



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 252137           §        AGREED  
and Vocational Nurse License Number 50550                       §        ORDER  
issued to FRANCENE PENCE   §

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of FRANCENE PENCE, also known as FRANCENE P. PIERCE, Registered Nurse License Number 252137, and Vocational Nurse License Number 50550, hereinafter 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 conference, notice and hearing, and agreed to the entry of this Order offered on May 4, 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 professional nursing in the State of Texas. Respondent's license to practice vocational nursing in the State of Texas is in delinquent status.
4. Respondent received Certificate in Vocational Nursing from Jones County School of Vocational Nursing, Anson, Texas, on September 7, 1971, and received a Diploma in Nursing from Mary Meek School of Nursing, Abilene, Texas, on May 1, 1980. Respondent was licensed to practice vocational nursing in the State of Texas on October 27, 1971, and was licensed to practice professional nursing in the State of Texas on September 4, 1980.

5. Respondent's nursing employment history includes:

1971 - 1980	Unknown	
1981 - 1985	Nurse Recruiter/ Home Health Nurse Coordinator	Hendrick Medical Center Abilene, Texas
1986 - 1992	Staff Nurse Obstetrics/Gynecology	Cigna-Intracorp Unknown
1992 - 1997	Intravenous (IV) Specialist	Infusion Management Services Unknown
1992 - 1998	Hospice Nurse	Visiting Nurse Association of Texas Unknown
1995 - 1997	IV Specialist	National Institutional Pharmacy Services Unknown
1998 - 1999	Nurse Consultant	Olsten Health Services Unknown
1998 - 2001	Staff Nurse Medical/Surgical	Lake Pointe Medical Center Rowlett, Texas
2001 - 2002	Charge Nurse Medical/Surgical	Bariatric Care Centers of Texas Unknown
2002 - 2005	Charge Nurse Medical/ Surgical	Presbyterian Hospital of Allen Allen, Texas
2005 - 2006	Staff Nurse	Vista Care Hospice Greenville, Texas
2007	Unknown	

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse with Vista Care Hospice, Greenville, Texas, and had been in this position for eight (8) months.

7. On or about March 18, 2006, while employed with Vista Care Hospice, Greenville, Texas, Respondent admitted Patient J.E.P. to her hospice service without a physician's order. Patient J.E.P., Respondent's exhusband, had been bingeing on alcohol while staying at her residence. After Patient J.E.P. was evaluated by a hospice physician 3 days later, the patient was found to be inappropriate for hospice services and discharged. Respondent's conduct may have placed the patient at the risk of harm unnecessarily due to inappropriate medical care being rendered without the benefit of a physician's evaluation.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent admits that she contacted Vista Care Hospice requesting a nurse come and evaluate JEP for admission to Hospice. Respondent states that a nurse came later that afternoon, performed an assessment of JEP and ordered equipment. The nurse followed up with a phone call the next day (March 19, 2006) to see if the equipment had arrived and "if I thought JEP was actively dying." Another nurse came on March 20, 2006, to see JEP, who showed no change in his condition. On March 21, 2006, a Chaplain, a Social Worker and the Case Manager came to the house to get signatures on the "legal paperwork" for JEP's admission. The Case Manager performed an assessment and contacted a Medical Director and received orders for Phenergan and Roxinal. "Later that evening, Vickie Harris, RN, called to inform me that JEP would be discharged from Hospice because his condition was reversible."

#### 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, 22 TEX. ADMIN. CODE §§217.11(1)(A)&(1)(B) and 217.12(1)(B).
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 252137, heretofore issued to FRANCENE PENCE, including revocation of Respondent's licenses to practice nursing in the State of Texas.

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ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, 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 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 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 FRANCENE PENCE to the office of the Board of Nurse Examiners 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.bne.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 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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 1st day of August, 2007.

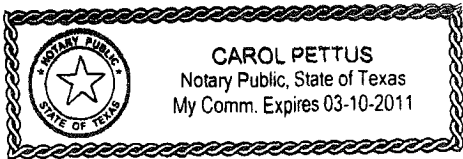
Francene Pence  
FRANCENE PENCE, Respondent

Sworn to and subscribed before me this 1st day of August, 2007.

SEAL


Carol Pettus

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 Agreed Order that was signed on the 1st day of August, 2007, by FRANCENE PENCE, Registered Nurse License Number 252137, and Vocational Nurse License Number 50550, and said Order is final.

Effective this 10th day of September, 2007.

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