

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 146027 §
issued to MARY ANN OSBORNE § ORDER



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

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of MARY ANN OSBORNE, Vocational Nurse License Number 146027, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1)&(8), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on October 15, 2007, 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 conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Nursing from Kiamichi School of Practical Nursing, McAlester, Oklahoma, on September 1, 1974. Respondent was licensed to practice vocational nursing in the State of Texas on March 31, 1994.
5. Respondent's vocational nursing employment history is unknown.
6. On or about September 10, 2007, Respondent submitted a renewal application to the Texas Board of Nursing for the State of Texas in which she answered "Yes" to the following question: "Has any licensing authority refused to issue you a license or ever revoked,

annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a license, certificate or multi-state privilege held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"

On or about April 2, 2003, Respondent's license to practice vocational nursing in the State of Oklahoma was issued a Reprimand with Stipulations by the Oklahoma State Board of Oklahoma City, Oklahoma. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated April 2, 2003, is attached and incorporated by reference as part 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)(1)&(8), Texas Occupations Code.
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 146027, heretofore issued to MARY ANN OSBORNE, including revocation of Respondent's license to practice 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 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 Vocational Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *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 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 MARY ANN OSBORNE 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 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. *Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/about/stipscourses.html>.*

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 vocational nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

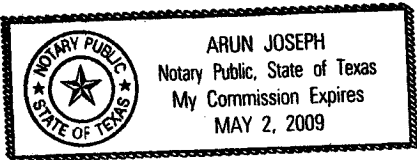
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 14 day of December, 2007.

Mary Ann Osborne
MARY ANN OSBORNE, Respondent

Sworn to and subscribed before me this 14th day of December, 2007.


SEAL



Arjun Joseph
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing for the State of Texas, does hereby ratify and adopt the Agreed Order that was signed on the 14th day of December, 2007, by MARY ANN OSBORNE, Vocational Nurse License Number 146027, and said Order is final.

Effective this 2nd day of January, 2008.


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

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF MARY ANN FABRY O'DANIEL OSBORNE, L.P.N.
LICENSE NO. L0012114

STIPULATION, SETTLEMENT AND ORDER

This matter comes on before the Informal Disposition Panel ("Panel") of the Oklahoma Board of Nursing ("Board") on the 25th day of March, 2003, in the Conference Room of the Board Office, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma, all members of the Panel being present throughout the hearing.

Respondent appears in person without counsel.

STIPULATION

Respondent and the Panel hereby stipulate and agree to the following joint stipulation and proposed Order of the Board incorporating this stipulation and agreement in the above-styled matter.

1. Respondent is licensed to practice licensed practical nursing in the State of Oklahoma, and is the holder of License No. L0012114, issued by the Oklahoma Board of Nursing.
2. On or about May 15, 2002, while employed with SunBridge Park Care and Rehabilitation, McAlester, Oklahoma, Respondent failed to advise the Director of Nursing that Respondent was not familiar with the oxygen equipment and was unable to read the gauges. As a result of Respondent's inability to read the gauges, she allowed a resident's oxygen to run out. Respondent further failed to complete an incident report and failed to document any assessment or action taken as a result after the oxygen run out.
3. No formal complaint has been filed as of the date of this stipulation charging Respondent with a violation of the Oklahoma Nursing Practice Act. Respondent understands that Respondent has a right to require that a formal complaint be filed and the right to a formal hearing

before the Board at which time Respondent could confront the witnesses against Respondent, cross-examine those witnesses, and present evidence in Respondent's own behalf. Respondent understands that by signing and agreeing to this stipulation Respondent is waiving those rights.

4. This stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of this stipulation. Furthermore, should this joint stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

5. Respondent fully understands that this joint stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board against Respondent for acts or omissions not specifically made a part of this stipulation.

6. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this joint stipulation of facts, conclusions of law and imposition of discipline, and the Final Order of the Board incorporating said stipulation.

7. It is expressly understood that this stipulation is subject to approval of the Board and has no force and effect until approved and Ordered by the Board.

STIPULATED DISPOSITION

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that Respondent's license to practice licensed practical nursing remain in effect, and that Respondent is disciplined as follows:

1. Within thirty (30) days from the receipt of this Order Respondent shall submit documentation of the successful completion of the Board's "Legal/Ethical Packet" and return to the Board office the "Legal/Ethical Packet".

2. Within ninety (90) days from the receipt of this Order Respondent submit documentation, satisfactory to the Board, of the successful completion of a unit of education or course of study on the Documentation of Nursing Care, which is approved by Board staff prior to enrollment or registration.

3. Within ninety (90) days from the receipt of this Order Respondent submit documentation, satisfactory to the Board, of the successful completion of a unit of education or course of study on Critical Thinking, which is approved by Board staff prior to enrollment or registration.

Respondent shall pay an administrative penalty in accordance with attachment "A" which is hereby made a part of this Order.

Respondent shall not pay an administrative penalty.

IT IS FURTHER ORDERED that Respondent is reprimanded for the failure to recognize both the legal and professional duty to the public Respondent serves and to abide at all times by the laws of the State of Oklahoma. This neglect of duty in failing to notify the supervisor of a lack of knowledge of equipment used, document appropriately following an incident, and complete an incident report shows disregard for the public's right to require that all persons practicing nursing conform to the accepted standards of the nursing profession. A repeat violation of this nature by Respondent will not be tolerated by this Board and will be cause for additional discipline by the Board.

IT IS FURTHER ORDERED any failure to comply with any terms of this Order, including late reports or unsatisfactory reports, will require Respondent's appearance before the Board to show cause why Respondent's license should not be revoked.

IT IS FURTHER ORDERED that this stipulation shall not be effective until the fully executed Order is received in the Board office.

IT IS FURTHER ORDERED that upon successful completion of all the terms and conditions of this Order, no further Order of the Board shall be deemed necessary.

Mary Ann Dahame
Respondent

Approved and ordered this 2 day of April, 2003.

OKLAHOMA BOARD OF NURSING

By: Sandra Benzmore
President

OKLAHOMA BOARD OF NURSING

ATTACHMENT "A"

MARY ANN FABRY O'DANIEL OSBORNE, L.P.N.
LICENSE NO. L0012114

The Respondent is ordered by the attached Stipulated Order to pay an administrative penalty to the Oklahoma Board of Nursing in the amount of \$ 100.00. The administrative penalty shall be paid only by certified check, money order or cash. If not paid in full within 30 days of the date Respondent received this Order, the Respondent's license is hereby temporarily suspended until the administrative penalty is paid in full.