BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
****

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.
Executive Director of the Board

In the Matter of	§	ELIGIBILITY
JILL MICHAEL PRUETT	§	
APPLICANT for Eligibility for Licensure	§	AGREED ORDER

On the date entered below, the Board of Nurse Examiners for the State of Tex hereinafter referred to as the Board, considered the Application for Licensurey by Endorsement and supporting documents filed by JILL MICHAEL PRUETT, hereinafter referred to as APPLICANT, together with any documents and information gathered by staff and APPLICANT's Certificate contained herein. Information received by the Board produced evidence that APPLICANT may have violated Section 301.452(8) *et seq.*, Texas Occupations Code.

APPLICANT waived representation by counsel, notice and hearing, and agreed to the entry of this Order offered on June 17, 2005, by Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. On or about April 4, 2005, Applicant submitted an Application for Licensure by Endorsement in compliance with Section 301.260 *et seq.*, Texas Occupations Code.

2. Applicant waived representation, notice, administrative hearing, and judicial review.

3. Applicant graduated with a Diploma in Vocational Nursing from Maric College, Vista, California, in June 1992.

4. Applicant completed the application for licensure by endorsement and answered "yes" to the question which reads as follows: *"Has any licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a license or certificate held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?."*

5. On May 18, 1995, Applicant was issued a Stipulated Findings of Fact, Conclusions of Law and Agreed Order by the State of Washington, Department of Health, Nursing Care Quality Assurance Commission, placing a formal Reprimand on Applicant's nursing license. A Copy of the May 18, 1995, Washington Department of Health Stipulated Findings of Fact, Conclusions of Law and Agreed Order is attached and incorporated by reference as part of this Order.

6. Applicant has sworn that with the exception of matters disclosed in connection with the Application for Licensure by Endorsement her past behavior conforms to the Board's professional character requirements.

7. After considering the action taken by the State of Washington, Department of Health, Nursing Care Quality Assurance Commission along with Applicant's conduct since May 18, 1995, the Executive Director is satisfied that Applicant is able to meet the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

8. On June 17, 2005, the Executive Director considered evidence of Applicant's behavior in light of the character factors set out in 22 Texas Administrative Code §213.27 and determined that Applicant currently demonstrates the criteria required for good professional character.

9. Applicant presented sufficient evidence that she would not pose a direct threat to the health and safety of patients and the public.

10. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Applicant's disclosures.

11. Applicant has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

CONCLUSIONS OF LAW

1. The Board of Nurse Examiners has jurisdiction over this matter pursuant to Section 301.453 *et seq.*, Texas Occupations Code.

2. Applicant has submitted an Application for Licensure by Endorsement in compliance with 301.260 *et seq.*, Texas Occupations Code.

3. The evidence in Finding of Fact Number Five (5) is sufficient cause to take disciplinary action under Section 301.452 *et seq.*, Texas Occupations Code, and, therefore, sufficient cause to deny licensure.

4. The action taken by another jurisdiction is grounds for denial of a license under Section 301.452 *et seq.*, Texas Occupations Code.

5. Applicant shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452 *et seq.*, Texas Occupations Code.

6. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 Texas Administrative Code §213.27, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

ORDER

IT IS THEREFORE AGREED that the application of JILL MICHAEL PRUETT, APPLICANT, is hereby CONDITIONALLY GRANTED and shall be subject to the following conditions:

(1) APPLICANT SHALL obtain and read the Texas Nursing Practice Act, and the Rules and Regulations Relating to Vocational Nurse Education, Licensure and Practice.

(2) Upon payment of the necessary fees, APPLICANT SHALL be issued a license to practice vocational nursing in the State of Texas, which shall bear the appropriate notation.

(3) Upon receiving authorization to practice vocational nursing in Texas, APPLICANT 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 Professional 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 APPLICANT's multistate licensure privilege, if any, to practice vocational nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while APPLICANT's license is encumbered by this Order the APPLICANT 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 APPLICANT wishes to work.

(4) APPLICANT SHALL, within one (1) year of licensure in the State of Texas, successfully complete a course in Texas nursing jurisprudence. APPLICANT SHALL obtain Board approval of the course prior to enrollment. 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, and documentation of care. Courses focusing on malpractice issues will not be accepted. APPLICANT 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 APPLICANT'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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(5) APPLICANT SHALL, within one (1) year of initial licensure in the State of Texas, successfully complete a course in nursing ethics. APPLICANT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. APPLICANT

SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify APPLICANT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, APPLICANT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

APPLICANT'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all relevant information in conformity with Rule 213.29 at Texas Administrative Code. I certify that my past behavior, except as disclosed in my Application for Licensure by Endorsement, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior and have no pending cases in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Section 301.257, Texas Occupations Code, Section 301.452 (a),(b) and (c), Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and Board Rules 213.27, 213.28, and 213.29 at 22 Texas Administrative Code. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations set out in this Order. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any permit or license from the Board of Nurse Examiners.

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.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Executive Director of the Board of Nurse Examiners enter this Order.

Signed this 18 day of July, 2005.

Jill Pruett

JILL MICHAEL PRUETT, APPLICANT

Sworn to and subscribed before me this 18 day of July, 2005.

SEAL

Karen L Ascue

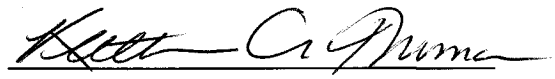
Notary Public in and for the State of Texas

KAREN L ASCUE
Notary Public, State of Texas
My Commission Expires
July 16, 2009

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Order of Conditional Eligibility that was signed on the 18th day of July, 2005, by JILL MICHAEL PRUETT, APPLICANT, for Licensure by Endorsement, and said Order is final.

Entered this *22nd* day of *July*, *2005*.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS



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

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION

In the Matter of the License to Practice Practical Nursing of: JILL M. COPE, L.P.N., Respondent.	NO. PN 0760 STATEMENT OF CHARGES

COMES NOW Jeanne Giese, Manager, LPN Discipline, of the Washington State Nursing Care Quality Assurance Commission ("Commission"), and upon designation by the disciplinary authority, states and alleges as follows:

I. JURISDICTION

1.1 As of July 1, 1994, pursuant to chapter 18.79 RCW, the legislature created the Washington State Nursing Care Quality Assurance Commission. The jurisdictions of the former Board of Nursing and Board of Practical Nursing have been merged into the Nursing Care Quality Assurance Commission. Adjudicative authority for the Uniform Disciplinary Act, chapter 18.130 RCW, has been transferred to the Commission pursuant to RCW 18.79.120.

II. LICENSE STATUS

2.1 At all times material to this Statement of Charges, Respondent has been licensed to practice practical nursing in the state of Washington.

III. CONFIDENTIAL SCHEDULE

3.1 The patient referred to in this Statement of Charges is identified in the attached Confidential Schedule.

IV. FACTUAL ALLEGATIONS

4.1 That Respondent, on or about May 1994, while employed at Laurelwood Care Center in Bellevue, Washington, failed to administer insulin and obtain a blood glucose reading as ordered at 1700 hours for Patient because Patient was out of the facility. When Patient returned to the facility at 2000, Respondent failed to administer the ordered insulin and to obtain a blood glucose reading. At 0600 on May 1994, another staff member found Patient blood glucose reading to be >600 and Patient complained of feeling ill.

V. ALLEGED VIOLATIONS

5.1 The allegations contained in Section IV above constitute grounds for disciplinary action against Respondent's license to practice as a licensed practical nurse in the state of Washington pursuant to RCW 18.130.160; RCW 18.130.180(4), (7); WAC 246-838-030(15), (21); and WAC 246-838-260(1)(a)(iv), (c)(i)(iii) which state in pertinent part as follows:

> **RCW 18.130.160 Finding of unprofessional conduct---Orders---Sanctions---Stay---Costs.** Upon a finding that a license holder or applicant has committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, the disciplining authority may issue an order providing for one or any combination of the following:
> (1) Revocation of the license;
> (2) Suspension of the license for a fixed or indefinite term;
> (3) Restriction or limitation of the practice;
> (4) Requiring the satisfactory completion of a specific program of remedial education or treatment;

(5) The monitoring of the practice by a supervisor approved by the disciplining authority;

(6) Censure or reprimand;

(7) Compliance with conditions of probation for a designated period of time;

(8) Payment of a fine for each violation of this chapter, not to exceed one thousand dollars per violation. Funds received shall be placed in the health professions account;

(9) Denial of the license request;

(10) Corrective action;

(11) Refund of fees billed to and collected from the consumer.

Any of the actions under this section may be totally or partly stayed by the disciplining authority. In determining what action is appropriate, the disciplining authority must first consider what sanctions are necessary to protect or compensate the public. Only after such provisions have been made may the disciplining authority consider and include in the order requirements designated to rehabilitate the license holder or applicant. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

RCW 18.130.180 Unprofessional conduct. The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

. . .

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed. The use of a nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk that a patient may be harmed;

. . .

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

WAC 246-838-030 Standards of conduct for discipline for licensed practical nurses. The standards of conduct for discipline serve as guidelines for the licensed practical nurse. Violation of these standards may be grounds for disciplinary action pursuant to RCW 18.130.180(7). The licensed practical nurse assumes a measure of responsibility, trust and the corresponding

obligation to adhere to the standards of conduct, which include, but are not limited to the following:

. . .

(15) The licensed practical nurse may withhold or modify client care which has been authorized by an appropriate health care provider, only after receiving directions from an appropriate person, unless in a life threatening situation.

WAC 246-838-260 Standards/competencies. Minimum standards of competency expected of beginning licensed practical nurses include the following:

(1) STANDARD I - The practical nurse assists in implementing the nursing process. The nursing process is defined as a systematic approach to nursing care which has the goal of facilitating an optimal level of functioning for the client, recognizing cultural and religious diversity.

The components of the nursing process are assessing, planning, implementing and evaluating. Written and verbal communication is essential to the nursing process.

COMPETENCIES:

(a) Assessment - Makes observations, gathers data and assists in identification of needs and problems relevant to the client.

. . .

(iv) Collects specific data as directed.

. . .

(c) Implementation - Carries out planned approaches to client care.

(i) Carries out nursing actions developed in care plan to ensure safe and effective nursing care.

. . .

(iii) Administers medications safely and accurately, within institutional policies and procedures, and with knowledge of the medication being administered.

It is further alleged that the allegations specified and conduct referred to in this Statement of Charges affect the public health, safety and welfare, and the Washington State Nursing Care Quality Assurance Commission directs that a notice be issued and served on Respondent as provided by law, giving Respondent the opportunity to defend against the accusations of the Statement of Charges. If Respondent fails to defend against these allegations,

Respondent shall be subject to such discipline as is appropriate under RCW 18.130.160.

DATED this 14th day of February, 1995.

WASHINGTON STATE NURSING CARE
QUALITY ASSURANCE COMMISSION

Jeanne Giese

JEANNE GIESE
Manager, LPN Discipline

Nina Chang

NINA CHANG
Assistant Attorney General

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION

In the Matter of the License to Practice Practical Nursing of: JILL M. COPE, L.P.N., Respondent.	NO. PN 0760 STIPULATED FINDINGS OF FACT, CONCLUSIONS OF LAW AND AGREED ORDER

The Washington State Nursing Care Quality Assurance Commission ("Commission") by and through its counsel of record, Nina Chang, Assistant Attorney General, and Jill M. Cope, Respondent, stipulate and agree to the following:

I. JURISDICTION

1.1 As of July 1, 1994, pursuant to chapter 18.79 RCW, the legislature created the Washington State Nursing Care Quality Assurance Commission. The jurisdictions of the former Board of Nursing and Board of Practical Nursing have been merged into the Nursing Care Quality Assurance Commission. Adjudicative authority for the Uniform Disciplinary Act, chapter 18.130 RCW, has been transferred to the Commission pursuant to RCW 18.79.120.

I. PROCEDURAL STIPULATION

2.1 Jill M. Cope has been licensed to practice practical nursing in the state of Washington at all times relevant to this action.

2.2 On February 14, 1995 the Commission issued a Statement of Charges regarding the professional practice of Respondent.

2.3 The Statement of Charges alleges that Respondent violated RCW 18.130.180(4), (7); WAC 246-838-030(15), (21); and WAC 246-838-260(1)(a)(iv), (c)(i)(iii).

2.4 Respondent understands the State is prepared to proceed to a hearing upon the merits of the Statement of Charges.

2.5 Respondent understands that she has the right to defend herself against the allegations in the Statement of Charges by presenting evidence in her behalf at said hearing.

2.6 Respondent understands that, should the State in fact prove at hearing the allegations in the Statement of Charges, the Commission has the power and authority to impose sanctions per RCW 18.130.160.

2.7 Respondent and the Commission agree to expedite the resolution of this matter by means of a Stipulated Findings of Fact, Conclusions of Law and Agreed Order.

2.8 Respondent waives the opportunity to a hearing on the Statement of Charges based on the entry of the following Agreed Order.

2.9 Respondent acknowledges that said Agreed Order is not binding unless and until it is accepted by the Commission.

2.10 Respondent acknowledges that should this Stipulated Findings of Fact, Conclusions of Law and Agreed Order be accepted it will be subject to the reporting requirements of RCW 18.130.110.

2.11 <u>WAIVER OF OBJECTION</u>: Respondent is informed and understands that:

a. At the presentation of this Agreed Order the Commission may ask the parties for information regarding the facts of this case. The parties have the right to be present, ask and answer questions and make argument to the Commission regarding the appropriateness of this Agreed Order.

b. Respondent waives any objection to the participation on a hearing panel of all or some of the Commission members who hear Stipulation presentation in the event that the Stipulation is rejected and this matter proceeds to a hearing.

III. STIPULATED FACTS

The State and Respondent stipulate to the following facts:

3.1 That Respondent, on or about May , 1994, while employed at Laurelwood Care Center in Bellevue, Washington, failed to administer insulin and obtain a blood glucose reading as ordered at 1700 hours for Patient . because Patient was out of the facility. When Patient returned to the facility at 2000, Respondent failed to administer the ordered insulin and to obtain a blood glucose reading. At 0600 on May , 1994, another staff member found Patient blood glucose reading to be >600 and Patient complained of feeling ill.

IV. CONCLUSIONS OF LAW

The State and Respondent do not object to entry of the following Conclusions of Law:

4.1 Jurisdiction. The Commission has jurisdiction over Respondent and the subject matter of this proceeding pursuant to chapter 18.130 RCW.

4.2 The actions described in Section III above constitute grounds for disciplinary action against Respondent's license to

practice practical nursing pursuant to RCW 18.130.160; RCW 18.130.180(4), (7); WAC 246-838-030(15), (21); and WAC 246-838-260(1)(a)(iv), (c)(i)(iii).

V. AGREED ORDER

Based on the preceding Stipulated Facts and Conclusions of Law, the Commission orders:

5.1 Respondent shall be and is hereby formally REPRIMANDED.

5.2 Respondent shall not violate any law or regulation regarding the practice of practical nursing.

5.3 Respondent shall submit directly to the Commission a three to five page typed report on the need for timely assessments of the diabetic patient. Such report shall contain at least three current references and shall be submitted within ninety (90) days of the date of this Order.

5.4 Any and all costs involved in complying with these orders shall be borne by Respondent.

5.5 Any failure to comply with the conditions imposed by the Commission will be grounds for further disciplinary action.

5.6 IN THE EVENT THAT THIS SETTLEMENT PROPOSAL IS NOT ACCEPTED BY THE COMMISSION, IT IS HEREBY UNDERSTOOD AND AGREED BETWEEN THE PARTIES TO THIS AGREEMENT THAT THE COMMISSION IS AUTHORIZED TO HEAR THIS MATTER AT ITS NEXT AVAILABLE DISCIPLINARY MEETING.

VI. CERTIFICATION

I, Jill Pruett, hereby certify that I have read this Stipulation and Agreement in its entirety, that if I have counsel of record that he/she has fully explained the legal

significance and consequence of it, that I fully understand and agree to all of the same, and in witness whereof I affix my signature this 8th day of April, 1995.

Jill Pruett, LPN formerly Jill Cope
JILL M. COPE, LPN
Respondent

VII. ORDER

The Commission accepts the Stipulated Findings of Fact, Conclusions of Law, and Agreed Order as ordered. Respondent is ORDERED to comply with the conditions stated in Section V above. IT IS FURTHER ORDERED that all parties shall be bound by the terms and conditions of Section V.

DATED this 18th day of May, 1995.

WASHINGTON STATE NURSING CARE
QUALITY ASSURANCE COMMISSION

By: Jean E. Stevens

Presented by:

Nina Chang
NINA CHANG
Assistant Attorney General

Stipulated to and Approved for
Entry and Notice of Presentation
Waived:

Jill Pruett, LPN
JILL M. COPE, LPN
Respondent formerly Jill Cope

Attorney for Respondent

RECEIVED
JUL 21 2005