

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 BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of § ELIGIBILITY  
HEATHER ELIZABETH CORNELL §  
APPLICANT for Eligibility for Licensure § AGREED ORDER

On the date entered below, the Board of Nurse Examiners for the State of Texas hereinafter referred to as the Board, considered the Temporary License/Endorsement Application and supporting documents filed by HEATHER ELIZABETH CORNELL, hereinafter referred to as APPLICANT, together with any documents and information gathered by staff and APPLICANT's Certificate contained herein. Information received by the Board produced evidence that APPLICANT may have violated Section 301.452(8),(9)&(12) *et seq.*, Texas Occupations Code.

APPLICANT waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered on September 12, 2004, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. On or about January 26, 2005, Applicant submitted a Temporary License/Endorsement Application requesting a determination of eligibility for licensure in compliance with Section 301.260 *et seq.*, Texas Occupations Code.
2. Applicant waived representation, notice, administrative hearing, and judicial review.
3. Applicant graduated with an Associate Degree in Nursing from Delaware County Community College, Media, Pennsylvania, in June 1998.
4. Applicant completed the application for licensure by endorsement and answered "yes" to Question Number Fifteen (15), which reads as follows: *"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 professional license or certificate held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"*

5. On October 18, 2004, Applicant was issued a Findings of Fact, Conclusions of Law and Order by the Vermont Board of Nursing. A copy of the October 18, 2004, Vermont Findings of Fact, Conclusions of Law and Order is attached and incorporated by reference as part of this Order.
6. Applicant completed the application for licensure by endorsement and answered "yes" to Question Number Sixteen (16), which reads as follows: *"Within the past five (5) years have you been addicted to and/or treated for the use of alcohol or any other drug?"*
7. Applicant completed the application for licensure by endorsement and answered "yes" to Question Number Seventeen (17), which reads as follows: *"Within the past five (5) years have you been diagnosed with, treated, or hospitalized for schizophrenia and/or psychotic bipolar disorder, paranoid personality disorder, antisocial personality disorder, or borderline personality disorder?"*
8. A letter was submitted by James L. Jacobson, M.D., Associate Professor of Psychiatry, Fletcher Allen Health Care, Burlington, Vermont. Dr. Jacobson stated that Applicant has been under his care since February 8, 2001, suffering from Major Depression and Panic Disorder. In addition, Applicant had symptoms of Post Traumatic Stress Disorder and had entered into treatment for alcohol abuse. In December 2002, a change in Applicant's symptomatology made it clear that the depressive disorder was part of a Bipolar Affective Syndrome and the diagnosis was changed to Bipolar Disorder Type II.
9. With regards to Applicant functioning at work, in Dr. Jacobson's opinion, requests to work multiple shifts beyond a normal work week would be detrimental to Petitioner's health and complicate treatment of her mood disorder. It is his understanding that Applicant is dedicated and honest in her desire to provide good quality nursing care. It has been encouraged to Applicant not to accept double shifts and extra shifts. There has never been evidence that her illness, or the medications with which she is taking have compromised her ability to function as a nurse. Applicant has done very well in treatment and her illness is in excellent control and in remission. In fact, Dr. Jacobson thinks that Applicant is conscientious, considerate and earnest in her efforts to practice nursing to a high quality standard.
10. Applicant has sworn that with the exception of matters disclosed in connection with the Temporary License/Endorsement Application her past behavior conforms to the Board's professional character requirements.
11. After considering the action taken by the Vermont Board of Nursing along with Applicant's conduct since October 18, 2004, the Executive Director is satisfied that Applicant is able to meet the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

13. On September 12, 2005, the Executive Director considered evidence of Applicant's behavior in light of the character factors set out in 22 Texas Administrative Code §213.27 and determined that Applicant currently demonstrates the criteria required for good professional character.
14. Applicant presented sufficient evidence that she would not pose a direct threat to the health and safety of patients and the public.
15. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Applicant's disclosures.
16. Applicant has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

#### CONCLUSIONS OF LAW

1. The Board of Nurse Examiners has jurisdiction over this matter pursuant to Section 301.453 *et seq.*, Texas Occupations Code.
2. Applicant has submitted a Temporary License/Endorsement Application in compliance with 301.260 *et seq.*, Texas Occupations Code.
3. The evidence in Findings of Fact Numbers Five (5), Six (6) and Seven (7), is sufficient cause to take disciplinary action under Section 301.452 *et seq.*, Texas Occupations Code, and, therefore, sufficient cause to deny licensure.
4. The action taken by another jurisdiction is grounds for denial of a license under Section 301.452 *et seq.*, Texas Occupations Code.
5. Applicant shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452 *et seq.*, Texas Occupations Code.
6. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Texas Administrative Code §213.27, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

ORDER

IT IS THEREFORE AGREED that the application of HEATHER ELIZABETH CORNELL, APPLICANT, is hereby CONDITIONALLY GRANTED and shall be subject to the following conditions:

(1) APPLICANT SHALL obtain and read the Texas Nursing Practice Act, and the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice.

(2) Upon payment of the necessary fees, APPLICANT SHALL be issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation.

(3) Upon receiving authorization to practice professional nursing in Texas, APPLICANT 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 Professional 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 APPLICANT's multistate licensure privilege, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while APPLICANT's license is encumbered by this Order the APPLICANT 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 APPLICANT wishes to work.

(4) APPLICANT SHALL, within one (1) year of initial licensure, successfully complete a course in Texas nursing jurisprudence. APPLICANT 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, and documentation of care. Courses focusing on malpractice issues will not be accepted. APPLICANT 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 APPLICANT'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 on the Board's website, [www.bne.state.tx.us](http://www.bne.state.tx.us) (under BNE events).*

(5) APPLICANT SHALL, within one (1) year of initial licensure, successfully complete a course in medication administration. APPLICANT 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. 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. APPLICANT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. APPLICANT SHALL CAUSE the instructor to submit a Verification of Course Completion form, provided by the Board, to the office of the Board to verify APPLICANT'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 on the Board's website, [www.bne.state.tx.us](http://www.bne.state.tx.us) (under BNE events).*

**IT IS FURTHER AGREED, SHOULD APPLICANT PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, APPLICANT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND APPLICANT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH 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) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(6) APPLICANT SHALL notify each present employer in professional nursing of this Order of the Board and the stipulations on APPLICANT's license. APPLICANT SHALL present a complete copy of this Order to each present employer within five (5) days of receipt of this Order. APPLICANT SHALL notify all future employers in professional nursing of this Order of the Board

and the stipulations on APPLICANT's license. APPLICANT SHALL present a complete copy of this Order to each future employer prior to accepting an offer of employment.

(7) APPLICANT SHALL CAUSE each present employer in professional nursing to submit the Notification of Employment form, which is provided to the Applicant by the Board, to the Board's office within ten (10) days of receipt of this Order. APPLICANT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Applicant by the Board, to the Board's office within five (5) days of employment as a professional nurse.

(8) APPLICANT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as APPLICANT, 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 Applicant is currently working. APPLICANT SHALL work only regularly assigned, identified and predetermined unit(s). APPLICANT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. APPLICANT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) APPLICANT SHALL CAUSE each employer to submit, on forms provided to the Applicant by the Board, periodic reports as to APPLICANT's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the APPLICANT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for one (1) year of employment as a professional nurse.

(10) APPLICANT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. APPLICANT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the APPLICANT's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the APPLICANT's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation period, or until APPLICANT is dismissed from therapy.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, APPLICANT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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APPLICANT'S CERTIFICATION

I am the Applicant in this matter. I have fully and truthfully disclosed all of my past convictions and I have caused a complete and accurate criminal history to be submitted to the Board of Nurse Examiners from each jurisdiction in which I have been convicted. I certify that my past behavior, except as disclosed in my Temporary License/Endorsement Application has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157, 301.252, 301.253, 301.260, and 301.452(b) of the Texas Occupations Code, and Board Rules at 213.27, 213.28, and 213.29 22 Texas Administrative Code which are incorporated by reference as a part of this Order. I agree with all terms of this Order and any stipulations. I agree to inform the Board of any other grounds for denial of licensure prior to accepting any permit or license from the Board of Nurse Examiners.

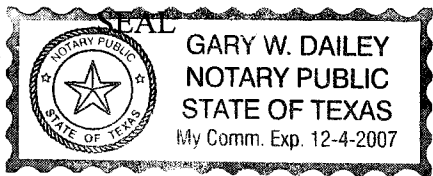
I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Executive Director of the Board of Nurse Examiners enter this Order.

Signed this 28<sup>th</sup> day of December, 2005.

[Signature]  
HEATHER ELIZABETH CORNELL, APPLICANT

Sworn to and subscribed before me this 28<sup>th</sup> day of December, 2005.



[Signature]  
Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Order of Conditional Eligibility that was signed on the 28<sup>th</sup> day of December, 2005, by HEATHER ELIZABETH CORNELL, APPLICANT, for Temporary License/Endorsement Application, and said Order is final.

Entered this 14<sup>th</sup> day of February, 2006.

BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS



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

STATE OF VERMONT  
BOARD OF NURSING

IN RE:

Heather Cornell

License No. 26-24754

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) Case File No. NU95-0602

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FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Introduction

The Vermont Board of Nursing ("the Board") held a hearing in this case on Monday, October 11, 2004, at 81 River Street in Montpelier, Vermont. Board members Susan Farrell, De-Ann Welch, Linda Rice, Sandra Norton, Pat Rock, Alan Weiss, Ellen Leff and Donarae Metcalf participated in the decision. Edward Adrian, Prosecuting Attorney, appeared for the State. Heather Cornell ("the Respondent") was present and represented by attorney Jason Sawyer. Christopher Winters was the Presiding Officer.

The parties filed a set of stipulated facts at the start of the hearing which are hereby incorporated by reference and are, in part, the findings upon which the Board's decision is based. The parties agreed to a hearing on sanctions alone.

Findings of Fact

In addition to the "Stipulation of Facts and Understanding" presented at the hearing, the Board also finds as follows, relative to sanction:

1. The medication errors in the stipulated facts occurred approximately two and one-half years ago.
2. Since making those errors, the Respondent has worked for a significant amount of time as a registered nurse at the Central Vermont Medical Center ("CVMC") in the emergency department and on the night shift.
3. Respondent's current employers at CVMC and past supervisor attest that she is highly competent, "above average" and an "exemplary" employee.
4. Since the time of her medication errors, the Respondent has furthered her pediatric nursing skills, emergency nursing skills and has received training as a sexual assault nurse examiner.
5. The Board has not received any other complaints against the Respondent in the interim and Respondent's employer reports only a few minor documentation errors in her

employment after several audits of her practice.

6. Respondent's treating professional is of the opinion that her past illness or treatment did not affect her ability to function as a nurse and is of the current opinion that she is not a risk of harm to the health or safety of patients for whom she cares.

#### Conclusions of Law

A. Pursuant to 26 V.S.A. §1582 and 3 V.S.A. §129, the Board of Nursing may revoke, suspend or otherwise discipline the license of a nurse who engages in unprofessional conduct as defined by 26 V.S.A. §1582 and 3 V.S.A. §129a.

B. By engaging in the conduct stipulated by the parties, the Respondent has committed unprofessional conduct in violation of 3 V.S.A. §129a(a)(10) (In the course of practice...failure to use and exercise on repeated occasions that degree of care, skill, and proficiency which is commonly exercised by the ordinary skillful, careful, and prudent professional engaged in similar practice under the same or similar conditions...); 3 V.S.A. §129a(b)(1) (performance of unsafe or unacceptable patient or client care); and 3 V.S.A. §129a(b)(2) (failure to conform to the essential standards of acceptable and prevailing practice).

#### Opinion

Normally, the Board would seek a conditioned license for a Respondent who has made multiple medication errors and has a history of substance abuse and other illnesses. Due to the passage of time since the medication errors were made, the efforts the Respondent has taken to improve herself and further her nursing skills, and the support of her employers and treating professional, the Board does not find that a conditioned license is necessary to protect the public.

#### Order

A. In light of the above findings and conclusions, the Board hereby REPRIMANDS the Respondent's license, effective as of the date of entry of this Order.

B. This Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

C. This Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

Appeal Rights

This is a final administrative determination by the Vermont Board of Nursing. You may appeal by sending a notice of appeal in writing to the Director of the Office of Professional Regulation within 30 days of the date of entry of this order. If you wish to request a stay of the Board's decision, please refer to the attached stay instructions.

By:

Susan Farrell  
Susan Farrell  
Chair

Date: 10-18-04

OFFICE OF PROFESSIONAL REGULATION

Date of entry: 10/29/04

# The University of Vermont

COLLEGE OF MEDICINE  
DEPARTMENT OF PSYCHIATRY  
ONE SOUTH PROSPECT STREET  
BURLINGTON, VERMONT 05401-1195



October 8, 2004

Jason J. Sawyer Esq.  
Blodgett, Watts and Volk, PC  
72 Hungerford Terrace  
P.O. Box 8 Burlington, VT 05402

Re: Heather Cornell  
DOB: January 16, 1970

Dear Mr. Sawyer:

I am writing to you in order to provide you with my opinion regarding Ms. Cornell's medical condition and potential implications for allegations related to her ability to safely function as a nurse.

Ms. Cornell has been under my care since February 8, 2001. At initial presentation she appeared to be suffering from Major Depression and Panic Disorder. In addition, she had symptoms of Post Traumatic Stress Disorder and had entered into treatment for alcohol abuse, which was in remission at the time of our first contact. As she was also in individual psychotherapy my primary role was to provide pharmacotherapy as well as some limited supportive psychotherapy. Ms. Cornell has been employed as a nurse throughout the time in which she has been in treatment.

In December 2002, a change in symptomatology made it quite clear that the depressive disorder was part of a Bipolar Affective Syndrome and the diagnosis was changed to Bipolar Disorder Type II. At that time pharmacotherapy was changed from antidepressant and anti-anxiety medications to a mood stabilizing medication (Depakote). Since that time her mood disorder has gotten progressively better as have her anxiety symptoms. She is at this time stable with her mood disorder in good control. There are no current symptoms of anxiety disorder or PTSD, and she has continued in complete remission with regard to alcohol abuse since the time that I have known her.

With regard to her functioning at work and in particular at Correctional Medical Services at the North East State Correctional Facility in St. Albans, VT, I recommended on several occasions that she seek other employment. In my opinion, under staffing and frequent request for her to work multiple shifts beyond a normal work week were detrimental to her health and complicating treatment of her mood disorder. It was my impression that she was dedicated and honest in her desire to provide good quality nursing care. Again I encouraged her to say no to requests for her to work double shifts and extra shifts however she did have difficulty saying no to these requests. There was never evidence that her illness, or the medication with which she was treated were compromising her ability to function as a nurse. She was at that time fully capable of employment as a

EXHIBIT

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nurse. As her mood disorder has been successfully treated and stabilized, she has been much better about setting limits on requests to work excessively. In addition she was able to leave what really was a bad situation at the correctional facility and move into employment at Central Vermont Medical Center. It has been my impression that her functioning at Central Vermont Medical Center has been quite good. Certainly her illness has been stable and symptoms have resolved. There is no evidence that either her illness nor the medication with which she is treated present interferences with her capacity to function well as a nurse. There is no evidence that she presents a risk of harm to the health or safety of patients for whom she cares.

In summary Ms. Cornell has done very well in treatment. Her illness is in excellent control and in remission. She has been compliant with medications and compliant with psychotherapy. She now has over 3 ½ years of abstinence of from alcohol and has been an employee in good standing at Central Vermont Medical Center for about 2 years. I do not believe that her illness nor the treatment for her illness resulted in medical errors nor do I believe she is at risk of practicing nursing in a way that is unsafe. In fact I think that she is conscientious, considerate, and earnest in her efforts to practice nursing to high quality standards.

Sincerely,



James L. Jacobson, M.D.  
Associate Professor of Psychiatry  
UVM College of Medicine and  
Fletcher Allen Health Care

JJ/rlc