

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.  
*Katherine A. Thomas*  
Executive Director of the Board

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In the Matter of Registered Nurse  
License Number 548994  
issued to JOANNE HELEN BAGLEY

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AGREED  
  
ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the E considered the matter of JOANNE HELEN BAGLEY, Registered Nurse License Number 548994, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 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 November 30, 2008 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 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 an Associate Degree in Nursing from Tompkins Cortland Community College, Dryden, New York, on May 1, 1987. Respondent was licensed to practice professional nursing in the State of Texas on September 12, 1988
5. Respondent's professional nursing employment history includes:

08/1988-09/1989

Staff Nurse  
Humana Hospital  
College Station, Texas

Respondent's professional nursing employment history continued..

10/1991-03/1992	Staff Nurse Guthrie Medical Group Ithaca, New York
05/1992-10/1992	Staff Nurse New Medico Highgate Cortland, New York
1992-1994	Clinical Instructor/ School Nurse OCM Boces Cortland, New York
1994-1995	Visiting Nurse Visiting Nurse Services of Ithaca Ithaca, New York
1998-1999	Coordinator CMH Services Cortland, Texas
1987-2003	Staff Nurse/Charge Nurse Cortland Memorial Hospital Cortland, NY
06/2003-unknown	Staff Nurse Metroplex Adventist Hospital Killeen, Texas
06/2004- 12/2005	Staff Nurse/Charge Nurse East Texas Medical Center Tyler, Texas
12/2005- Present	Unknown

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff and/or Charge Nurse with East Texas Medical Center, Tyler, Texas, and had been in this position for approximately one (1) year, and five (5) months.

7. On or about December 22, 2005, while working as Charge Nurse at East Texas Medical Center, Tyler, Texas, Respondent failed to assess and notify the physician of a change in condition of Patient Medical Record Number 091-39-82 after being notified by a Graduate Vocational Nurse (GVN), assigned to the post surgical patient, that the patient was experiencing a steady decline in blood pressure and urine output throughout the shift. Patient Medical Record Number 091-39-82 had to be transfused with replacement blood and fluids, and required another surgical procedure to evacuate a hematoma from his abdomen. Respondent's conduct deprived the patient of timely medical intervention which may have prevented another surgical procedure.

#### 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, and 22 TEX. ADMIN. CODE §217.11(1)(A), (D)(vi),&(M) & (P), and 22 TEX. ADMIN. CODE §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 548994, heretofore issued to JOANNE HELEN BAGLEY, including revocation of Respondent's license to practice professional 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 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 JOANNE HELEN BAGLEY to the office of the Texas Board of Nursing within ten (10) days of 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 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. 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>.*

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

RESPONDENT'S CERTIFICATION

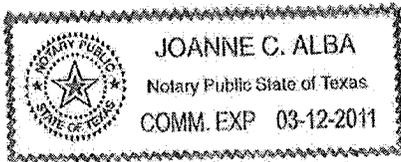
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid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

Signed this 21 day of January, 2009.

Joanne Helen Bagley  
JOANNE HELEN BAGLEY, Respondent

Sworn to and subscribed before me this 21 day of January, 2009.

SEAL

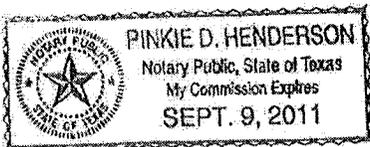


Joanne C. Alba  
Notary Public in and for the State of Texas

Approved as to form and substance.

Louis Leichter  
Louis Leichter, Attorney for Respondent

Signed this 28<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 21 day of January, 2009, by JOANNE HELEN BAGLEY, Registered Nurse License Number 548994, and said Order is final.

Effective this 28<sup>th</sup> day of January, 2009.

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

