

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Vocational Nurse License Number 151816 § AGREED
issued to JAN YATES § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of JAN YATES, Vocational Nurse License Number 151816, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on January 22, 2007, by Katherine A. Thomas, MN, RN, Executive Director.

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 representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Cisco Junior College, Abilene, Texas, on January 20, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on March 15, 1995.
5. Respondent's vocational nursing employment history includes:

4/95 to 10/95 Licensed Vocational Nurse (LVN)
 Coleman County Medical
 Coleman, Texas

Respondent's vocational nursing employment history continued:

10/95 to 2002	LVN CMS Home Health Coleman, Texas
1/18/01 to 11/2/04	LVN Brownwood Regional Medical Center Brownwood, Texas
11/04 to Present	LVN Coleman Medical Center Coleman, Texas
7/06 to Present	LVN Heritage Oaks Nursing Center Ballinger, Texas

6. At the time of the incidents in Finding of Fact Number Seven (7), Respondent was employed as a LVN with Brownwood Regional Medical Center, Brownwood, Texas, and had been in this position for three (3) years and eight (8) months.
7. On or about September 6, 2004, through September 12, 2004, while employed as a LVN with Brownwood Regional Medical Center, Brownwood, Texas, Respondent failed to accurately and completely document the nursing care provided to Patient Medical Record Number F000002322, a 100-year-old patient, as follows:
 - Although the patient required complete care, which included turning and repositioning every two (2) hours, Respondent documented periodically that the patient remained lying in the same position for up to six (6) hours at a time; and
 - On September 12, 2004, Respondent administered Kayexalate to the patient. Kayexalate is a medication to lower serum potassium level which often results in patients developing diarrhea. Although Respondent documented the patient was incontinent of stool twice after receiving the Kayexalate, Respondent did not document the status of the patient's skin to the buttocks. The subsequent nurse noted that the patient had reddened buttocks with a blister, and noted redness to the patient's ankle at 8:00 p.m. Within several hours the patient had skin breakdown with open sores to the buttocks and right ankle area. The patient was discharged to the nursing home on September 13, 2004, with open sores that required additional treatment.

Respondent's conduct resulted in an inaccurate medical record and exposed the patient unnecessarily to a risk of harm in that subsequent caregivers would have relied on her documentation while providing further care to the patient.

8. In response to the incidents in Finding of Fact Number Seven (7), Respondent states that her documentation was not completely accurate with regards to documentation of position changes that she performed. In addition, Respondent states that the patient was developing redness to the buttocks and that she reported this to both the physician and the charge nurse. When the physician stated that the patient still needed the Kayexalate, Respondent states she again spoke with the charge nurse as they knew the patient would develop diarrhea. Respondent states she reported the administration of Kayexalate to staff of the following shift, and that when Respondent left, the patient had redness to the buttocks, but that there were no open areas and the patient's heels were elevated and unchanged.

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 violations of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(3).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 151816, heretofore issued to JAN YATES, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

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 Vocational 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 vocational 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-sized license issued to JAN YATES to the office of the Board of Nurse Examiners within ten (10) days of the date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence. 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. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. 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 shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found on the Board's website, www.bne.state.tx.us (under: About the Board; BNE Meetings & Events).*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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. 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. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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 on the Board's website, www.bne.state.tx.us (under: About the Board; BNE Meetings & Events).*

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 vocational nursing in the State of Texas.

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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 violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, 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 revocation of my license to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

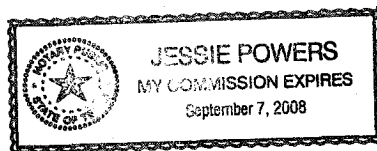
Signed this 28 day of Feb, 2007.

JAN YATES
JAN YATES, Respondent

Sworn to and subscribed before me this 28 day of Feb, 2007.

SEAL

Jessie Powers
Notary Public in and for the State of TX



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby ratify and adopt the Agreed Order that was signed on the 28th day of February, 2007, by JAN YATES, Vocational Nurse License Number 151816, and said Order is final.

Effective this 14th day of March, 2007.



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