



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 A. Thomas*

Executive Director of the Board



Respondent's nursing employment history continued:

8/2014 - 10/2014	Staff Nurse	Golden Plains Care Center Post, Texas
1/2014 - Present	Charge Nurse	Kent County Nursing Home Jayton, Texas
5/2014 - 7/2014	Staff Nurse	Medical Arts Clinic Unknown
10/2015 - 2/2016	Charge Nurse	Crosbyton Nursing and Rehabilitation Crosbyton, Texas
2/2016 - 3/2016	Charge Nurse	Post Nursing and Rehabilitation Post, Texas
5/2017 - Present	Staff Nurse	Kent County Rural Clinic Jayton, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Charge Nurse with Kent County Nursing Home, Jayton, Texas, and had been in that position for two (2) years and seven (7) months.
7. On or about August 1, 2016, while employed as a Charge Nurse with Kent County Nursing Home, Jayton, Texas, Respondent found an elderly resident who had vomited a large amount of brown, granulated vomit, after having vomited a smaller amount earlier in the day. Respondent failed to timely and completely assess the resident, and failed to document the portion of the assessment that was performed. Although Respondent notified the physician, Respondent did not clarify the physician's subsequent order or timely call 911 to transport the resident when the resident experienced a change of condition. Respondent's conduct could have injured the resident from unrecognized clinical changes and deprived the resident of timely medical interventions.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that at 8:05 p.m., the Resident vomited a large amount of brown, granulated emesis; she was alert and oriented, but nauseated, so she checked the Resident's medication orders and asked the medication aide to administer Zofran as ordered. Respondent relates that shortly after the medication aide to administer Zofran as ordered. Respondent relates that shortly after the Resident took the Zofran, she vomited again, a small amount, and she called the physician. The on-call provider called back, he ordered Zofran 8 mg po now and at 12 am, then every 6 hrs prn. Respondent states that the med aide gave the Resident another dose of Zofran as ordered, and Resident had another episode of emesis. Respondent states that she then called EMS. While waiting for EMS to arrive, the Resident remained alert and responsive with an

oxygen saturation of 100%. Her blood pressure was 70/54 and her pulse rate was 34. Respondent explains that the Resident vomited again and her oxygen saturation dropped to 76%; she put her on five (5) liters of oxygen, and as EMS arrived at 9:09 p.m, the Resident became unresponsive. Respondent adds that EMS ran a full code but the Resident didn't respond and was pronounced deceased at 9:33 p.m. Respondent states that she didn't notify the DON because of the quick succession of events beginning about 8:05 p.m.

### 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 violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(D),(1)(M),(1)(P)&(2)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 316473, heretofore issued to ANIKA LEA EAKER, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
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 that RESPONDENT SHALL receive the sanction of **REPRIMAND WITH STIPULATIONS** in accordance with the terms 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. A Board-approved course in physical assessment** with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include physical assessment of all body systems. The clinical component SHALL include physical assessment of live patients in a clinical setting; Performing assessments on mock patients or mannequins WILL NOT be accepted. 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. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.
- C. 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](http://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. Incident Reporting for Current Position as a Licensed Vocational Nurse with Kent County Nursing Home, Jayton, Texas:** for so long as Respondent remains employed as a Licensed Vocational Nurse with Kent County Nursing Home, Jayton, Texas, RESPONDENT SHALL CAUSE Kent County Nursing Home, Jayton, Texas to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.
- D. Should Respondent's employment as a Licensed Vocational Nurse with Kent County Nursing Home, Jayton, Texas, cease or change:**
- 1. Indirect Supervision for the Remainder of the First Year [Four (4) Quarters] of Employment:** Should Respondent's employment as a Licensed Vocational Nurse with Kent County Nursing Home, Jayton, Texas, cease or change while under the terms of this Order, RESPONDENT must work as a nurse in the State of Texas and 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.

2. **Incident Reporting Following Completion of the First Year [Four (4) Quarters] of Employment:** Should Respondent's employment as a Licensed Vocational Nurse with Kent County Nursing Home, Jayton, Texas, cease or change while under the terms of this Order, RESPONDENT must work as a nurse in the State of Texas and SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.

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. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(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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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 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 28 day of February, 2018.

Anika Lea Eaker  
ANIKA LEA EAKER, Respondent

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_

Approved as to form and substance.

Janice Byington  
Janice Byington, Attorney for Respondent

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 28<sup>th</sup> day of February 2018, by ANIKA LEA EAKER, Vocational Nurse License Number 316473, and said Order is final.

Effective this 19<sup>th</sup> day of April, 2018.



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