

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. Thomas
Executive Director of the Board

In the Matter of Registered Nurse § AGREED
License Number 651151 §
issued to NANNIE CLARDY § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 651151, issued to NANNIE CLARDY, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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 Blinn College, Bryan, Texas, on May 1, 1998. Respondent was licensed to practice professional nursing in the State of Texas on June 16, 1998.

5. Respondent's professional nurse employment history includes:

6/98 - 1/01	Staff /Nurse	St. Joseph Hospital Houston, Texas
2/01	Unknown	
3/01 - 10/03	Staff Nurse	MD Anderson Hospital Houston, Texas
11/03 - 5/04	Unknown	
6/04 - 10/05	Staff Nurse	Guardian Angle Home Health Care Elkhart, Texas
9/04 - 6/05	Relief Nurse	Palestine Regional Rehabilitation Hospital Palestine, Texas
7/05 - 10/05	Unknown	
11/05 - 3/08	Charge Nurse	University of Texas Medical Branch - Correctional Managed Care Galveston, Texas, assigned to Texas Department of Criminal Justice Michael Unit, Tennessee Colony, Texas
4/08 - present	Unknown	

6. On August 12, 2008, Respondent's license to practice professional nursing was Suspended, with the suspension Stayed, and placed on Probation by the Texas Board of Nursing. A copy of the August 12, 2008, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
7. Respondent states, after giving the Order much consideration and prayer, she has decided not to continue with nursing. A copy of Respondent's statement is attached and incorporated, by reference, as part of this Order.
8. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.

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)(1) and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 651151, heretofore issued to NANNIE CLARDY, including revocation of Respondent's license to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 651151, heretofore issued to NANNIE CLARDY, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title "registered" or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

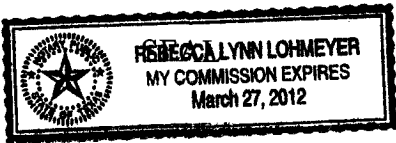
I understand that I have the right to legal counsel prior to signing this Agreed Order.

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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 11 day of June, 2009.

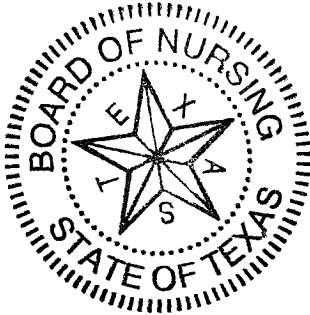
Nannie Clardy
NANNIE CLARDY, Respondent

Sworn to and subscribed before me this 11 day of June, 2009.



Rebecca L. Lohmeyer
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 accept the voluntary surrender of Registered Nurse License Number 651151, previously issued to NANNIE CLARDY.



Effective this 17th day of June, 2009.

A handwritten signature in cursive script, appearing to read 'Katherine A. Thomas', is written over a horizontal line.

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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 651151 §
issued to NANNIE CLARDY § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of NANNIE CLARDY, Registered Nurse License Number 651151, 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 conference, notice and hearing, and agreed to the entry of this Order offered on June 11, 2008, 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 conference, 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 Blinn College, Bryan, Texas, on May 1, 1998. Respondent was licensed to practice professional nursing in the State of Texas on June 16, 1998.
5. Respondent's nursing employment history includes:

06/1998 - 01/2001 Staff Nurse St. Joseph Hospital Houston, Texas
02/2001 Unknown

Respondent's nursing employment history continued:

03/2001 - 10/2003	Staff Nurse	MD Anderson Hospital Houston, Texas
11/2003 - 08/2004	Unknown	
06/2004 - 10/2005	Relief Home Health Nurse	Guardian Angel Home Health Care Elkhart, Texas
09/2004 - 06/2005	Relief Nurse	Palestine Regional Rehabilitation Hospital Palestine, Texas
11/2005 - 03/2008	Charge Nurse	The University of Texas Medical Branch - Correctional Managed Care Galveston, Texas, assigned to Texas Department of Criminal Justice Michael Unit, Tennessee Colony, Texas
04/2008 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Charge Nurse with The University of Texas Medical - Correctional Managed Care, Galveston, Texas, assigned to Texas Department of Criminal Justice, Michael Unit, Tennessee Colony, Texas, and had been in this position for two (2) years and four (4) months.
7. On or about March 10, 2008, while employed as a Charge Nurse with The University of Texas Medical Branch - Correctional Managed Care, Galveston, Texas, and assigned to Texas Department of Criminal Justice, Michael Unit, Tennessee Colony, Texas, Respondent failed to appropriately and timely assess and intervene when Patient Number 935867, who had no history of seizures and whose only diagnosis was Hepatitis C, had a possible seizure and unwitnessed fall in his cell. Respondent transported the patient to the clinic and when she initially assessed him at 0300 hours, he was alert and oriented, his pupils were equal and reactive to light, and other assessments appeared within normal limits, however, his pulse was low at 58 and his blood pressure (BP) was high at 165/92. Respondent failed to refer the patient to a provider at this time even though facility policy directs a nurse to refer a patient immediately if he has abnormal vital signs (systolic BP over 160,) any loss of consciousness, or if this is the patient's first seizure. Respondent assumed the patient was in a postictal state (the period following a seizure when a patient can be drowsy and confused), placed him on a mat on a floor where he could be visually monitored, and fifteen minutes later, she noted him to be "snoring loudly." Respondent left with an LVN to care for the diabetic patients and instructed the guards to monitor the patient in their absence. Instead of reassessing the patient's vital signs and oxygen saturation every fifteen (15) minutes, as required by the facility's policy, Respondent did not reassess the patient until an hour later, when she returned to the clinic. She attempted to arouse the patient, but he was

unresponsive. His blood pressure was critically high 242/160 and his oxygen saturation level had decreased to 87%. Instead of applying oxygen and calling 911, as required, Respondent left to call Utilization Review (UR) while the LVN attended to the patient. The LVN checked the computer for the patient's history and medications and when she returned to the patient she noted the patient's pupils were fixed and he was having agonal respirations so she called Respondent for assistance. The LVN started CPR and requested that someone call 911, about twenty (20) - thirty (30) minutes after the patient was first noted to be unresponsive. At 0430 hours Respondent administered Oxygen per nasal cannula at 2 liter per minute, rather than at 15 LPM per non-rebreather mask, as required. The AED (automated external defibrillator) was initiated three (3) minutes later. The provider was notified at 0515 hours and EMS arrived five (5) minutes later. The patient subsequently died. Respondent's conduct may have contributed to the patient's demise.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that at approximately 0245 hours Security called requesting a wheelchair for an offender who had fallen and had a possible seizure. Respondent states that she found the patient sitting on his bunk, talking, in no apparent distress. Respondent states that upon arrival at the clinic she assessed the patient, including vital signs and neurological checks, and found no contusions or abrasions, or other abnormalities, noted that the patient denied any pain, and although not documented, that the patient had not been incontinent. Respondent states that she placed the patient on a mat on the floor where she could visually see and hear him, then "proceeded to get the diabetics checked and Insulin given so they could go eat breakfast," while two security officers stayed with the patient. Respondent states that after the diabetics were taken care of, an hour or more later, she attempted to arouse the patient and evaluate his condition. He was "lying on his stomach and was in a deep snore" and she "could not awaken" him although she "tried to arouse him" by using ammonia caps, sternal rub and finally, "ice water sprinkled in the face." When Respondent determined that the patient's pupils were fixed, which she did not document, she "went to call UR and the doctor on call," but while she was on the phone with UR, the LVN called for her help so she handed the phone to a security officer and grabbed the bag-valve mask bag and AED, and assisted the other nurse who was on the floor with the patient doing compressions. Respondent states that the other nurse had already requested someone to call 911, but because "everything was happening so fast" she forgot to notify the physician on call. Respondent states that since the clinic was full of officers and the phone line was taken, she ran to the Hospice Unit to call the physician, informed the physician "of the problem and what was happening" and the physician gave no orders, "only to continue with the code," so she returned to the patient to help with the code. At approximately 0515 hours the ambulance arrived, inhabited the patient, and transported to the patient to the hospital.

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)(C),(1)(D), (1)(M),(1)(P)&(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 651151, heretofore issued to NANNIE CLARDY, 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 Registered Nurse License Number 651151, previously issued to NANNIE CLARDY, to practice professional nursing in Texas is hereby SUSPENDED for a period of two (2) years with the suspension STAYED and Respondent is hereby placed on PROBATION for two (2) years with the following agreed terms of probation:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate 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 Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

(1) RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

(2) RESPONDENT SHALL deliver the wallet-sized license issued to NANNIE CLARDY, to the office of the Texas Board of Nursing within ten (10) days of the date of this Order for appropriate notation.

(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) 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, and the Board's Disciplinary Sanction Policies regarding Sexual Misconduct, Fraud, Theft and Deception, Nurses with Chemical Dependency, 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. *Information regarding Board-approved courses in Texas Nursing Jurisprudence may be found at the Board's website www.bon.state.tx.us (on the Disciplinary Action page and on the page "About the Board"/"BON Meetings and Events).*

(4) 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>

(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/about/stipscourses.html>

(6) 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, 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 PROBATION CONDITIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) 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 PROBATIONARY PERIOD:

(7) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the probation conditions 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 probation conditions 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.

(8) 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.

(9) For the first year of employment as a Registered Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The 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.

(10) For the remainder of the probation period, 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.

(11) 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 two (2) years of employment as a nurse.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

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 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 23 day of June, 2008.

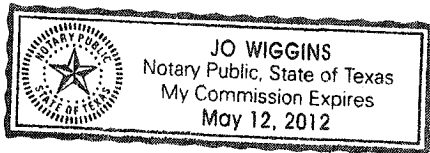
Nannie Clardy
NANNIE CLARDY, Respondent

Sworn to and subscribed before me this 23rd day of June, 2008.

SEAL


Jo Wiggins

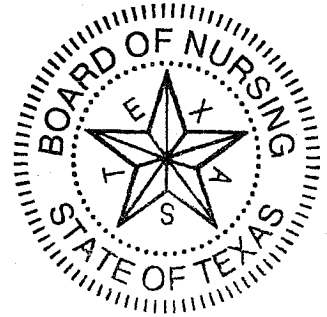
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 23rd day of June, 2008, by NANNIE CLARDY, Registered Nurse License Number 651151, and said Order is final.

Effective this 12th day of August, 2008.


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



May 6, 2009

Katherine A. Thomas, R.N.
Investigator, Enforcement Division
State Board of Nursing
333 Guadalupe St. -Ste. 3-460
Austin, Texas 78701

Ref: your letter 6-17-08- regarding the Nursing Boards Orders

Dear Ms. Thomas,

I have given the orders much consideration and prayer and have decided not to continue with nursing. With my health and my age and the stress of the work. I have enclosed my RN license and I want you to know I do not give this up without much heart break and tears. I realize that you do not know me or the circumstances of the problem, and I know that you have many nursing problems to investigate and deal with. God be with you in your decisions.

Sincerely,

Nannie Clardy
Nannie Clardy

Coded License Legend

- 01 Probated License
- 02 License with Str
- 03 Limited Liens
- 04 Duplicate L

Texas nursing may be verified online at:
www.bon.s