



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 Vocational Nurse License Number 166053 § AGREED
issued to LINDA MARIE ROBINSON § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LINDA MARIE ROBINSON, Vocational Nurse License Number 166053, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Sections 302.402(a)(10) and 301.452(b)(2),(10)&(13), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on July 3, 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 is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Central Texas College, Killeen, Texas, on December 19, 1996. Respondent was licensed to practice vocational nursing in the State of Texas on January 6, 1998.
5. Respondent's complete vocational nursing employment history is unknown.

6. At the time of the initial incident in Finding of Fact Number Ten (10), Respondent was employed as a Licensed Vocational Nurse with Bell County Nursing and Rehabilitation Center, Temple, Texas.
7. On or about August 5, 2002, Respondent entered a plea of Nolo Contendere and was Convicted of DRIVING WHILE INTOXICATED (a Class B Misdemeanor offense committed on March 31, 2002), in the Criminal Court at Law No. 6 of Harris County, Houston, Texas, under Cause No. 1108782. As a result of the conviction, Respondent was sentenced to confinement for a period of three (3) days in the Harris County Jail, with three (3) days credit given for time already served, and was ordered to pay a fine.
8. On or about June 28, 2004, Respondent submitted an online renewal application to the Board of Nurse Examiners for the State of Texas in which she provided false, deceptive, and/or misleading information, in that she answered "No" to the question:

Were you convicted of a misdemeanor other than a minor traffic violation since your last renewal?
9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states the following: "This was my first offense. I had nothing else on my record. I had no intention to lie in any way whatsoever to the Board of Nurse Examiners (BNE). My licensure renewal date was coming fast and furious and it needed to be done before I was out of compliance. This was an honest mistake. Upon completion of any of my employee application/packets I have never hidden this misdemeanor when asked. I have always clearly stated it was a non-contested DWI."
10. On or about November 10, 2006, while employed as a Licensed Vocational Nurse with Bell County Nursing and Rehabilitation Center, Temple, Texas, Respondent either failed to adequately document or failed to assess, evaluate, monitor and intervene for Client J. A., after the client sustained a thermal burn injury while showering. The patient required transfer to an acute care facility for treatment. Respondent's conduct may have resulted in an incomplete medical record or delay in treatment. The client later died thirty-seven (37) days later.
11. In response to Finding of Fact Number Ten (10), Respondent states that she did not fail to assess, evaluate, monitor and perform appropriate nursing intervention for Client J. A. after the client sustained a burn while being given a shower by the assigned CNA. She said that her nursing notes clearly document what was done for this resident. The resident was assessed. Upon assessment, redness was noted without blister formation. In using her nursing judgment, cool water was run over the resident's affected areas, cool compresses were applied, the resident was medicated and monitored throughout her shift. First aid was rendered per protocol as her nursing judgment. She states that she did not go out of her nursing scope of practice but used her nursing judgment. She further responds that she

followed protocol and used her nursing judgment in caring for this resident and at no time failed to assess, evaluate, monitor and perform appropriate nursing intervention for Client J. A.'s burn injury in the shower.

12. On or about November 10, 2006, while employed as a Licensed Vocational Nurse with Bell County Nursing and Rehabilitation Center, Temple, Texas, Respondent may have failed to adequately and completely report and document the status of Client J. A. to other health care team members and to the physician. Respondent's conduct could have caused injury to the client from clinical decisions based upon incomplete assessment information.
13. In Response to Finding of Fact Number Twelve (12), Respondent states that she did document the status of Client J.A. to other health care team members and to the physician. The doctor was faxed as he has always requested the nurses to do in the past in the evenings/after hours. The ADON was notified and assured Respondent that she would contact the DON and Administrator.
14. On or about November 10, 2006, while employed as a Licensed Vocational Nurse with Bell County Nursing and Rehabilitation Center, Temple, Texas, Respondent either incorrectly administered Acetaminophen to Client J.A., at the wrong dosage or incorrectly documented the amount administered. Respondent administered the Acetaminophen without a physician's order to the patient for "comfort." Respondent's conduct was likely to injure the patient in that failure to administer medications as ordered by the physician could have resulted in non-efficacious treatment.
15. In response to Finding of Fact Number Fourteen (14), Respondent states that she checked Client J.A.'s Medication Administration Record (MAR) prior to administering Acetaminophen. A PRN order was found for Acetaminophen and the correct dosage was administered as ordered. Client J.A. has had a PRN order for Acetaminophen for a very long time. She remembers looking in the Medication Administration Record (MAR) prior to administering Acetaminophen to this resident. Respondent asserts that what was written in her nursing note for this resident, in reference to the administration of Acetaminophen, was clearly a clerical error, and the fact still remains that an order for PRN Acetaminophen was present and the correct dosage was administered as ordered.
16. February 16, 2008, Respondent completed the course Physical Assessment Theory, which would be required under this Order.

March 8, 2008, Respondent completed the course Documentation of Nursing Care: Recording and Reporting, which would be required under this Order.

On or about March 1, 2008, Respondent completed the Nursing Jurisprudence and Ethics course, which would be required under this Order.

On or about April 6, 2008, Respondent completed the course Physical Assessment Clinical, which would be required under this Order.

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)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B),(C),(D),(M),(P)&(2)(a), 22 TEX. ADMIN. CODE §217.12(1)(A)&(10)(B), and 22 TEX. ADMIN. CODE §239.11(8)&(29)(A)(eff. to 9/28/04).
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 166053, heretofore issued to LINDA MARIE ROBINSON, including revocation of Respondent's license to practice vocational 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, 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 vocational 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 LINDA MARIE ROBINSON, 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 pay a monetary fine in the amount of two hundred fifty dollars (\$250). RESPONDENT SHALL pay this fine within forty-five (45) days of the effective date 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 LICENSED VOCATIONAL 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 VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(3) 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 conditions 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.

(4) 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.

(5) For the first year of employment as a Licensed Vocational Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse or a Licensed Vocational Nurse. Direct supervision requires another professional or vocational nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The 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.

(6) For the remainder of the stipulation period, RESPONDENT SHALL be supervised by a Registered Nurse or a Licensed Vocational 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.

(7) 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 or Licensed Vocational 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) month period 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 vocational nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

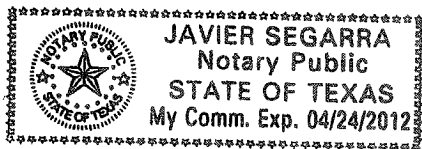
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 11 day of August, 2008.

[Signature]
LINDA MARIE ROBINSON, Respondent

Sworn to and subscribed before me this 11th day of August, 2008.

SEAL



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

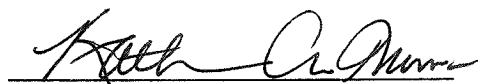
Approved as to form and substance.

[Signature]
TARALYNN R. MACKAY, Attorney for Respondent

Signed this 14th day of August, 2008.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 11th day of August, 2008, by LINDA MARIE ROBINSON, Vocational Nurse License Number 166053, and said Order is final.

Effective this 9th day of September, 2008.



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