

BEFORE THE TEXAS BOARD OF NURSING



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 P. Roman
Executive Director of the Board

In the Matter of Registered Nurse	§	
License Number 255750	§	AGREED
& Vocational Nurse	§	
License Number 74793	§	ORDER
Issued to TERESA M. POPE	§	

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that TERESA M. POPE, hereinafter referred to as Respondent, Registered Nurse License Number 255750 and Vocational Nurse License Number 74793, may have violated Section 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on November 4, 2008, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Nancy Roper Willson, Attorney at Law. In attendance were Denise Benbow, MSN, RN, CMSRN, Nursing Practice Consultant, Executive Director's Designee; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Amy Grissom, RN, Investigator; Jennifer Ellis, RN, Investigator; Erin Menefee, Investigator; and J. L. Skylar Caddell, RN,C, Lead 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. Respondent's license to practice vocational nursing in the State of Texas is currently in "delinquent" status.

4. Respondent received a Certificate in Vocational Nursing from All Saints School of Vocational Nursing, Ft. Worth, Texas, in August 1977, and received an Associate Degree in Nursing from Tarrant County Junior College, Ft. Worth, Texas, in May 1981. Respondent was licensed to practice vocational nursing in the State of Texas on November 22, 1977, and was licensed to practice professional nursing in the State of Texas on September 8, 1981.

5. Respondent's nursing employment history includes:

11/1977 - 1984	Staff Nurse LVN & RN	Whitney Hospital Whitney, Texas
1984 - 1986	Director of Nurses	Whitney Hospital Whitney, Texas
5/1986 - 2/1992	Nurse Coordinator	Kimbrow Medical Center Cleburne, Texas
2/1992 - 1997	Staff Nurse ER/Med-Surg	Lake Whitney Medical Center Whitney, Texas
1997 - Unknown	Director of Nursing	Lake Whitney Medical Center Whitney, Texas
6/2002 - 9/2002	Nurse Clinician	The University of Texas Medical Branch-Correctional Managed Care Galveston, Texas, assigned to Texas Department of Criminal Justice Goree Unit, Huntsville, Texas
9/2002 - 9/2003	Assistant Nurse Manager	The University of Texas Medical Branch-Correctional Managed Care Galveston, Texas, assigned to Texas Department of Criminal Justice Goree Unit, Huntsville, Texas
9/2003 - 3/2005	Nurse Clinician	The University of Texas Medical Branch-Correctional Managed Care Galveston, Texas, assigned to Texas Department of Criminal Justice Polunsky Unit, Livingston, Texas
3/2005 - 10/2005	Nurse Clinician	The University of Texas Medical Branch-Correctional Managed Care Galveston, Texas, assigned to Texas Department of Criminal Justice Estelle High Security Prison Unit Huntsville, Texas

Respondent's nursing employment history continued:

10/2005 - 5/2007	Assistant Nurse Manager	The University of Texas Medical Branch-Correctional Managed Care Galveston, Texas, assigned to Texas Department of Criminal Justice Estelle High Security Prison Unit Huntsville, Texas
5/2007 - Present	Nurse Clinician	The University of Texas Medical Branch-Correctional Managed Care Galveston, Texas, assigned to Texas Department of Criminal Justice Polunsky Unit, Livingston, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as an Assistant Nurse Manager with The University of Texas Medical Branch- Correctional Managed Care (UTMB-CMC), Galveston, Texas, assigned to Texas Department of Criminal Justice (TDCJ), Estelle High Security Prison Unit, Huntsville, Texas, and had been in this position for ten (10) months.
7. On or about August 3, 2006, while employed as an Assistant Nurse Manager with UTMB-CMC, Galveston, Texas, and assigned to TDCJ, Estelle High Security Prison Unit, Huntsville, Texas, Respondent failed to adequately assess Inmate Number 1104785, including assessment of the inmate's vital signs, after being notified of a possible earlier seizure, after observing generalized motor activity with tonic-clonic movements, after noting a small amount of blood on the inmate's lip, and after determining that the inmate appeared to possibly be in a post seizure state. The inmate had been diagnosed with seizure disorder since October 2004, but was known to be non-compliant with medications and had a known history of faking seizures. Respondent did not retain the inmate in the medical unit in order to further observe him and attempt to obtain his vital signs again, as required by the facility's assessment protocol. The Respondent was not on duty on August 4, 2006, or August 5, 2006. On the afternoon of August 4, 2006, the inmate was noted to not be responding verbally and with periodic twitching, and early on the morning of August 5, 2006, the inmate was found in his cell with blood on his face, unresponsive and without a pulse or respirations, and was pronounced deceased. Respondent's conduct on August 3, 2006, was likely to injure the inmate from undetected, post seizure changes in the inmate's vital signs, including possible irregular heart rhythms and/or altered perfusion due to abnormal blood pressures.
8. Formal Charges were filed August 9, 2007.
9. Formal Charges were mailed to Respondent's address of record on August 9, 2007.
10. In response to the incident in Finding of Fact Number Seven (7), Respondent states that the inmate had a history of staff assault, self-mutilation, refusing medications and psychiatric issues. According to Respondent, "Unfortunately, in the corrective setting, one must consider security a priority," the inmate was being "served a case," and Respondent was called to the cell to observe the inmate. Respondent says she immediately responded with both the gurney and the "jump bag," which contained emergency equipment and equipment to take vital signs.

Respondent indicates that when the inmate saw medical staff in the hallway, he began having some movements of his upper extremities and head, then laid down on his left side on his cot and turned over to his back. The inmate scooted to the floor, exhibiting the same movements, and as this was being observed, security was preparing to enter and secure the cell. Respondent states that when security entered the cell, the inmate rolled over on his stomach and then appeared to have a seizure. Respondent continues, stating that security placed the inmate on the stretcher, secured him, and then transported him to the medical unit, where he remained restrained. Respondent states that the inmate was responsive and she checked his pupillary responsiveness, checked for lacerations, and then checked for gag reflex (which she indicates was present and strong.) At that time, Respondent states she notified the provider, who ordered that 300 mg Dilantin be administered, which the inmate refused by shaking his head and pulling away. Because the inmate was refusing medical treatment, security announced they would take him back to his cell. Respondent indicates that, in retrospect, she would have had the inmate stay in the medical unit until she finished her assessment, regardless of his custody level, and that, as a result of the incident, she now always obtains vital signs on every inmate.

11. On or about September 12, 2008, Respondent successfully completed a course in Texas nursing jurisprudence and ethics, which would have been a requirement of this Order.

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)(B),(1)(M)&(3)(A) 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 255750 and Vocational Nurse License Number 74793, heretofore issued to TERESA M. POPE, including revocation of Respondent's licenses to practice 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, 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 privileges, if any, to practice nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's licenses are 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 licenses issued to TERESA M. POPE, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in physical assessment. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. 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. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. 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/about/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>.*

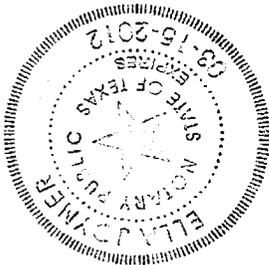
IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's licenses and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

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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 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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.



Signed this 1 day of June, 2009.
Teresa M. Pope
TERESA M. POPE, Respondent

Sworn to and subscribed before me this 1 day of June, 2009.

SEAL

Ella Joyner ELLA JOYNER
TRINITY
Notary Public in and for the State of TEXAS

Approved as to form and substance.

Nancy Roper Willson
Nancy Roper Willson, Attorney for Respondent

Signed this 2nd day of June, 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 1st day of June, 2009, by TERESA M. POPE, Registered Nurse License Number 255750 and Vocational Nurse License Number 74793, and said Order is final.



Effective this 9th day of June, 2009.

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