



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 TEXAS BOARD OF NURSING

In the Matter of Registered Nurse §
License Number 670425 § AGREED
& Vocational Nurse §
License Number 173361 § ORDER
issued to ELIZABETH DEANN DAILEY §

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ELIZABETH DEANN DAILEY, Registered Nurse License Number 670425 and Vocational Nurse License Number 173361, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1),(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 March 14, 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 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 currently in "delinquent" status.
4. Respondent received a Certificate in Vocational Nursing from McLennan Community College, Waco, Texas, on August 18, 1999, and received an Associate Degree in Nursing from McLennan Community College, Waco, Texas, on May 1, 2000. Respondent was licensed to practice vocational nursing in the State of Texas on September 28, 1999, and was licensed to practice professional nursing in the State of Texas on July 18, 2000.

5. Respondent's nursing employment history includes:

10/99 - 2/00	Staff Nurse, LVN Nursing Home	Woodland Springs Waco, Texas
3/00 - 5/03	Agency Nurse, LVN & RN	Medical Staffing Network Dallas, Texas
5/02 - 4/03	Agency Nurse, RN	Preferred Healthcare Dallas, Texas
6/03 - 5/05	Staff Nurse, RN	Children's Medical Center of Dallas Dallas, Texas
6/05 - 8/05	Unknown	
9/05 - Present	Agency Nurse, RN	Favorite Healthcare Staffing, Inc. Dallas, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as an Agency Nurse with Favorite Healthcare Staffing, Inc., Dallas, Texas, assigned to Children's Medical Center of Dallas, Dallas, Texas, and had been in this position for five (5) months.
7. On or about February 16, 2006, while employed with Favorite Healthcare Staffing, Inc., Dallas, Texas, and assigned to Children's Medical Center of Dallas, Dallas, Texas, Respondent failed to institute appropriate nursing interventions for Patient Medical Record Number 001408870, a two (2) month-old admitted with Respiratory Syncytial Virus (RSV), Bronchitis and Hypoxia, in that she failed to perform deep suctioning for the infant, as ordered by the physician, because she did not want to "torture" the infant. Respondent's conduct unnecessarily delayed the infant's treatment and may have contributed to the infant's subsequent development of aspiration pneumonia.
8. On or about February 16, 2006, while employed with Favorite Healthcare Staffing, Inc., Dallas, Texas, and assigned to Children's Medical Center of Dallas, Dallas, Texas, Respondent failed to clarify a physician's order for the aforementioned Patient Medical Record Number 001408870, and instead, consulted a medical resident assigned to the infant regarding her decision not to perform deep suctioning on the infant. Respondent's conduct was likely to injure the infant from clinical care decisions formulated based upon incomplete clinical information.
9. On or about February 16, 2006, while employed with Favorite Healthcare Staffing, Inc., Dallas, Texas, and assigned to Children's Medical Center of Dallas, Dallas, Texas, Respondent failed to completely and accurately document the status of the aforementioned Patient Medical Record Number 001408870 in the medical record, as required. Respondent's conduct resulted in an inaccurate, incomplete medical record, and was likely to injure the infant in that subsequent care givers would rely on her documentation in order to provide further patient care.

10. In response to the incidents in Findings of Fact Numbers Seven (7) through Nine (9), Respondent explains that she followed the prescribed treatment plan as outlined by the physician and was informed by her preceptor that the Respiratory Therapist were responsible for all respiratory treatments and suctioning of all patients. Respondent asserts, however, that she did suction the patient since the Respiratory Therapist did not complete the suctioning every 2 hours, as ordered. Respondent goes on to explain that the patient was in no respiratory distress, as documented by the subsequent nurse. Respondent states that she did not clarify the physician's orders because a resident assigned to the patient was on the floor and Respondent discussed her decision to utilize the "Neo-Sucker". The resident replied, "That's fine. Let's try to feed her" and wrote an order to that fact. Furthermore, Respondent states that she relied on the Team Leader and her Preceptor to instruct her on the proper documentation in their computerized charting system. Respondent states that the Preceptor told her to document suctioning on the Respiratory Exception Screen, which Respondent states she did.

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 a violations of Section 301.452(b)(1),(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(B),(1)(C), (1)(D),(1)(M),(1)(N)&(3)(A) and 217.12(1)(B),(1)(C)&(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 670425 and Vocational Nurse License Number 173361, heretofore issued to ELIZABETH DEANN DAILEY, 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 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, 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 the State of Texas.

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 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 licenses issued to ELIZABETH DEANN DAILEY to the office of the Texas Board of Nursing 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.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>.*

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.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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 3 day of April, 2008

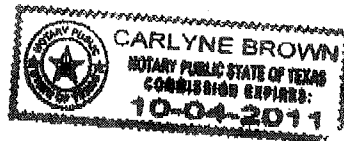
Elizabeth Deann Dailey
ELIZABETH DEANN DAILEY, Respondent

Sworn to and subscribed before me this 3 day of April, 2008.

SEAL

Carlyne Brown

Notary Public in and for the State of Texas



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 3rd day of April, 2008, by ELIZABETH DEANN DAILEY, Registered Nurse License Number 670425 and Vocational Nurse License Number 173361, and said Order is final.

Effective this 10th day of April, 2008.



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