



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

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In the Matter of Registered Nurse § AGREED  
License Number 649633 §  
issued to JENNIFER MORGAN OSBORNE § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bc considered the matter of JENNIFER MORGAN OSBORNE, Registered Nurse License Nun... 649633, 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 (effective September 1, 1999), Section 301.452(b)(2),(3)&(10), Texas Occupations Code (effective September 1, 2003), Section 301.452(b)(2)&(10), Texas Occupations Code (effective September 1, 2005), and 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 May 13, 2009, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Alamance Community College, Graham, North Carolina, on May 1, 1997. Respondent was licensed to practice professional nursing in the State of Texas on March 11, 1998.

5. Respondent's professional nursing employment history includes:

03/98-06/03	Unknown	
07/03-01/04	RN	Interim Healthcare Amarillo, Texas
02/04-02/05	Unknown	
03/05-05/08	RN	PSA Healthcare Austin, Texas
06/08-Present	Unknown	

6. On or about June 30, 2000, Respondent entered a plea of "No Contest" to "Deadly Conduct," a Class A misdemeanor offense committed on April 20, 1999, in the Williamson County Court at Law No. 2, Georgetown, Texas, under Cause No. 0034192. As a result of the plea, proceedings against Respondent were deferred without entering an adjudication of guilt, and Respondent was placed on probation for a period of eighteen (18) months. Additionally, she was ordered to pay a fine and court costs.

7. On or about February 1, 2004, Respondent submitted an Online Renewal Document to the Board of Nurse Examiners for the State of Texas, in which she provided false, deceptive, and/or misleading information, in that she answered "no" to the question:

"Since issuance or last renewal, have you plead guilty (including no contest plea), been found guilty or convicted of any felony or misdemeanor other than a minor traffic violation?"

Respondent failed to disclose that on or about June 30, 2000, she entered a plea of "No Contest" to "Deadly Conduct," a Class A misdemeanor offense committed on April 20, 1999, in the Williamson County Court at Law No. 2, Georgetown, Texas, under Cause No. 0034192. Respondent's conduct was likely to deceive the Board and could have affected the decision to issue a license.

8. On or about February 3, 2004, Respondent entered a plea of "Guilty" and was convicted of "Fail to Identify Giving False/Fictitious Info," a Class B misdemeanor offense committed on November 20, 2003, in the Potter County Court at Law No. 2, Amarillo, Texas, under Cause No. 105619. As a result of the conviction, Respondent was sentenced to confinement in the Potter County Jail for a period of six (6) days. Additionally, she was ordered to pay a fine and court costs.

9. On or about January 29, 2006, Respondent submitted an Online Renewal Document to the Board of Nurse Examiners for the State of Texas, in which she provided false, deceptive, and/or misleading information, in that she answered "no" to the question:

"Have you been convicted, adjudicated guilty by a court, plead guilty, no contest or nolo contendere to any crime in any state, territory or country, whether or not a sentence was imposed, including any pending criminal charges or unresolved arrests since the last renewal?"

Respondent failed to disclose that on or about February 3, 2004, she entered a plea of "Guilty" and was convicted of "Fail to Identify Giving False/Fictitious Info," a Class B misdemeanor offense committed on November 20, 2003, in the Potter County Court at Law No. 2, Amarillo, Texas, under Cause No. 105619. Respondent's conduct was likely to deceive the Board and could have affected the decision to issue a license.

10. On or about May 10, 2008, while employed as a Registered Nurse with PSA Healthcare, Austin, Texas, and assigned to provide nursing care/nursing services to Pediatric Patient with Medical Record Number 142588 in the Patient's home, Respondent lacked fitness to practice professional nursing, in that she was found lying on the Patient's bed with the Patient out of her sight in another room. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

11. In response to Finding of Fact Number Ten (10), Respondent states, "[the Patient's] grandmother has told me on many occasions to put [the Patient] in a different room alone and let her have a time out when she gets [fussy]. I put a movie in for her in the kitchen...I went to her room while she had a time out in the kitchen. I laid side ways across her bed on my stomach because I was starting to get bad stomach cramps again and was waiting for my staff relief to come. I could hear [the patient] from the room...Never again will I lay across a patient's bed. I can see how that looks unprofessional."

12. On or about May 10, 2008, while employed as a Registered Nurse with PSA Healthcare, Austin, Texas, and assigned to provide nursing care/nursing services to Pediatric Patient with Medical Record Number 142588 in the Patient's home, Respondent violated professional boundaries of the nurse/client relationship, in that she gave the Patient's family her personal cell phone number and often "baby sat" off the clock in violation of company policy.

Respondent's conduct was likely to injure the patient and her family in that a boundary violation can cause delayed distress for the patient and her family which may not be recognized or felt by the patient or her family until harmful consequences occur.

13. In response to Finding of Fact Number Twelve (12), Respondent states, "I was wrong for working for the family on my own time. Lesson learned again about patient and nurse boundaries...I guess working for this family in their home for four years I became too comfortable with this family...Now I know why the company said don't even give the families your cell phone number."
14. Formal Charges were filed on February 9, 2009.
15. Formal Charges were mailed to Respondent on February 23, 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), Texas Occupations Code (effective September 1, 1999), and 22 TEX. ADMIN. CODE §217.12(1) (effective September 1, 1999);  
  
Section 301.452(b)(2),(3)&(10), Texas Occupations Code (effective September 1, 2003), and 22 TEX. ADMIN. CODE §217.12(1),(22)&(23) (effective September 1, 1999);  
  
Section 301.452(b)(2)&(10), Texas Occupations Code (effective September 1, 2005), and 22 TEX. ADMIN. CODE §217.12(6)(H)&(I) (effective September 28, 2004); and  
  
Section 301.452(b)(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(A)(B)(J), and 22 TEX. ADMIN. CODE §217.12(1)(A)(B),(4)&(6)(D).
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 649633, heretofore issued to JENNIFER MORGAN OSBORNE, 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 WARNING WITH

STIPULATIONS, 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 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 deliver the wallet-sized license issued to JENNIFER MORGAN OSBORNE, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(2) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500). 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 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>.

(5) 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, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(6) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all

Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(7) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(8) RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.



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.

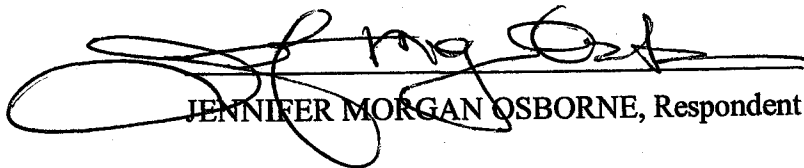
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RESPONDENT'S CERTIFICATION

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 this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and 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 25<sup>th</sup> day of June, 2009.

  
JENNIFER MORGAN OSBORNE, Respondent

Sworn to and subscribed before me this 25<sup>th</sup> day of June, 2009.

SEAL



Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 25th day of June, 2009, by JENNIFER MORGAN OSBORNE, Registered Nurse License Number 649633, and said Order is final.

Effective this 23rd day of July, 2009.



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

