

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 R. Thomas
Executive Director of the Board

In the Matter of Registered Nurse License Number 612352 § AGREED
& Vocational Nurse License Number 147836 §
issued to MARY J. COTTON § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that MARY J. COTTON, hereinafter referred to as Respondent, Registered Nurse License Number 612352 and Vocational Nurse License Number 147836, may have violated Article 301.452(b)(1)(10)&(13), Texas Occupations Code.

An informal conference was held on February 3, 2009, 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 Wilson, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Kyle Hensley, Assistant General Counsel; John F. Legris, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Skylar Caddell, RN, Lead Investigator; and Mike Abul-Saud, RN, 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 agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas and holds a license to practice vocational nursing in the State of Texas, which is in delinquent status.

4. Respondent received a Certificate in Vocational Nursing from McLennan Community College-MEEP, Waco, Texas, on June 29, 1994 and an Associate Degree in Nursing from McLennan Community College, Waco, Texas, on December 01, 1994. Respondent was licensed to practice vocational nursing in the State of Texas on August 15, 1994 and professional nursing in the State of Texas on January 24, 1995.

5. Respondent's professional and vocational nursing employment history includes:

06/1994-05/1998	RNII Mexia State School Mexia, Texas
05/1998-10/1999	Staff Nurse Groesbeck LTC Facility Groesbeck, Texas
10/1999-05/2000	Emergency Room Nurse Providence Hospital Waco, Texas
05/2000- 05/ 2005	Emergency Room Nurse Parkview Regional Hospital Mexia, Texas
04/2000-11/2005	Campus Nurse Mexia State School Mexia, Texas
11/2005-11/2007	Nurse Clinician UTMB/TDJC Estelle Unit RMF Huntsville, Texas
11/2007- 12/2008	RN Nurse Manager Mexia State School Mexia, Texas
12/2008- Present	Infection Control Nurse Mexia State School Mexia, Texas

6. At the time of the incident in Finding of Fact Numbers Seven (7), Respondent was employed as a Nurse Clinician with the University of Texas Medical Branch Correctional Managed Care/Texas Department of Criminal Justice, Estelle Unit, Huntsville, Texas, and had been in this position for approximately two (2) years.

7. On or about January 23, 2007, while employed with the University of Texas Medical Branch Correctional Managed Care/Texas Department of Criminal Justice, Estelle Unit, Huntsville, Texas, Respondent failed to visually and physically assess Inmate TJDC #545517 before contacting the on-call provider for a medication order. Inmate TJDC #545517 had just been released from Huntsville Medical Center, for treatment of serious injuries due to an altercation and Respondent's conduct deprived the on-call provider of essential information on which to base ongoing medical care. Furthermore, Respondent's conduct deprived the on-call provider the opportunity to institute the appropriate medical intervention required to stabilize the inmate's condition, which may have prevented the inmate's subsequent death several days later.
8. Respondent reports that Patient MR #545517, had undergone an X-ray and CT scan of the head and neck, which did not reveal any injuries and he was "cleared" for discharge by the medical staff at Huntsville Hospital earlier in the day. Respondent states that the security staff did not bring Inmate TDJC #545515 to her station after his return from the hospital to be evaluated before returning to his cell, as required. After being notified of the inmate's complaint of pain, Respondent contacted the on call medical provider, reviewed the patient's records, and received an order for a non-narcotic analgesic.. Respondent states that inmate TDJC #545515 was under Maximum Security watch, and delegating the administration of Tylenol to unlicensed security personnel was not against institutional policy, and was a drug commonly administered by security upon request.
9. On June 6, 2007, Respondent successfully completed a Board approved course in Texas Nursing 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 violation of Section 301.452(b)(10) & (13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(M) & 3(A) and 22 TEX. ADMIN. CODE §217.12(1)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered License Number 612352 and Vocational Nurse License Number 147836, heretofore issued to MARY J. COTTON, including revocation of Respondent's license to practice professional and 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 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 professional and vocational 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 MARY J. COTTON, to the office of the Texas Board of Nursing within ten (10) days from the date of ratification of this Order.

(2) 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 REGISTERED OR LICENSED VOCATIONAL 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) AND/OR VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(3) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations 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 stipulations 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.

(4) 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.

(5) 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, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional and vocational nursing in the State of Texas.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

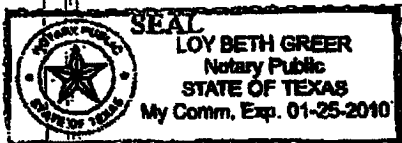
CONTINUED ON NEXT PAGE.

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 license to practice professional and vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 10th day of April, 2009.
Mary J. Cotton
MARY J. COTTON, Respondent

Sworn to and subscribed before me this 5th day of April, 2009.



Loy Beth Greer
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 16th day of April, 2009

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing
does hereby ratify and adopt the Agreed Order that was signed on the 6th day of _____
April, 2009, by MARY J. COTTON, Registered Licensed Nurse Number 612352
and Vocational Nurse License Number 147836, and said Order is final.

Effective this 9th day of June, 2009.

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