

BEFORE THE 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.
Patricia Roper-Willson
Executive Director of the Board

In the Matter of Vocational Nurse §
License Number 165647 §
is sued to MARGARET ELIZABETH HO § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that MARGARET ELIZABETH HO, hereinafter referred to as Respondent, License Number 165647, may have violated Section 301.452(b)(10) & (13), Texas Occupations Code.

An informal conference was held on July 22, 2008, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Nancy Roper-Willson, RN, JD, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, John Legris, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Cynthia A. Smith, Supervising Investigator.

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 notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from San Jacinto College North, Houston, Texas, on October 23, 1997. Respondent was licensed to practice nursing in the State of Texas on October 30, 1997.

5. Respondent's nursing employment history includes:

10/97 - 2/99	Staff Nurse	Texas Children's Hospital Houston, Texas
3/99 - 4/03	Private Duty Nurse	Patient N. L. Houston, TX
5/03 - present	Staff Nurse	Continuous Care Solutions Houston, Texas
3/06 - present	Staff Nurse	Regency Hospital Houston, Texas
12/07 - present	Staff Nurse	Accucare Medical Staffing Houston, Texas

6. At the time of the incident, Respondent was employed as a Staff Nurse with Vista Care Hospice, Houston, Texas, and had been in this position for six (6) months.
7. On or about November 12, 2007, while employed with Vista Care Hospice, Houston, Texas, Respondent failed to assess the effectiveness of pain medication for Patient Medical Record Number 080003456 as required. Instead, Respondent inaccurately documented in the medical records of Patient 080003456 at 0545 that she evaluated the effectiveness of pain medication that was administered at 4:45 am, when in fact the patient was not in the facility at the time of her documentation. Respondent's conduct was likely to injure patients in that it created an inaccurate record on which subsequent caregivers would rely to base their ongoing medical care.
8. In response to Finding of Fact Number Seven (7), Respondent states that she assessed Patient Medical Record Number 080003456 at 0445 approximately twenty (20) minutes after administration, to evaluate the effectiveness of the pain medications, but inaccurately documented this assessment in the patient's medical record at 0545.
9. Charges were filed on April 10, 2008.
10. Charges were mailed to Respondent on April 11, 2008.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation of Section 301.452(b) (10) & (13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(D) and 22 TEX. ADMIN. CODE §217.12(10)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code., to take disciplinary action against Vocational Nurse License Number 165647, heretofore issued to MARGARET ELIZABETH HO, including revocation of Respondent's license 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 §211.1 *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 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 MARGARET ELIZABETH HO 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 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/disciplinaryaction/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 vocational nursing in the State of Texas.

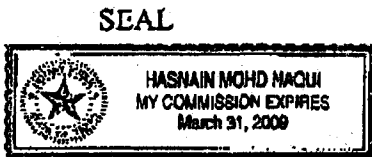
RESPONDENT'S CERTIFICATION

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

Signed this 8th day of September, 2008.

Margaret Ho
MARGARET ELIZABETH HO, RESPONDENT

Sworn to and subscribed before me this 8th day of Sep, 2008.



[Signature]
Notary Public in and for the State of _____

new
Approved as to form and substance.

Nancy Roper-Willson
Nancy Roper-Willson, Attorney for Respondent

Signed this 9th day of September, 2008

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 8th day of September, 2008, by MARGARET ELIZABETH HO, License Number 165647, and said Order is final.

Effective this 10th day of September, 2008.



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