BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse License Number 656872	§	AGREED
issued to LUCY FRANCIS	§	ORDER

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.

Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as the Boa considered the matter of LUCY FRANCIS, Registered Nurse License Number 656872, hereinal... 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 proceedings, notice and hearing, and agreed to the entry of this Order offered on January 1, 2009, by Katherine A. Thomas, MN, RN, Executive Director.

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 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 a Baccalaureate Degree in Nursing from Fr. Muller's College of Nursing, Karnataka, India, on January 31, 1992, and received a Master's Degree in Nursing from Mangalore University, Karnataka, India, on July 1, 1996. Respondent was licensed to practice professional nursing in India on November 4, 1992, was licensed to practice professional nursing in the State of New Mexico on September 1, 1998, and was licensed to practice professional nursing in the State of Texas on December 29, 1998.

5. Respondent's professional nursing employment history includes:

02/1992 - 07/1992	Unknown

Respondent's professional nursing employment history continued:

08/1992 - 09/1993	Tutor/Clinical Instructor	K. Pandyaras Ballal India
10/1993 - 08/1994	Tutor/Clinical Instructor	ALDE School of Nursing India
09/1994 - 07/1996	Unknown	
08/1996 - 07/1997	Lecturer	Fr. Muller's College of Nursing India
08/1997 - 09/2000	Unknown	
10/2000 - Unknown	Registered Nurse (RN) Labor and Delivery	Thomason Hospital El Paso, Texas
10/2002 - Unknown	Labor and Delivery RN	Providence Memorial Hospital El Paso, Texas

6. At the time of the initial incident, Respondent was employed as a Labor and Delivery RN with Providence Memorial Hospital, El Paso, Texas, and had been in this position for four (4) years and one (1) month.

7. On or about November 24, 2006, while employed with Providence Memorial Hospital, Respondent erroneously inserted a number fourteen (14) suction catheter instead of a latex free Foley catheter, as ordered by the physician, into Patient Medical Record Number 000783901, who was allergic to latex. Respondent's conduct was likely to injure the patient in that failure to use the appropriate equipment could have resulted in non-efficacious treatment and could have resulted in the patient having an allergic reaction.

8. On or about November 24, 2006, while employed with Providence Memorial Hospital, Respondent failed to use sterile or aseptic technique on Patient Medical Record Number 000783901 when preparing to replace the suction catheter with a latex free Foley catheter. Respondent's conduct was likely to injure the patient in that the patient may have suffered from adverse reactions such as infection from non-sterile technique.

9. On or about November 24, 2006, while employed with Providence Memorial Hospital, Respondent failed to document the patient care which was provided to Patient Medical Record Number 000783901. Respondent's conduct was likely to injure the patient in that subsequent care givers did not have accurate information on which to base their decisions for further care.

10. In response to the incidents in Findings of Fact Numbers Seven (7) through Nine (9), Respondent states that the patient was allergic to latex. This was an emergency situation in which the mother had to have a cesarean section due to the fact that the fetus was in distress. Respondent was in a hurry and was unable to locate a latex-free Foley catheter, but located what she thought was a new type of Foley catheter and used it. The tubing drained properly and when the surgery was completed, Respondent realized that she had used suction tubing instead of a Foley catheter and she needed to replace it with a Foley catheter. She located a latex-free catheter and while preparing to insert the catheter, she used some sterile gauze to wipe blood from the patient's thigh and began to use the same gauze to clean the area prior to insertion of the catheter. When Respondent realized she had not used sterile gauze, she immediately replaced the gauze with sterile gauze and inserted the catheter using sterile technique.

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)(O) and 22 TEX. ADMIN. CODE §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 656872, heretofore issued to LUCY FRANCIS, 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, 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 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 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 license issued to LUCY FRANCIS to the office of the Texas Board of Nursing within ten (10) days of 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 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 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 a course in "Infection Control," a 5.0 contact hours workshop presented in various locations by the Texas Department of Aging and Disability Services. In order to receive credit for

completion of this workshop, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this workshop 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 website: http://www.dads.state.tx.us/providers/training/jointtraining.cfm or by contacting (512) 438-2201.*

(5) 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 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 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 18 day of FEBRUARY, 2009.

Francis

LUCY FRANCIS, Respondent

Sworn to and subscribed before me this 18 day of FEBRUARY, 2009

SEAL

Notary Public in and for the State of TEXAS

TERESA H. KELLY
Notary Public
STATE OF TEXAS
My Comm. Exp. 05-01-12

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 18th day of February, 2009, by LUCY FRANCIS, Registered Nurse License Number 656872, and said Order is final.

Effective this 27th day of February, 2009.

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