BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Vocational Nurse	§	REINSTATEMENT
License Number 207640	§	
issued to CHARI CHANEL	§	AGREED ORDER

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

On this day came to be considered by the Texas Board of Nursing, hereinafter re as the Board, the Petition for Reinstatement of Vocational Nurse License Number 207640, held by CHANEL, hereinafter referred to as Petitioner.

An informal conference was held on May 6, 2014, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Petitioner 's informal conference was conducted telephonically. Petitioner was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Katherine A. Thomas, MN, RN, FAAN, Executive Director; Jena Abel, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Christina Stelly, MSN, RN, Nurse Consultant; Kimberly Chavez, Investigator; and Carolyn Hudson, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).

2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.

3. Petitioner received a Certificate in Vocational Nursing from the Detroit Board of Eduication, Detroit, Michigan, on August 29, 2002. Petitioner was originally licensed to practice vocational nursing in the State of Texas on December 19, 2006.

4. Petitioner's nursing employment history includes:

2003 - 2004	Graduate Nurse	Oakwood Healthcare Dearborn, Michigan
2004 - 2006	LPN	Middlebelt Healthcare Farmington Hills, Michigan
2006 - 2006	LPN	Scottsdale Healthcare Scottsdale, Arizona
2006 - 2007	LPN	Irving Healthcare Irving, Texas
2007 - 2009	Agency Nurse	First Call Staffing Oklahoma City, Oklahoma
07/13 - present	LVN	White Pines Nursing Pontiac, Michigan

5. On March 23, 2010, Petitioner's license to practice vocational nursing in the State of Texas was revoked by the Texas Board of Nursing. A copy of the March 23, 2010, Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.

6. On or about October 7, 2013, Petitioner submitted a Petition for Reinstatement of License to practice vocational nursing in the State of Texas.

7. Petitioner presented the following in support of her petition:

   7.1. Letter of support, from Garry Williams, FAA Radar Tech, states that he has known Petitioner in a variety of capacities for many years. Petitioner is organized, efficient, honest, enthusiastic, and extremely competent. Mr. Williams states that Petitioner has an excellent rapport with people of all ages, and her communication skills, both written and verbal, are excellent. Mr. Williams recommends reinstatement of Petitioner's nursing license.

   7.2. Letter of support, from Andrea M. Polaczek, RN, BSN, states that Petitioner was employed at a long term care facility as a nurse and her skills were exemplary. Petitioner's daily job performance was above reproach. Ms. Polaczek states that Petitioner was caring, compassionate, and willing to go the extra mile for the patients. Petitioner was honest, respectful, and dependable.

   7.3. Verification of successful completion of twenty (20) Type I Continuing Education Contact Hours.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Texas Board of Nursing, that the petition of CHARI CHANEL, Vocational Nurse License Number 207640, to practice nursing in the state of Texas, be and the same is hereby GRANTED, AND SUBJECT TO THE FOLLOWING STIPULATIONS SO LONG AS THE PETITIONER complies 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 the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Petitioner to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Petitioner's license(s) is/are encumbered by this Order, Petitioner may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Petitioner wishes to work.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has completed the following pre-licensure conditions and obtained a license to practice vocational nursing from the Board.

(2) PETITIONER SHALL pay all re-registration fees and be issued a license to practice vocational nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to CHARI CHANEL, shall be subject to the following agreed post-licensure probation conditions:

(3) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER 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) 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. PETITIONER 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 PETITIONER'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.texas.gov/disciplinaryaction/stipscourses.html.*

(4) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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.texas.gov/disciplinaryaction/stipscourses.html.*

(5) PETITIONER SHALL, within one (1) year of entry of relicensure, successfully complete a course in nursing documentation. PETITIONER 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. PETITIONER SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify PETITIONER'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.texas.gov/compliance.*

(6) PETITIONER SHALL, within one (1) year of relicensure, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, PETITIONER SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. 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 at the following Board website address: http://www.bon.texas.gov/disciplinaryaction/stipscourses.html.*

IT IS FURTHER AGREED, SHOULD PETITIONER CHOOSE TO WORK AS A NURSE IN TEXAS, PETITIONER 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 PROBATION CONDITIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE PROBATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(7) PETITIONER SHALL notify all future employers in vocational nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER 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.

(8) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Petitioner by the Board, to the Board's office within five (5) days of employment as a vocational nurse.

(9) PETITIONER SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and 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 PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(10) PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the nurse who supervises the PETITIONER. 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, all encumbrances will be removed from PETITIONER'S license(s) to practice nursing in the State of Texas and PETITIONER may be eligible for nurse licensure compact privileges, if any.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, 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 in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. 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 agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice vocational nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license(s) to practice nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 19 day of June, 2014.

CHARI CHANEL, Petitioner

Sworn to and subscribed before me this 19th day of June, 2014.

SEAL

Natalie M. VanderMale
Notary Public in and for the State of Michigan

NATALIE M. VANDERMALE
Notary Public, State of Michigan
County of Oakland
My Commission Expires Dec. 14, 2019
Acting in the County of Oakland

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 19th day of June, 2014, by CHARI CHANEL, Vocational Nurse License Number 207640, and said Order is final.

Effective this 19th day of August, 2014.

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

IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 207640	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
CHARI CHANEL	§	BOARD OF NURSING

BOARD OF NURSING TEXAS
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

ORDER OF THE BOARD

TO: Chari Chanel
8207 North Rockwell Avenue, #409
Oklahoma City, Oklahoma 73132

During open meeting held in Austin, Texas, on March 23, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 207640, previously issued to CHARI CHANEL, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 207640, previously issued to CHARI CHANEL, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice vocational nursing in the State of Texas.

Entered this 23rd day of March, 2010.

TEXAS BOARD OF NURSING

BY: _____

KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 207640
Issued to CHARI CHANEL
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of March, 2010, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Chari Chanel
8207 North Rockwell Avenue, #409
Oklahoma City, Oklahoma 73132

BY: [signature]
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License	§	BEFORE THE TEXAS
Number 207640, Issued to	§	
CHARI CHANEL, Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CHARI CHANEL, is a Vocational Nurse holding license number 207640, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about December 24, 2006, through December 26, 2006, while employed with Irving Nursing and Rehabilitation, Irving, Texas, Respondent failed to administer Heparin to Resident Number 168 as ordered by physician. Respondent's conduct was likely to injure the resident in that the resident could have developed the life-threatening condition, deep vein thrombosis.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13),Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11 (1)(A),(1)(B),(1)(C)&(1)(M) and TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

CHARGE II.

On or about March 10, 2007, through March 11, 2007, while employed with Irving Nursing and Rehab, Irving, Texas, Respondent failed to administer and/or document administration of Lorazepam 0.5 mg gel to Resident LA, as ordered by the physician. Respondent's conduct was likely to injure the resident in that failure to administer medications as ordered by the physician could have resulted in non-efficacious treatment and failure to document administration could have resulted in excess administration of medication by subsequent care givers.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13),Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C),(1)(D)&(1)(M)) and TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

CHARGE III.

On or about March 17, 2007, through March 18, 2007, while employed with Irving Nursing and Rehab, Irving, Texas, Respondent failed to administer and/or document administration of medications and treatments to residents, as ordered by physicians, as follows:

Resident	Date	Medication	Documented
LA	3/17/20070- 3/18/2007	Ativan	No
SH	3/17/2007 - 3/18/2007	Remeron	No
SH	3/17/2007 - 3/18/2007	Lisinopril	No
SH	3/17/2007 - 3/18/2007	Norvasc	No
SH	3/17/2007 - 3/18/2007	Seroquel	No
SH	3/17/2007 - 3/18/2007	Med Pas 2.0	No
SH	3/17/2007 - 3/18/2007	Protein Powder	No
SH	3/17/2007 - 3/18/2007	Senokot	No
SH	3/17/2007 - 3/18/2007	Lactulose	No
SH	3/17/2007 - 3/18/2007	Milk of Magnesia	No
SH	3/17/2007 - 3/18/2007	Calcium Tab	No
SH	3/17/2007 - 3/18/2007	Multivitamin	No
SH	3/17/2007 - 3/18/2007	Thyroid 1 grain tab	No
SH	3/17/2007 - 3/18/2007	Aricept	No
SH	3/17/2007 - 3/18/2007	Namenda	No
EW	3/17/2007 - 3/18/2007	Coumadin	No
DS	3/18/2007	70/30 Insulin 12 units am	No
DS	3/18/2007	70/30 Insulin 5 units pm	No
LS	3/18/2007	Fingerstick BID	No
LS	3/18/2007	70/30 Insulin 20 units am	No
LS	3/18/2007	70/30 Insulin 10 units pm	No
IH	3/18/2007	Fingerstick BID	No

Respondent's conduct was likely to injure residents in that failure to administer medications as ordered by the physician could have resulted in non-efficacious treatment and failure to document administration could have resulted in excess administration of medication by subsequent care givers.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13),Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C),(1)(D)&(1)(M)) and TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars ($1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order of Denial by the Arizona State Board of Nursing, dated July 25, 2007.

Filed this 9th day of October, 2009.

TEXAS BOARD OF NURSING

James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103
Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847
John F. Legris, Assistant General Counsel
State Bar No. 00785533
Ronald Lloyd Simpson, Jr., Assistant General Counsel
State Bar No. 24067868
TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Order of Denial, Before the Arizona State Board of Nursing, July 25, 2007

0999/D