

5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 894706, previously issued to JONATHAN PETER LINDSEY, to practice nursing in Texas is hereby **SUSPENDED** with the suspension **STAYED** and Respondent is hereby placed on **PROBATION**, in accordance with the terms of this Order, for a minimum of two (2) years **AND** until Respondent fulfills the requirements of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. As a result of this Order, Respondent's license(s) will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to 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.

III. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders," which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at:

<http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

IV. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) **within one (1) year of the effective date of this Order, unless otherwise specifically indicated:**

- A. **A Board-approved course in Texas nursing jurisprudence and ethics** that 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. Home study courses and video programs will not be approved.
- B. 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/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

V. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, **for a minimum of**

sixty-four (64) hours per month for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as a nurse 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 period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. **Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL be directly 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. Direct supervision requires another nurse, as applicable, 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). 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.
- D. **Indirect Supervision:** For the remainder of the stipulation/probation period, RESPONDENT 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 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.

- E. Nursing Performance Evaluations:** 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 individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for eight (8) quarters [two (2) years] of employment as a nurse.

VI. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

VII. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S licensc(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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02/15/2018 4:01PM FAX 5123056870

ENFORCEMENT

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(s) alleged herein. By my signature on this Order, I agree to the entry of this 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 25th day of February, 2018.

Jonathan P. Lindsay
JONATHAN PETER LINDSBY, Respondent

Sworn to and subscribed before me this 20th day of February, 2018.

Yasmeen Rehmatullah
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 20th day of February, 2018, by JONATHAN PETER LINDSEY, Registered Nurse License Number 894706, and said Order is final.

Effective this 13th day of March, 2018.



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



ARKANSAS STATE BOARD OF NURSING

1123 S. University Avenue, Suite 800 • Little Rock, Arkansas 72204
Phone: (501) 686-2700 • Web: www.arsbn.org

Sue A. Tedford, MNsc, APRN
Executive Director

W. Fred Knight
General Counsel

CEASE AND DESIST ORDER

REGULAR & CERTIFIED MAIL
RETURN RECEIPT-7017 0660 0000 5287 7754

August 23, 2017

Jonathan Peter Lindsey
7827 Talladega Springs Lane
Richmond, TX 77407

RE: Texas RN License No. 894706
Multistate License Privilege to Practice

Dear Mr. Lindsey:

Jonathan Peter Lindsey (hereinafter referred to as Respondent) holds a RN license in the State of Texas, a member of the Interstate Nurse Licensure Compact. Respondent worked in Arkansas on a multistate licensure privilege of the Interstate Nurse Licensure Compact. The Arkansas State Board of Nursing has authority to take action on Respondent's privilege to practice in the State of Arkansas.

A.C.A. §17-87-601 Article III

(b) Party states [any state that has adopted the Compact] may, in accordance with state due process laws, limit or revoke the multistate licensure privilege of any nurse to practice in their states and may take any other actions under their applicable state laws necessary to protect the health and safety of their citizens.

(c) Every nurse practicing in a party state must comply with the state practice laws of the state in which the patient is located at the time care is rendered. In addition, the practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of a party state. The practice of nursing will subject a nurse to the jurisdiction of the nurse licensing Board and the courts, as well as the laws, in that party state.

A.C.A. §17-87-601 Article VI

Notwithstanding any other powers, party state nurse licensing Boards shall have the authority to:

(3) Issue cease and desist orders to limit or revoke a nurse's authority to practice in their state;

A.C.A. §17-87-602.

The Arkansas State Board of Nursing may limit or revoke practice privileges in this state of a person licensed to practice nursing by a jurisdiction that has joined the Compact or take action on previous practice privilege action from another party state.

A.C.A. §17-87-309 (Amended 1999) and Arkansas State Board of Nursing Rules Chapter 7, Section IV state:

- (a) The board shall have sole authority to deny, suspend, revoke or limit any license to practice nursing or certificate of prescriptive authority issued by the board or applied for in accordance with the provisions of this chapter or to otherwise discipline a licensee upon proof that the person:
- (6) **Is guilty of unprofessional conduct;**
- Any conduct that, in the opinion of the Board, is likely to deceive, defraud, injure or harm a patient or the public by an act, practice, or omission that fails to conform to the accepted standards of the nursing profession.

The Arkansas State Board of Nursing received a complaint regarding Respondent's practice at Bridgeway Hospital in North Little Rock, Arkansas. This Order to Cease and Desist the practice of nursing in the State of Arkansas is being issued to Jonathan Peter Lindsey for violations of the *Arkansas Nurse Practice Act* based on the following Findings of Fact:

1. Respondent is the holder of Texas RN license number 894706 issued by endorsement on February 11, 2016 and Florida RN license number RN9420363 issued by exam on November 04, 2015.
2. Bridgeway Hospital in North Little Rock, AR employed Respondent through Cross Country Staffing from January 23, 2017 to May 19, 2017.
3. On or about May 19, 2017 Respondent was involved in a verbal discourse with Patient SC. Respondent grabbed Patient SC by arms in an inappropriate physical hold and, while remaining in this hold, walked the patient to room resulting in bruising the patient. Patient SC states in part, the Respondent grabbed her from behind, put her arms above her head, took her to her room and when Patient SC and Respondent got to her room he threw her face down on the bed and put his knee in her back.
 - a. Coworker, Greg Workman, observed the incident. It is noted on video Respondent placing Patient SC in the hold and escorting to room as described. Location on video is 1803.56.
 - b. Nursing Supervisor, Joe Williams reports the Respondent stated "I placed her in a hold and walked her to her room because she wouldn't leave the nurses station."
 - c. Ashley Brockman, RN examined Patient SC on 5/20/17 at 0800 and noted "Left arm had small bruised area with abrasion. No bruising or marks noted on right arm or back."
 - d. Respondent utilized a type of restraint on Patient SC that is not an approved method according to the Crisis Prevention Institute (CPI) Nonviolent Crisis Intervention Training. Also, Patient SC was only verbally aggressive and no imminent danger to self or others noted to warrant restraint.
 - e. Respondent's response to the complaint states he "gave her a gentle touch on the arm to guide her out of the nurses' station. At that point she became combative and swung which allowed me then to put her in a hold." The video does not indicate the respondent swung at the Respondent.

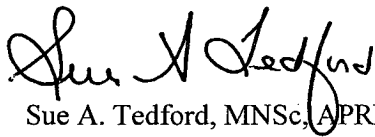
The evidence received is sufficient cause pursuant to Ark. Code Ann. §17-87-309 and §17-87-601 - 602 to probate, suspend or revoke Respondent's multistate licensure privilege in the State of Arkansas or to issue an order to cease and desist the practice of nursing in Arkansas.

For the reasons stated above, the Arkansas State Board of Nursing orders Respondent to CEASE AND DESIST from the practice of nursing in Arkansas. Respondent must immediately CEASE AND DESIST from the practice of nursing in Arkansas based on compact privileges granted through the home state, Texas.

Be advised that the Board may continue to pursue formal action on your multistate privilege to practice nursing in the State of Arkansas. The results of any final disciplinary action are public information, and information will be forwarded to the National Council of State Boards of Nursing, Inc., and to the National Practitioner Data Bank.

You may request a hearing before the Arkansas State Board of Nursing within thirty (30) days upon service of this Order.

Sincerely,



Sue A. Tedford, MNSc, APRN
Executive Director
Arkansas State Board of Nursing

SAT/lw