



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 Registered Nurse License Number 730203      §      AGREED  
and Vocational Nurse License Number 182798                    §      ORDER  
issued to SANDRA LEIGH EMSOFF                                    §

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of SANDRA LEIGH EMSOFF, Registered Nurse License Number 730203 and Vocational Nurse License Number 182798, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Sections 301.452(b)(10)&(13) and 302.402(a)(10), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on August 3, 2007, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

**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 conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional and vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Trinity Valley Community College, Palestine, Texas, on August 17, 2001, and received an Associate Degree in Nursing from Trinity Valley Community College, Kaufman, Texas, on May 8, 2006. Respondent was licensed to practice vocational nursing in the State of Texas on November 11, 2001, and was licensed to practice professional nursing in the State of Texas on June 29, 2006.

5. Respondent's nursing employment history includes:

- |                 |                                                                                                                                               |
|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| 11/02 to 9/03   | Licensed Vocational Nurse (LVN)<br>The University of Texas Medical Branch<br>Mark Michael Unit, Joe F. Gurney Unit<br>Tennessee Colony, Texas |
| 9/03 to 5/04    | LVN<br>Elite Nursing Service<br>Palestine, Texas                                                                                              |
| 5/04 to 6/06    | LVN<br>The University of Texas Medical Branch<br>Mark Michael Unit<br>Tennessee Colony, Texas                                                 |
| 6/06 to Present | RN<br>The University of Texas Medical Branch<br>George Beto Unit, Mark Michael Unit<br>Tennessee Colony, Texas                                |

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a LVN with Elite Nursing Service, Palestine, Texas, and on assignment at The University of Texas Medical Branch, Mark Michael Unit, Tennessee Colony, Texas, and had been in this position for four (4) months.

7. On or about January 22, 2004, while employed as a LVN with Elite Nursing Service, Palestine, Texas, and on assignment at The University of Texas Medical Branch, Mark Michael Unit, Tennessee Colony, Texas, Respondent failed to accurately and completely assess, provide appropriate nursing interventions for, and/or document the assessment or interventions for Inmate Number 786065, who was in solitary confinement and had a history of back pain and had complaints of back pain and not being able to get up. Although Respondent documented the inmate was able to move all extremities, was alert and oriented, had respirations that were even and unlabored, and that the guards refused to assist with transportation of the inmate unless he could walk, she did not document that her assessment was performed visually at the cell door, rather than as a hands-on assessment, that there was a charge nurse present, or that a supervisor or the physician was notified of the inmate's condition. The staff nurse who assessed the inmate for the same complaints the following morning notified the Director of Nursing (DON) of the guards refusal to assist, and within three hours the inmate was in the medical unit where he was noted to be in severe pain and sweating profusely. The inmate received intravenous fluids and five (5) doses of intravenous Morphine Sulfate, a strong narcotic pain medication. The inmate was transported to the hospital that afternoon and had back surgery within four (4) days. Respondent's conduct caused the inmate to suffer unnecessary pain due to delayed medical care, evaluation and treatment and deprived the physician of vital information on which to base medical care decisions.

8. On or about December 26, 2005, while employed as a LVN with The University of Texas Medical Branch, Mark Michael Unit, Tennessee Colony, Texas, Respondent failed to notify the physician of the medical status of Inmate Number 670131, who had chest pain and a history of a Myocardial Infarction with stent placement. Respondent documented the inmate's cardiac history, vital signs, an assessment and that the inmate's EKG was abnormal but that she was unable to obtain the prior EKG. Respondent monitored the inmate for thirty minutes, administered two antacids as the inmate stated he had eaten too much, and noted the inmate felt better and denied further chest discomfort. Although the documentation tool Respondent used included in bold print to notify the physician immediately, Respondent instead transferred the inmate to the holding area, medical waiting room, while she attended other ill inmates. Inmate Number 670131, after being in the holding area for approximately forty (40) minutes, went into cardiac arrest, was treated with CPR, and was transported to an acute care facility by Emergency Medical Services. The inmate did not survive. Respondent's conduct deprived the physician of critical medical information on which to base physician directed care and may have contributed to the inmate's demise.
9. In response to the incident in Finding of Fact Number Seven (7), Respondent states that the RN Charge Nurse was present and that it was reported to the next shift that the guards refused to assist in transporting the inmate to the medical unit, and to evaluate the inmate on their rounds. In response to the incident in Finding of Fact Number Eight (8), Respondent states that she intended to report the EKG to the physician after she obtained the old EKG, but it was a holiday and there was no clerical support staff on duty. Respondent continued to care for other ill inmates and was called away to care for an inmate who was reportedly having a seizure. Respondent has since continued her education and has become a Registered Nurse.
10. On May 8, 2006, and subsequent to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent completed a LVN to RN program at Trinity Valley Community College, Kaufman, Texas. The curriculum addressed factors to be included in assessing body systems for patients across the life span and in a variety of settings. The completion of this program will meet the requirement of a course in physical assessment which would have been required in 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 violations of Sections 301.452(b)(10)&(13) and 302.402(a)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(D), (1)(M)&(1)(P) [effective September 28, 2004], 217.12(1)(A)&(4) [effective September 28, 2004] and 239.11(3)&(27)(A).

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 730203 and Vocational Nurse License Number 182798, heretofore issued to SANDRA LEIGH EMSOFF, including revocation of Respondent's licenses to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a REPRIMAND WITH STIPULATIONS, 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 §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privileges, if any, to practice nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's licenses are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privileges 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 licenses issued to SANDRA LEIGH EMSOFF, to the office of the Board of Nurse Examiners within ten (10) days from 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.bne.state.tx.us/about/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.bne.state.tx.us/about/stipscourses.html>*

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

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT's licenses. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's licenses. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

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

(6) RESPONDENT 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 RESPONDENT, 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 Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. 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 nurse.

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

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**RESPONDENT'S CERTIFICATION**

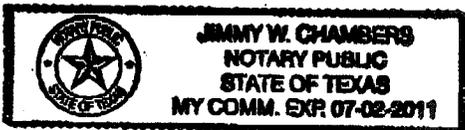
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and 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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 2 day of October, 2007.  
Sandra Leigh Emsoff  
SANDRA LEIGH EMSOFF, Respondent

Sworn to and subscribed before me this 2<sup>nd</sup> day of October, 2007.

SEAL

Jimmy W. Chambers  
Notary Public in and for the State of Texas



Approved as to form and substance  
Joyce Stamp Lilly  
Joyce Stamp Lilly, Attorney for Respondent

Signed this 3<sup>rd</sup> day of October, 2007.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 2<sup>nd</sup> day of October, 2007, by SANDRA LEIGH EMSOFF, Registered Nurse License Number 730203 and Vocational Nurse License Number 182798, and said Order is final.

Effective this 13<sup>th</sup> day of November, 2007.



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