

BEFORE THE TEXAS BOARD OF NURSING



In the Matter of Vocational Nurse License Number 198615
issued to LEANN ENDERLE

§ AGREED
§ 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.
Katherine A. Thomas
Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LEANN ENDERLE, Vocational Nurse License Number 198615, herein referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on October 26, 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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Pima Community College, Tucson, Arizona on December 10, 1993. Respondent was licensed to practice vocational nursing in the State of Texas on June 7, 2005.
5. Respondent's vocational nursing employment history includes:

January 1994 - September 1994

LVN
Hartselle Family Medicine
Hartselle, Alabama

Respondent's vocational nursing employment history continued:

June 1994 - February 1995	LVN Age, Inc./West Morgan Health Care Center Decatur, Alabama
November 1994 - March 1995	LVN Dr. David E. Bowers Decatur, Alabama
February 1995 - November 1995	LVN Medical Park Convalescent Center Decatur, Alabama
January 1996 - April 1997	LVN Consolidated Home & Healthcare Services Decatur, Alabama
August 1996 - June 1997	LVN Dr. Jay R. Solorio Decatur and Hartselle, Alabama
April 1997 - December 1998	LVN Private Duty Nursing Services, Inc. Decatur, Alabama
February 1999 - June 2000	LVN Cushing Memorial Hospital Leavenworth, Kansas
June 2000 - December 2004	LVN Dr. Debra Heidgen and Dr. Vernon A. Mills Leavenworth, Kansas
February 2005 - August 2006	LVN Altomar Home Healthcare, Inc. El Paso, Texas
September 2006 - Present	Unknown

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Altomar Home Healthcare, Inc., El Paso, Texas, and had been in this position for one (1) year and five (5) months.

7. On or about July 19, 2006, while employed with Altomar Home Healthcare, Inc., El Paso, Texas, Respondent slapped the hand of Patient Medical Record Number MD001404 in order to prevent him from pushing objects off the table and breaking them. The patient was later assessed and found to be fine with no visible redness, bruising or inflammation to his hands. Respondent's conduct was likely to injure the patient in that it exposed the patient unnecessarily to a risk of experiencing emotional and/or psychological harm.
8. Regarding the conduct outlined in Finding of Fact Number Seven (7), Respondent states that she was working with the patient on fine motor skills at the kitchen table when he began pushing items off the table and pulling at the tablecloth. Respondent admits that she spanked the patient's hand once. However, she states that she did not do it to discipline the patient, but rather to prevent the patient from breaking objects and possibly harming himself. She states that if she had allowed patient to break objects thus hurting or harming himself then she would have been neglecting the patient.

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 violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(C).
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 198615, heretofore issued to LEANN ENDERLE, 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 REMEDIAL EDUCATION, 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 the State of Texas.

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 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 license issued to LEANN ENDERLE 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 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>.

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 waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation 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 license to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

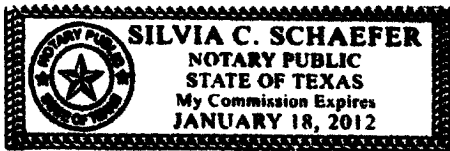
Signed this 10th day of Nov., 2008.

Leann Enderle
LEANN ENDERLE, Respondent

Sworn to and subscribed before me this 10th day of November, 2008.

SEAL

Silvia Schaefer
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 10th day of November, 2008, by LEANN ENDERLE, Vocational Nurse License Number 198615, and said Order is final.

Effective this 14th day of November, 2008.



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