006	Alternate Director of Nursing LAPRID Healthcare Services, Inc. Stafford, Texas
5/2006-Present	Unknown

6. At the time of the initial incident, Respondent was employed as an Alternate Director of Nursing with LAPRID Healthcare Services, Inc., Stafford, Texas, and had been in this position for nine (9) months.

7. On or about March 29, 2005, through May 27, 2005, and again from March 17, 2006, through May 15, 2006, while employed with LAPRID Health Care Services, Stafford, Texas, as the Alternate Director of Nursing, Respondent allowed nursing visits to occur for several patients without obtaining physician's orders as required. Respondent's conduct resulted in an inaccurate medical record and was likely to injure patients who received care without the benefit of a physician's expertise.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states all patients were admitted by another RN and that she would review the assessment and discuss the case prior to typing the 485 (physician order). She would then sign the 485 and send it out to the physician for a signature. She reviewed the patients' records with the attending nurse at the end of each certification period to assess if continued home health services were needed. If the physician orders were signed and the patient demonstrated a continued need for home health services then a RN was sent to perform a reassessment and new orders obtained for the re-certification. She says if the physician orders had not been returned signed and she was unable to get a continuation from the physician, the patient was administratively discharged from the agency and the physician was notified. She states it was the agency's policy to allow up to 60 days to receive signed physician orders and it was the Administrator's responsibility to get the orders signed by physicians per the agency's policy.
9. Charges were filed on August 27, 2009.
10. Charges were mailed to Respondent on August 28, 2009.

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)(D) and 217.12(2)&(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 501267, heretofore issued to ROSA MCDUGAL DAVIS, 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 deliver the wallet-sized license issued to ROSA McDOUGAL DAVIS 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 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>

(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 the course "Pre-Survey Conference Computer-Based Training" for Home and Community Support Services Agencies, a six (6) module program which provides a general overview of state and federal licensure rules regarding home health care and which is presented by the Texas Department of Aging and Disability Services. In order to receive credit for completion of this workshop, RESPONDENT SHALL SUBMIT the Pre-Survey Conference Attendance Verification form to the Board's office. 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 website: <http://www.dads.state.tx.us/providers/hcssa/cbt/>*

(5) 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 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

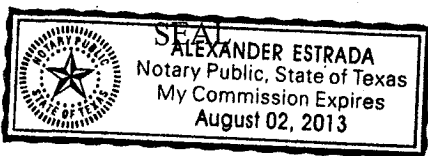
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 29 day of August, 2009.

Rosa M Davis

ROSA McDOUGAL DAVIS, Respondent

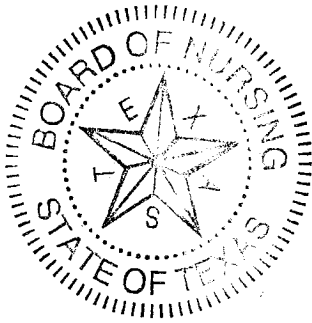
Sworn to and subscribed before me this 29 day of August, 2009.



Alexander Estrada

Notary Public in and for the State of Texas

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 29th day of August, 2009, by ROSA McDOUGAL DAVIS, Registered Nurse License Number 501267, and said Order is final.



Effective this 8th day of September, 2009.

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

**In the Matter of Permanent License
Number 501267, Issued to
ROSA McDOUGAL DAVIS, Respondent §**

**§ BEFORE THE TEXAS
§
BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ROSA McDOUGAL DAVIS, is a Registered Nurse holding license number 501267, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about March 29, 2005, through May 27, 2005, and again from March 17, 2006, through May 15, 2006, while employed with LAPRID Health Care Services, Stafford, Texas, as the Alternate Director of Nursing, Respondent failed to ensure that several patients had physicians' orders for admission to services, as required, before allowing nurses to provide care and conduct nursing visits. Respondent's conduct resulted in an inaccurate medical record and was likely to injure patients who received care without the benefit of physicians' expertise.

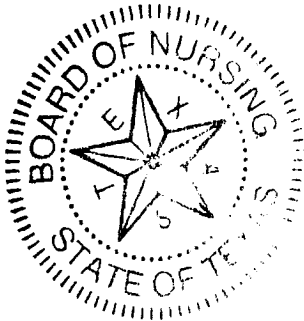
The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B)&(1)(D) and 217.12(2)&(4).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

Filed this 27th day of August, 2009.

TEXAS BOARD OF NURSING



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James W. Johnston, General Counsel

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