



Respondent's professional nursing employment history continued:

05/88 - 05/91	Charge RN	US Navy Nurse Corps Millington, Tennessee
05/91 - 05/92	RN	Kapiolani Women's and Children Honolulu, Hawaii
09/91 - 08/93	RN	Castle Medical Center Kaneohe, Hawaii
09/93 - 09/94	unknown	
10/94 - 04/95	RN	Na Kahu Malama Nurses Honolulu, Hawaii
04/95 - 05/96	House Supervisor	Byrd Regional Hospital Leesville, Louisiana
05/96 - 04/97	RN	Baptist Medical Center Jacksonville, Florida
12/96 - 09/98	Team Leader	St. Luke's Family Birthplace Jacksonville, Florida
09/98 - 04/99	RN	StarMed Travel Lowell, MA
04/99 - 07/00	Assistant Nurse Manager	Elliot Hospital Manchester, New Hampshire
07/00 - 10/00	RN	RN Network Orlando, Florida
10/00 - 04/01	RN	PPR Travel Inc. Seattle, Washington
04/01 - 01/02	RN	HRN Travel Inc. Seattle, Washington
08/01 - 08/03	RN	StarMed Staffing Renton, Washington
08/03 - 01/04	RN	Memorial Hermann Southwest Houston, Texas

Respondent's professional nursing employment history continued:

10/03 - 05/04	Charge RN	Methodist Willowbrook Medical Center, Houston, Texas
05/04 - 07/04	RN	Clear Lake Medical Center Webster, Texas
07/04 - 03/06	RN	Memorial Hermann Premier Agency Houston, Texas
11/04 - 08/05	Charge RN	HCA Clear Lake Regional Medical Center, Webster, Texas
04/06 - 09/06	RN	Mainland Medical Center Texas City, Texas
10/06 - present	unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Mainland Medical Center, Texas City, Texas, and had been in this position for approximately five (5) months.
7. On or about August 25, 2006, while employed with Mainland Medical Center, Texas City, Texas, Respondent exceeded her scope of practice, as specified by the Texas Board of Nursing, in that she independently managed medical aspects of patient care in the induction of labor and spontaneous vaginal delivery of an infant to Patient Medical Record Number E000416957. Respondent's conduct was likely to injure the patient in that it may have unnecessarily exposed them to risk of harm.
8. On or about August 26, 2006, while employed with Mainland Medical Center, Texas City, Texas, Respondent exceeded her scope of practice, as specified by the Texas Board of Nursing, in that she independently managed medical aspects of patient care in the induction of labor and spontaneous vaginal delivery of an infant to Patient Medical Record Number E000410766. Respondent's conduct was likely to injure the patient in that it may have unnecessarily exposed them to risk of harm.
9. On or about September 1, 2006, while employed with Mainland Medical Center, Texas City, Texas, Respondent exceeded her scope of practice, as specified by the Texas Board of Nursing, in that she independently managed medical aspects of patient care in the induction of labor and spontaneous vaginal delivery of an infant to Patient Medical Record Number E000408737. Respondent's conduct was likely to injure the patient in that it may have unnecessarily exposed them to risk of harm.

10. On or about August 25 and 26, 2006 and September 1, 2006, while employed with Mainland Medical Center, Texas City, Texas, Respondent falsely documented that the physician was present during the delivery of an infant to Patient Medical Record Numbers E000416957, E000410766 and E000408737. Respondent's conduct resulted in an inaccurate medical record.
11. In Response to Findings of Fact Numbers Seven (7), Eight (8) and Nine (9), Respondent states:

"There are many times physicians don't make the deliveries. For the above patients in question, they were all multiparous clients and went very fast. I notified Dr. Wengroff that his patients were complete on all but the last delivery as when I answered her call light the baby was on the perineum. Two nurses entered the room to help me. One set up the delivery and he had told me he was on the west side of town for a meeting so I knew he would not make it in time for her delivery. I was told by him to call early as she would probably go fast but she went faster than we thought she would. One of the nurses offered to call him but I needed the warmer set up in case I had any trouble with the baby so I had her do that instead. After the delivery, I called Dr. Wengroff and he stated he would be in to see her but it would be a little while. I never discussed with Dr. Wengroff that I would do his deliveries for him. I would not take on that responsibility. I am a nurse not an MD. He and I were speaking at the desk regarding his residency experiences and I think that is where all the gossip came from."

#### 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)(B)(D)&(3) and 22 TEX. ADMIN. CODE §217.12(1)(A)(B)(C), (3)(4)&(6)(A)(H).
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 676447, heretofore issued to MARY EVA FRANKLIN, 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 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 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 MARY EVA FRANKLIN, 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 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](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](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>.

(5) RESPONDENT SHALL pay a monetary fine in the amount of one thousand dollars (\$1000). RESPONDENT SHALL pay this fine within ninety (90) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED 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 TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) 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) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT's license. 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 license. 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.

(7) 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.

(8) 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.

(9) 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 two (2) years of employment as a nurse.

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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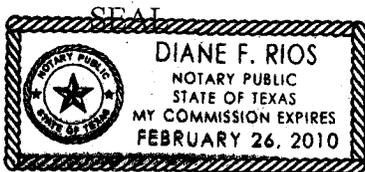
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I 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 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 24<sup>th</sup> day of March, 20 08.

Mary Eva Franklin  
MARY EVA FRANKLIN, Respondent

Sworn to and subscribed before me this 24 day of March, 20 08.



Diane F. Rios  
Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 24th day of March, 2008, by MARY EVA FRANKLIN, Registered Nurse License Number 676447, and said Order is final.

Effective this 13th day of May, 2008.

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

