



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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse           §       AGREED  
License Number 509500                       §  
issued to MARSHA L. CRAIN                 §       ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that MARSHA L. CRAIN, Registered Nurse License Number 509500, hereinafter referred to as Respondent, may have violated Section 301.452 (b)(10)&(13), Texas Occupations Code.

An informal conference was held on January 6, 2009, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Taralynn Mackay, Attorney at Law. In attendance were Mary Beth Thomas, PhD., RN, Director of Nursing, Executive Director's Designee; James W. Johnston, General Counsel; Jena Abel, Assistant General Counsel; Kyle Hensley, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Marcia Wilson, 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 consented to the entry of this Order.
3. Respondent's license to practice professional nursing in the State of Texas is currently in "delinquent" status.
4. Respondent received an Associate Degree in Nursing from Grayson County College, Denison, Texas, on May 6, 1983. Respondent was licensed to practice professional nursing in the State of Texas on August 30, 1983.

5. Respondent's nursing employment history includes:

08/1983 - 10/1987	Staff Nurse	Hopkins County Memorial Hospital Intensive Care Unit Sulphur Springs, Texas
10/1987 - 06/1992	Day Surgery Supervisor	Hopkins County Memorial Hospital Sulphur Springs, Texas
07/1992 - 08/2005	Public Health Nurse	Texas Department of State Health Services, Tyler, Texas
09/2005 - 11/2005	Unknown	
12/2005 - 05/2006	Case Manager	Girling Health Care Sulphur Springs, Texas
06/2006 - 03/2007	Part Time Case Manager	American Home Care Emory, Texas
07/2006 - 09/2006	Director of Nurses	Farmington Place Health Care McKinney, Texas
10/2006 - 03/2007	Unknown	
04/2007 - 10/2008	Staff Nurse	Andrews Center Psychiatric Center Canton, Texas
11/2008 - Present	Unemployed	

6. At the time of the initial incident, Respondent was employed as a Public Health Nurse with Texas Department of State Health Services, Tyler, Texas, and had been in this position for eleven (11) years and four (4) months.

7. On or about November 30, 2004, through August 9, 2005, while employed as a Public Health Nurse, Texas Department of State Health Services, Tyler, Texas, and assigned to the Sulphur Springs Clinic, Sulphur Springs, Texas, Respondent failed to ensure tuberculosis exposure testing of individuals who came in contact with tuberculosis Patient RJ was completed, as required, including that two (2) of twenty-six (26) contacts were not tested at all, and the remaining twenty-four (24) contacts were tested only once instead of twice, as required. Respondent's conduct was likely to injure the public as her failure to perform her duties may have resulted in unnecessary delay in patient treatment for an infectious communicable disease.

8. On or about March 10, 2005, through August 9 2005, while employed as a Public Health Nurse, Texas Department of State Health Services, Tyler, Texas, and assigned to the Sulphur Springs Clinic, Sulphur Springs, Texas, Respondent failed to perform required assessments and patient evaluations, as follows:

Dates	Patient	Standing Delegation Order	Date Patient Was Last Seen
3/10/2005 - 7/19/2005	CK	Nursing Review Monthly	2/10/2005
4/28/2005 - 8/9/2005	JH	Nursing Review Monthly	3/28/2005
5/8/2005 - 8/9/2005	BW	Nursing Review Monthly	4/8/2005
6/12/2005 - 8/9/2005	LH	Nursing Review Monthly	5/12/2005
7/12/2005 - 8/9/2005	FM	Nursing Review Monthly	6/12/2005

Respondent's conduct was likely to injure the patients from undetected progression of clinical complications, including those associated with possible tuberculosis and was likely to injure the public from exposure to an incurable, infectious communicable disease.

9. Charges were filed on August 11, 2008.
10. Charges were mailed to Respondent on August 11, 2008.
11. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that the two family members of Patient RJ went to their regular physician to be tested and, according to the Director of Nursing, the remaining twenty four were tested a second time at the nursing home where they resided. Respondent states that all the patients in Finding of Fact Number Eight (8) were patients at the Paris, Texas, clinic which she had "traded" with another nurse and for which she was therefore not responsible.

#### 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)(D),(1)(M),(1)(O)&(1)(T) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(E)&(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 509500, heretofore issued to MARSHA L. CRAIN 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 REMEDIAL EDUCATION, and 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 §211.1 *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.

(1) 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>.

(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/disciplinaryaction/stipscourses.html>.

(3) 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/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>.

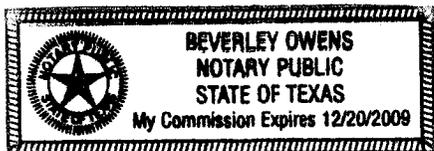
IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I 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 when this Order becomes final and the terms of this Order become effective, 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 4 day of Feb., 2009.

Marsha L. Crain  
MARSHA L. CRAIN, RESPONDENT

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

SEAL

Beverly Owens  
Notary Public in and for the State of Texas

Approved as to form and substance.

Taralynn R. Mackay  
Taralynn Mackay, Attorney for Respondent

Signed this 30<sup>th</sup> day of January 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 4<sup>th</sup> day of February, 2009, by MARSHA L. CRAIN, Registered Nurse License Number 509500, and said Order is final.



Effective this 17<sup>th</sup> day of February, 2009.

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