



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

In the Matter of Registered Nurse §
License Number 698854 and § AGREED
Vocational Nurse §
License Number 138877 § ORDER
issued to RELLON EVERT POWERS §

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of RELLON EVERT POWERS, Registered Nurse License Number 698854 and Vocational Nurse License Number 138877, 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 informal proceedings, notice and hearing, and agreed to the entry of this Order offered on September 1, 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 informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent received a Certificate in Practical Nursing from the Army Practical Nurse Program, Ft. Sam Houston, Texas, on August 28, 1992, and received a Baccalaureate Degree in Nursing from The University of Texas at El Paso, El Paso, Texas, on May 14, 2003. Respondent was licensed to practice vocational nursing in the State of Texas on December 6, 1992; was licensed to practice practical nursing in the State of Oregon on June 22, 1995; was licensed to practice practical nursing in the State of Washington on July 19, 1995; and was licensed to practice professional nursing in the State of Texas on July 22, 2003.

4. 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.

5. Respondent's nursing employment history includes:

12/1992 - 4/1995	Vocational Nurse (LVN)	United States Army Ft. Sam Houston, Texas
5/1995	Unknown	
6/1995 - 12/1995	Staff Nurse, LVN	Olsten Kimberly Assisted Living Spokane, Washington
10/1995 - 4/1997	Lead Nurse, LVN	Northwest Physicians Mutual Insurance Company Kennewick, Washington
2/1997 - 10/1998	Staff Nurse, LVN	Rockwood Clinic Urgent Care Spokane, Washington
12/1998 - Unknown	Agency Nurse, LVN	Nurse's Plus El Paso, Texas
5/2000 - 6/2003	Staff Nurse, LVN	Sierra Medical Center El Paso, Texas
7/2003 - Unknown	Staff Nurse, RN	Sierra Medical Center El Paso, Texas
2/2008 - Present	RN Phlebotomist, Contract, As Needed	El Paso Police Department El Paso, Texas

6. At the time of the initial incident, Respondent was employed as a Staff Nurse in the Emergency Department with Sierra Medical Center, El Paso, Texas, and had been in this position for three (3) years and three (3) months, nineteen (19) days of which as a RN.

7. On or about August 11, 2003, while employed as a Staff Nurse in the Emergency Department with Sierra Medical Center, El Paso, Texas, Respondent failed to timely intervene and document notifying the physician after he was informed by the lab that the blood sugar of Patient 505806 was critically low. Although Respondent immediately obtained a bed side glucometer blood sugar that was below normal, but higher than the value reported by the lab, twenty-one (21) minutes passed before Respondent provided the patient with 8 oz. of orange juice, which he provided during change of shift report to the on-coming nurse. Respondent did not document that he notified the physician of

either the critically low blood sugar reported by the lab or of the below normal blood sugar he himself obtained, as required. Six (6) hours later, the patient coded after being found with slurred speech, lethargy, and again with a critically low blood sugar. The patient was resuscitated and transferred to the Critical Care Unit, with pupils fixed and dilated, not responding to painful stimuli, and was pronounced deceased four (4) hours later after twice again being coded. Respondent's conduct was likely to injure the patient in that it prevented the physician from having information necessary to make appropriate decisions regarding the patient's medical care, and may have contributed to the patient's subsequent demise.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that as soon as he received the lab report, he immediately verified the glucose level and determined that it was 55. At 07:16, when he was giving report to the day shift, Respondent indicates that he gave the patient 8 oz of orange juice, which, although the Emergency Department had its own refrigerator with juice, he states had to be obtained from a different floor. According to Respondent, after his shift was completed and he was no longer in charge of the patient's care, the patient was given breakfast at 07:30 by the day nurse, and since the patient was able to take juice and food, he contends that he adhered to the facility's policy and initiated appropriate interventions in response to the critical lab value.

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)(D)&(1)(M) and 217.12(1)(A)&(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 698854 and Vocational Nurse License Number 138877, heretofore issued to RELLON EVERT POWERS, including revocation of Respondent's licenses to practice nursing in the State of Texas.

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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 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 RELLON EVERT POWERS, 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 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 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>.

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, WITH THE EXCEPTION OF RESPONDENT'S CURRENT CONTRACT FOR SERVICES AS A RN PHLEBOTOMIST WITH THE EL PASO POLICE DEPARTMENT, EL PASO, TEXAS, 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) OR A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) 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.

(5) 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.

(6) RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises, with the exception of Respondent's current contract for services as a RN Phlebotomist with the El Paso Police Department, El Paso, Texas. 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, have multiple employers or contract for services, with the exception of Respondent's current contract for services as a RN Phlebotomist with the El Paso Police Department, El Paso, Texas. Should Respondent's contract for services as a RN Phlebotomist with the El Paso Police Department, El Paso, Texas, end, Respondent shall not be self employed, have multiple employers, or contract for services.

(7) 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, with the exception of Respondent's current contract for services as a RN Phlebotomist with the El Paso Police Department, El Paso, Texas. 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. Additionally, while RESPONDENT remains contracted for services as a RN Phlebotomist with the El Paso Police Department, El Paso, Texas, RESPONDENT SHALL

CAUSE to be submitted to the Board copies of any incident reports or memos, counseling reports or memos, variance reports or memos, unusual occurrence reports or memos, any documented practice errors or public complaints related to Respondent services. All such memos, reports or counselings which are memorialized in any form shall be sent to the office of the Board immediately following said incidents for the duration of Respondent's contracted for services as a RN Phlebotomist with the El Paso Police Department, El Paso, Texas.

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 nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

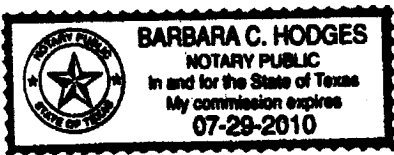
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid 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 4th day of March, 2009.

[Signature]
RELLON EVERT POWERS, Respondent

Sworn to and subscribed before me this 4th day of March, 2009.

SEAL



Barbara C. Hodges
Notary Public in and for the State of Texas

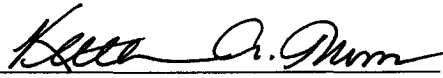
Approved as to form and substance.

[Signature]
Yvonne M. Acosta, Attorney for Respondent

Signed this 3rd day of March, 2009.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 4th day of March, 2009, by RELLON EVERT POWERS, Registered Nurse License Number 698854 and Vocational Nurse License Number 138877, and said Order is final.

Effective this 23rd day of April, 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