

BEFORE THE TEXAS BOARD OF NURSING



In the Matter of Registered License Number 431117 § AGREED
issued to DOROTHY D. McGEE § ORDER

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 R. Marshall
Executive Director of the Board

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that DOROTHY D. McGEE, hereinafter referred to as Respondent, Registered Nurse License Number 431117, may have violated Section 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on June 24, 2008, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Louis Leichter, Attorney at Law. In attendance were Carol Marshall, RN, MSN, Nursing Consultant, Executive Director's Designee; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Denise Benbow, RN, MSN, Nursing Consultant; and Kim L. Williamson, RN, 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 consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Baccalaureate Degree in Nursing from Northwestern State University, Natchitoches, Louisiana, on May 15, 1973. Respondent was licensed to practice professional nursing in the State of Louisiana in 1973 and was licensed to practice professional nursing in the State of Texas on September 20, 1974.

5. Respondent's professional nursing employment history includes:

1973 to 1983	Unknown
1984 yo 1987	RN American Medical Corp. Houston, Texas
1987 to 1992	RN Critical Care America Houston, Texas
1993 to 1996	RN Vanguard Health Care of Texas Houston, Texas
1997 to 2003	RN, Infusion Therapy Consultant National Institute Pharmacy Services Houston, Texas
6/03 to 10/03	RN, Director of Nursing Consolidated Community Resources Houston, Texas
10/03 to 8/07	RN All Nursing Home Health Services, Inc. Houston, Texas
1/05 to Unknown	RN Omni Home Care Bellaire, Texas
8/07 to Present	RN and Assistant Director of Nursing New Dimensions Home Healthcare Plus Houston, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a RN with All Nursing Home Health Services, Inc., Houston, Texas, and had been in this position for three (3) years and eight (8) months.

7. On or about June 28, 2007, while employed with All Nursing Home Health Services, Inc., Houston, Texas, Respondent falsified documentation of a skilled nurse discharge assessment in the medical record of Patient Number KRE7083ME, including the patient's skin color and

turgor, that the patient's gastrointestinal tract was within normal limits, and that the patient's heart rate was both irregular and within normal limits. Further, Respondent documented that the patient was awake, alert, oriented, and offering no complaints when she received the patient, and documented that the patient was instructed to follow-up with the physician and to take medications as ordered. Finally, Respondent included a patient signature on the visit slip for this visit along with the times of the visit from 4:10 p.m. to 5:05 p.m. The patient was hospitalized and was not at home on the date that Respondent documented she completed the discharge assessment. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient from having been discharged from home health services without an accurate assessment of current medical status.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that at the time she was having pain and was scheduled for hip surgery the following day. Respondent was trying to complete all of her documentation and states that she completed a discharge note rather than a no-treatment note for the patient. Respondent concluded that she was overworked and stressed about her upcoming surgery.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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)&(3)(A) and 217.12(1)(A),(1)(C),(4)&(6)(A).
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 431117, heretofore issued to DOROTHY D. McGEE, 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 WARNING 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 DOROTHY D. McGEE, to the office of the Texas Board of Nursing within ten (10) days of the date 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 Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; 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/disciplinaryaction/stipscourses.html>.*

(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/disciplinaryaction/stipscourses.html>.*

(4) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00). RESPONDENT SHALL pay this fine within forty-five (45) 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 NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD.

(5) 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.

(6) 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.

(7) 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 **with the exception of Respondent's current employment with New Dimensions Home Healthcare Plus, Houston, Texas, so long as Respondent provides no home visits, provides no staff teaching in the home health setting and preforms no supervisory visits in homes. Further, in her employment as an Assistant Director of Nursing with New Dimensions Home Healthcare Plus, Houston, Texas, Respondent may continue her case management and administrative duties so long as Respondent performs those duties under the supervision of the Director of Nursing or the RN Administrator.** RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) 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) month period for one (1) year 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 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 2 day of September 08

Dorothy D. McGee
DOROTHY D. McGEE, Respondent

Sworn to and subscribed before me this 2 day of September, 2008.



Kerri McLean
Notary Public in and for the State of Texas

Approved as to form and substance.

Louis Leichter
Louis Leichter, Attorney for Respondent

Signed this 3 day of Sept, 2008

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 2nd day of September, 2008, by DOROTHY D. McGEE, Registered Nurse License Number 431117, and said Order is final.

Effective this 23rd day of October, 2008.



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