BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 221732	§	
issued to JEAN ANN HOLUB FERRELL	§	ORDER

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.
Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as the Boa considered the matter of JEAN ANN HOLUB FERRELL, Registered Nurse License Num 221732, 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 informal conference, notice and hearing, and agreed to the entry of this Order offered on February 18, 2008, 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 received a Diploma in Nursing from St. Mary's School of Nursing, Galveston, Texas, on May 1, 1968, and received a Certificate from The University of Texas Medical Branch School of Nursing, Pediatric Nurse Practitioner Program, Galveston, Texas, in September 1979. Respondent was licensed to practice professional nursing in the State of Texas on August 27, 1968; became Board recognized as Pediatric Nurse Practitioner in the State of Texas on May 23, 1988; and became Board recognized with Prescriptive Authority as a Pediatric Nurse Practitioner in the State of Texas on December 13, 1996.

4. Respondent is currently licensed to practice professional nursing in the State of Texas. Respondent's authorization as a Pediatric Nurse Practitioner with Prescriptive Authority has been in "inactive" status since August 12, 2002.

5. Respondent's professional nursing employment history includes:

1968 - 1994	Unknown	
1995 - 1997	Coordinator	Richmond State School Richmond, Texas
4/97 - 4/01	Charge Nurse	Devereaux Psychiatric Hospital League City, Texas
8/97 - 11/99	Pediatric Nurse Practitioner	Harris County Health Department Houston, Texas
5/01 - 5/06	Staff Nurse, Mental Health/Substance Abuse	Seton Shoal Creek Psychiatric Hospital Austin, Texas
6/06 - Present	Unknown	

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse with Seton Shoal Creek Psychiatric Hospital, Austin, Texas, and had been in this position for four (4) years and three (3) months.

7. On or about August 29, 2005, while employed as Staff Nurse with Seton Shoal Creek Psychiatric Hospital, Austin, Texas, Respondent failed to visualize Patient AF at 10:00 am, as required, during routine patient checks that were to be completed every fifteen (15) minutes for patients on Suicide Precautions. On Monday, August 29, 2005, Respondent was the primary nurse for Patient AF and performed visual checks every fifteen (15) minutes, as required, beginning at 07:00. Respondent, however, pre-documented on the narrative nurses note that the patient was up and about, interacting with peers and staff during the entire 7 - 3 shift, and the only other documentation in that note was that at 09:45 Patient AF denied suicidal ideation. When Respondent checked on the patient at 10:00 am, the patient was in the bathroom and Respondent did not complete a face -to- face observation of the patient. At 10:15 am, Patient AF was discovered in the bathroom with a sheet tied around her neck that was fastened to the towel rack, and although a Code Blue was called and cardiopulmonary resuscitation was initiated, the patient expired after being transferred to an acute care facility. Respondent's conduct unnecessarily exposed the patient to the risk of injury from a possibly unsafe environment.

8. On or about November 30, 2005, and as the result of the incident in Finding of Fact Number Seven (7), Respondent successfully completed the Seton Shoal Creek Psychiatric Hospital Competency Education for Suicide Risk Assessment and Monitoring.

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9. On or about April 12, 2006, while employed as Staff Nurse with Seton Shoal Creek Psychiatric Hospital, Austin, Texas, Respondent failed to continuously monitor and visualize Patient AB as required for patients on 1:1 safety precautions. The patient was a forty-six (46) year-old who had been admitted with a history of Schizoaffective Disorder, Depression and Opiate Dependency, and Respondent was watching the patient on behalf of the primary staff member, who had stepped away. The physician's order stated that safety precautions were only needed while the patient was awake, and when Respondent assumed temporary care of the patient, she found that the patient's eyes were closed, that her breathing was deep and regular, and that she did not respond when her name was called or when her shoulders were lightly touched. Respondent assumed that the patient was asleep, and left the patient's room in order to get medical records so she could document while she sat with the patient. However, after Respondent left the room, the patient awoke and began attempting to injure herself by banging her head against the wall. Patient AB did not sustain any injury. Respondent's conduct unnecessarily exposed the patient to the risk of injury from a possibly unsafe environment.

10. In response to the incident in Finding of Fact Number Seven, (7), Respondent admits that she did not visualize the patient at 10:00 am because the patient was in the bathroom, but heard "bathroom noises" coming from the room. Respondent states that she was also responsible for making rounds on several patients who were on suicide precautions, as well as making hourly rounds on all the patients on the open unit and documenting on at least 8 patients. In response to the incident in Finding of Fact Number Nine (9), Respondent states that she would have never left the patient's bedside if she had realized that the patient would awaken so easily.

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, and 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(B), (1)(D)&(1)(M) and 217.12(1)(B)&(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 221732, heretofore issued to JEAN ANN HOLUB FERRELL, including revocation of Respondent's license to practice professional 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 a 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 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 Respondent's multistate licensure privilege, if any, to practice professional nursing in compact states.

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 Texas Board of Nursing 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 JEAN ANN HOLUB FERRELL, to the office of the Texas Board of Nursing 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 <u>not</u> 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/disciplinary action.*

(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.bon.state.tx.us/disciplinary action.*

(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.

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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 license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 25th day of March, 2008.

Jean Ann Holub Ferrell

JEAN ANN HOLUB FERRELL, Respondent

Sworn to and subscribed before me this 25th day of March, 2008.

SEAL

LOLITA HARLAN
Notary Public
STATE OF TEXAS
My Comm. Exp. 08-17-11

Notary Public in and for the State of TEXAS

Approved as to form and substance.

Taralynn R. Mackay

Taralynn R. Mackay, Attorney for Respondent

Signed this 28th day of March, 2008.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 25th day of March, 2008, by JEAN ANN HOLUB FERRELL, Registered Nurse License Number 221732, and said Order is final.

Effective this 1st day of April, 2008.

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