



Board of Nurse Examiners For the State of Texas

Location Address: William P. Hobby Building, Ste. 3-460, 333 Guadalupe Street, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 Web: www.bne.state.tx.us

Katherine A. Thomas, MN, RN
Executive Director

January 5, 2005

Jackie Coleman
7825 Sprester Ct.
Tolar, Texas 76476

Dear Ms. Coleman:

Our file reflects that all requirements of the Order of the Board entered on August 12, 2003, have been met.

Please return your current wallet-sized license along with a copy of this letter. We will then issue you a license without the stipulated designation.

If you have any questions, please contact me at (512) 305-6827.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane E. Burell".

Diane E. Burell
Investigator
Monitoring

:deb

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Members of the Board

Joyce Adams, PhD, RN Houston	Deborah Bell, CLU, CBFC Abilene	George Buchenau, Jr., BSN, RN, MBA Amarillo	Virginia Campbell, BSN, RN, CNOR Mesquite	Blanca Rosa Garcia, PhD, RN Corpus Christi
Richard Gibbs, LVN Mesquite	Rachel Gomez, LVN Hurlingen	Brenda Jackson, PhD, RN San Antonio	Beverly Jean Nutall, LVN Bryan	
Anita Palmer, ME, MA Olney	Phyllis Rawley, CPC Vice-President	Linda Rounds, PhD, FNP, RN President	Frank Sandoval, Jr., J.D. San Antonio	

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 597084 § REINSTATEMENT
issued to JACKIE LYNN JOHNSTON (COLEMAN) § AGREED ORDER

On this day came to be considered by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the Petition for Reinstatement of registered nurse license number 597084, held by JACKIE LYNN JOHNSTON (COLEMAN), hereinafter referred to as Petitioner.

An informal conference was held on June 17, 2003, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. 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, Executive Director; Eugene Clayborn, Assistant Attorney General; and Diane E. Burell, 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.
2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.
3. Petitioner received an Associate Degree in Nursing from Angelo State University, San Angelo, Texas, in 1993. Petitioner was licensed to practice professional nursing in the State of Texas on September 22, 1993.

4. Petitioner's professional employment history included:

7/92 - 4/94	Aide/GN/Charge Nurse	Angelo Community Hospital San Angelo, Texas
6/94 - 3/95	Field Supervisor	Total Home Health Fort Worth, Texas
4/95 - 11/95	Charge Nurse	All Saints Hospital Fort Worth, Texas
11/95 - 3/96	Owner	AAA Home Health Services, Inc. Weatherford, Texas
3/96 - 5/96	OR Nurse	Harris Methodist Stephenville, Texas
6/96 - 6/97	Director of Nursing	AAA Home Health Services, Inc. Weatherford, Texas
7/97 - present	Not employed in nursing	

5. Petitioner's license to practice professional nursing in the State of Texas was revoked by the Board of Nurse Examiners for the State of Texas, on October 28, 1999. A copy of the October 28, 1999, Order of the Board, Findings of Fact, and Conclusions of Law, is attached and incorporated by reference as a part of this Order.

6. On or about March 11, 2003, Petitioner submitted a Petition for Reinstatement of license to practice professional nursing in the State of Texas.

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

7.1. Letter, dated February 27, 2003, submitted by Reginald B. Porter, Felony Unit Supervisor, Parker County Adult Probation, Weatherford, Texas. Mr. Porter indicates that Petitioner was placed on Deferred Adjudication Community Supervision for a period of four (4) years and completed her probationary term on August 25, 2002.

7.2. Copy of Order Discharging Defendant from Probation issued on September 5, 2002.

7.3. Letter of support, dated January 30, 2003, submitted by Barbara Long, Morgan Mill, Texas. Ms. Long states she can attest to the positive changes and growth made by Petitioner in the last few years based on Petitioner's experience with probation, drug rehabilitation and the revocation of her nursing license.

- 7.4. Letter of support, dated January 15, 2003, submitted by Tori Herring. Ms. Herring states she has been friends with Petitioner for five (5) years, and states Petitioner is no longer involved in any illegal drug or alcohol use. She is a kind Christian, mother, and wife, and is very humiliated and humble about her past. Ms. Herring states Petitioner would be an asset to any nursing facility.
- 7.5. Verification of successful completion of twenty (20) Type I Continuing Education Contact Hours.
8. Petitioner states February 1998, as her date of sobriety.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
3. 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 Board of Nurse Examiners, that the petition of JACKIE LYNN JOHNSTON (COLEMAN), license number 597084, to practice professional nursing in the state of Texas, be and the same is hereby GRANTED SUBJECT TO THE FOLLOWING CONDITIONS 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 Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et. seq.* and the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's multistate licensure privilege, if any, to practice professional nursing in the State of Texas

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is encumbered by this Order, Petitioner 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 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 professional nursing from the Board.

(2) PETITIONER SHALL apply for a "Six-Month Clinical Permit" for the limited purpose of completing a refresher course. PETITIONER SHALL NOT, in any way, attempt to use this clinical permit for any purpose other than attending this course.

(3) PETITIONER SHALL successfully complete a nursing refresher course prior to returning to the practice of professional nursing in the State of Texas. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The course content shall include: 1) the role of the professional nurse; 2) a review of the nursing process to include assessment, planning, implementation and evaluation; 3) Pharmacology review; 4) medication administration review for all standard route of administration; 5) documentation, quality assurance and legal implications for nursing practice; and 6) current CPR certification. This course must contain a minimum 24-hour clinical component, providing direct patient care, which is to be supervised by another registered nurse.

(4) Upon completion of the refresher course, PETITIONER SHALL return the clinical permit to the office of the Board, and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required clinical component.

(5) Upon verification of successful completion of the agreed pre-licensure conditions of reinstatement, as set out in this Order, PETITIONER SHALL pay all re-registration fees and be issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to JACKIE LYNN JOHNSTON (COLEMAN), shall be subject to the following agreed post-licensure stipulations:

(6) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing jurisprudence. PETITIONER 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 must include registered nurses. It must 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. 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 is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses can be found on the Board's website www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, SHOULD PETITIONER PRACTICE AS A REGISTERED NURSE IN THE STATE OF 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 STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION 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) LICENSE, OR WHERE DIRECT PATIENT CARE IS NOT PROVIDED, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(7) PETITIONER SHALL notify all future employers in professional 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 professional nurse.

(9) *For the first six (6) months of employment as a Registered Nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as PETITIONER and readily available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). The 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) For the duration of the stipulation period, PETITIONER SHALL be supervised by a Registered Nurse who is on the premises. The supervising RN 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 intervention if necessary. The supervising RN 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.

(11) 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 professional nursing. These reports shall be completed by the Registered Nurse who supervises the PETITIONER. These reports shall be submitted by the supervising Registered Nurse to the office of the Board at the end of each three (3) months for one (1) year of employment as a professional nurse.

(12) PETITIONER SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and PETITIONER SHALL submit to an**

evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going treatment within thirty (30) days from the Board's request.

(13) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the PETITIONER's place of employment at any time during the stipulation period and require PETITIONER to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board.

(14) PETITIONER SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least; the date of each meeting, the name of each group attended, and the signature and printed name of the chairperson of each group attended by PETITIONER. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

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

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PETITIONER'S CERTIFICATION

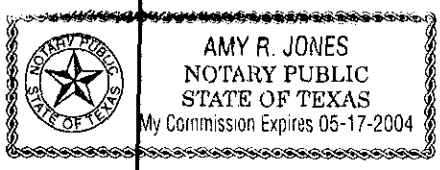
I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. 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 professional nursing in the state of Texas. 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 17th day of July, 2003.
Jackie Lynn Johnston Coleman
JACKIE LYNN JOHNSTON (COLEMAN), Petitioner

Sworn to and subscribed before me this 17 day of July, 2003.

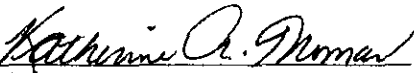
SEAL



Amy R. Jones
Notary Public in and for the State of TX

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 17th day of July, 2003, by JACKIE LYNN JOHNSTON (COLEMAN), license number 597084, and said Order is final.

Effective this 12th day of August, 2003.


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

DOCKET NO. 507-99-0838

IN THE MATTER OF § BEFORE THE
§
PERMANENT CERTIFICATE §
NUMBER 597084 §
§ BOARD OF NURSE EXAMINERS
ISSUED TO §
JACKIE LYNN JOHNSTON (Stovall) §
§ FOR THE STATE OF TEXAS

ORDER OF THE BOARD

TO: JACKIE LYNN JOHNSTON (Stovall)
P.O. Box 322
Granbury, Texas 76048

During open meeting at Austin, Texas, the Board of Nurse Examiners finds that after proper and timely notice was given, the above-styled case was heard by an Administrative Law Judge who made and filed a proposal for decision containing the Administrative Law Judge's findings of fact and conclusions of law. The proposal for decision was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein.

The Board of Nurse Examiners, after review and due consideration of the proposal for decision, and exceptions and replies filed, if any, adopts the findings of fact and conclusions of law of the Administrative Law Judge as if fully set out and separately stated herein. 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 the Certificate Number 597084 previously issued to JACKIE LYNN JOHNSTON (Stovall) to practice professional nursing in the State of Texas is hereby REVOKED. Respondent shall comply in all

respects with the Nursing Practice Act, TEX. REV. CIV. STAT. ANN., as amended, art. 4513 *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 ORDERED that Permanent Certificate Number 597084, previously issued to JACKIE LYNN JOHNSTON (Stovall), upon receipt of this Order, be immediately delivered to the office of the Board of Nurse Examiners for the State of Texas.

Entered this 28th day of October, 1999.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

BY: *Katherine A. Thomas*
Katherine A. Thomas, M.N., R.N.
Executive Director on behalf of said Board

IN THE MATTER OF § BEFORE THE STATE OFFICE
 PERMANENT CERTIFICATE §
 NUMBER 597084 ISSUED TO § OF
 JACKIE LYNN JOHNSTON (Stovall) §
 § ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

The Staff of the Board of Nurse Examiners (the Board) brought this case seeking disciplinary action against Jackie Lynn Johnston (Stovall) (Respondent). The Staff requested that Respondent's permanent certificate be revoked. This proposal recommends a default judgment be entered against Respondent and Respondent's permanent certificate be revoked as requested by the Staff.

I. Background

On July 27, 1999, a hearing was convened before Henry D. Card, Administrative Law Judge (ALJ), at the hearings facility of the State Office of Administrative Hearings in the Stephen F. Austin Building in Austin, Texas. The Staff was represented by James W. Johnston. Respondent did not appear and was not represented at the hearing.

The details of jurisdiction and notice are set out in the Findings of Fact and Conclusions of Law.

II. Recommendation

The ALJ recommends that a default judgment be entered and that Respondent's permanent certificate be revoked based on the Findings of Fact and Conclusions of Law presented below.

III. Findings of Fact

1. Respondent, a nurse licensed by the State of Texas, holds permanent certificate number 597084.
2. The Board filed amended formal charges against Respondent on March 25, 1999.
3. On March 29, 1999, the Board mailed a copy of the charges to Respondent by certified mail, return receipt requested, at her address of record: P.O. Box 322; Granbury, Texas 76048. The certified letter was returned unclaimed.
4. On May 13, 1999, the Board mailed notice of the hearing to Respondent by certified mail, return receipt requested, at her address of record. The certified letter was returned unclaimed.
5. The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short, plain statement of the matters asserted.
6. The notice of hearing contained the following language in capital letters in 12-point boldface type:

FAILURE TO APPEAR AT THE HEARING IN PERSON OR BY LEGAL REPRESENTATIVE, REGARDLESS OF WHETHER AN APPEARANCE HAS BEEN ENTERED, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF SHALL BE GRANTED BY DEFAULT.

7. Respondent did not appear and was not represented at the hearing.
8. The Staff filed a motion for default judgment.
9. The formal charges, which were set forth in the notice of hearing, contained the following allegations:

CHARGE I.

On or about August 21, 1995, while employed [at] All Saints Health System, Fort Worth, Texas, Respondent withdrew Meperidine Inj. 100mg from the Pyxis System for the following patients but failed to document the administration in the 7 Day Medication Summary.

DATE/TIME	AMOUNT	PATIENT
8/21/95 at 1652	100 mg Demerol	23341104
8/21/95 at 2119	100 mg Demerol	23341104
8/21/95 at 1558	100 mg Demerol	30623202
8/21/95 at 1941	100 mg Demerol	30623202
8/21/95 at 1652	100 mg Demerol	30795002
8/21/95 at 1847	100 mg Demerol	30795002

CHARGE II.

Respondent, while employed at the aforementioned facility, on or about August 22, 1995, engaged in the intemperate use of meperidine. Respondent produced a specimen for a drug screen which tested positive for meperidine. Possession of meperidine is prohibited by Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act). Meperidine is a controlled substance and the use of meperidine by a registered nurse, while subject to duty or call, could endanger patients.

CHARGE III.

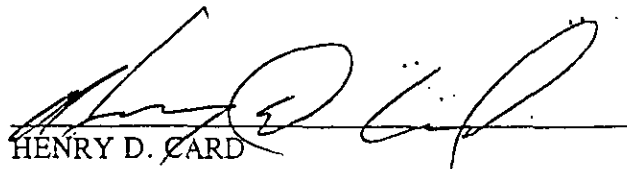
On or about September 16, 1996, Respondent passed an unauthorized prescription for Pethidine to Bill Vincent's Pharmacy, Weatherford, Texas, in that she used a prescription written for

Patient DS, in order to obtain the controlled substance for her own personal use. Respondent was indicted for the offense of Fraud (Section 481.129 of the Health and Safety Code), entered a plea of guilty, and received deferred adjudication for four (4) years beginning August 26, 1998.

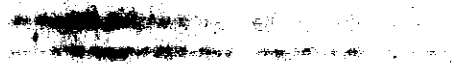
IV. Conclusions of Law

1. The Board has jurisdiction over this matter pursuant to TEX. REV. CIV. STAT. ANN. art. 4525 (Vernon Supp. 1999).
2. The State Office of Administrative Hearings has jurisdiction over all matters relating to the conduct of a hearing in this proceeding, including the preparation of a proposal for decision with findings of fact and conclusions of law, pursuant to TEX. GOV'T CODE ANN. ch. 2003 (Vernon Supp. 1999).
3. Proper and timely notice was effected upon Respondent pursuant to the Administrative Procedure Act, TEX. GOV'T CODE ANN. Ch. 2001 (Vernon Supp. 1999) and 22 TEX. ADMIN. CODE (TAC) §§213.10 AND 213.22.
4. The allegations contained in the Board's formal charges are deemed admitted as true pursuant to 1 TAC §155.55.
5. Respondent's actions violated TEX. REV. CIV. STAT. ANN. art. 4525(b)(8) and (9) and 22 TAC §§217.13(1), (5), and (16).
6. Respondent's action warrants revocation of her permanent certificate, considering the factors set out in 22 TEX. ADMIN. CODE §213.33.
7. Respondent's permanent certificate should be revoked pursuant to TEX. REV. CIV. STAT. ANN. art. 4525 (Vernon Supp. 1999).

SIGNED this 13th day of September, 1999.


HENRY D. CARD
Senior Administrative Law Judge
State Office of Administrative Hearings

Patch 1





Name: HERMIA COLLINS



RN License Number: 505451



Date of Order: 10/30/2001



RN License Number: 505451

Date of Order: 10/30/2001

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BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 505451 § AGREED
issued to HERMIA E. COLLINS § ORDER

An investigation by the Board produced evidence indicating that HERMIA E. COLLINS, hereinafter referred to as Respondent, License Number 505451, may have violated Section 301.452(10)&(13) of the Texas Occupations Code.

An informal conference was held on May 30, 2000, at the office of the Board of Nurse Examiners, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Scott Newar, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Sandra Owen, MN, RN, Director , Professional Nursing; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Gary Walters, BSN, RN, MEd, Senior Investigator.

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 notice and hearing and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in Texas.
4. Respondent received a Bachelor of Science in Nursing from the Princess Margaret Hospital School of Nursing , Dominica, West Indies. Respondent was originally licensed to practice professional nursing in the State of Texas in 1983.

5. Respondent's professional employment history includes:

1982-1986	Staff Nurse	Sam Houston Memorial Hospital Houston, Texas
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1986-1999	Staff Nurse	Memorial Hermann Katy Hospital Katy, Texas
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6. At the time of the incidents, Respondent was employed as a Staff Nurse in the Intensive Care Unit with Memorial Hermann Katy Hospital, Katy, Texas, and had been in this position for one (1) year.

7. On the same date at the aforementioned facility, Respondent failed to document the actual amount of Heparin received by Medical Record #126271. The Intake & Output (I&O) record does not reflect the additional Heparin solution received by the patient. Respondent's conduct was likely to deceive subsequent care givers and the patient's physician regarding the cause of the patient's elevated lab values and bleeding.

8. On the same date at the aforementioned facility, Respondent failed to notify the physician of Medical Record # 126271 of the excessive medication the patient received, and the extent of the bleeding that resulted from the excessive medication. Respondent's conduct unnecessarily exposed the patient to the risk of non-efficacious treatment based on incorrect information about medications the patient received.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code Sections 301.451-.555, the Board has jurisdiction over this matter.

2. Notice was served in accordance with law.

3. The evidence received is sufficient to prove violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(4), and 22 TEX. ADMIN. CODE §217.12(3)&(4).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 505451, heretofore issued to HERMIA E. COLLINS.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of Remedial Education, and RESPONDENT 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 Respondent's multistate licensure privilege, if any, to practice professional 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-size license issued to , to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing jurisprudence. RESPONDENT 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 must include registered nurses. It must 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. 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 is to be taken in addition to any continuing education requirements the Board may have for relicensure.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The target audience must include registered nurses. The didactic portion of this course must be a minimum of six (6) hours in length. The course must contain a minimum twenty-four (24) hour clinical component which is to be supervised by another registered nurse. To be approved, the course's content must 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 adverse effects resulting from improper administration. The description must 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 is to be taken in addition to any continuing education requirements the Board has for relicensure.

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 professional nursing in the State of Texas.

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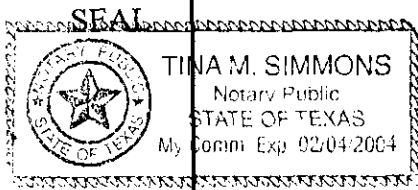
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RESPONDENT'S CERTIFICATION

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 violations alleged herein. By my signature on this Order, I agree to entry of this order to avoid further disciplinary action in this matter. 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 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 5th day of September, 2001.
Hermia E. Collins
HERMIA E. COLLINS, Respondent

Sworn to and subscribed before me this 5 day of September, 2001.



Tina Simmons
Notary Public in and for the State of Texas


Approved as to form and substance.

Scott Newar, Attorney for Respondent

Signed this _____ day of _____, 20____.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 5th day of September, 2001, by HERMIA E. COLLINS, License Number 505451, and said Order is final.

Effective this 30 day of October, 2001.



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

SCOTT NEWAR

ATTORNEY AT LAW

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Phone 713-220-9155
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September 6, 2001

Ms. Cynthia A. Smith
Investigator
Board of Nurse Examiners
333 Guadalupe, Suite 3-460
Austin, Texas 78701 FAX: 512-305-7401

Re: In the Matter of License Number 505451, Hermia E. Collins

Dear Ms. Smith:

Enclosed please find Hermia Collins' executed Agreed Order in this matter.

If you have any questions, please feel free to contact me.

Again, appreciate your time and cooperation.

Sincerely,


Scott Newar

Enclosure