

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse	§	AGREED
License Number 649386	§	
Issued to LAWAUSA RENE McCURLEY	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of LAWAUSA RENE McCURLEY, Registered Nurse License Number 649386, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on November 20, 2006, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent received an Associate Degree in Nursing from New Mexico in May 1990. Respondent was licensed to practice professional nursing in the State of New Mexico on September 5, 1990, and was licensed to practice professional nursing in the State of Texas on March 3, 1998.
4. Respondent is currently licensed to practice professional nursing in the State of Texas. Respondent's license to practice professional nursing in the State of New Mexico is currently in "inactive" status.

5. Respondent's nursing employment history includes:

09/1990 - 04/1999	Unknown	
05/1999 - 03/2000	Staff Development Nurse	Good Samaritan Nursing Home Lovington, New Mexico
2000 - 2004	Staff Nurse, Operating Room	Pampa Regional Medical Center Pampa, Texas
06/2004 - 05/2005	Staff Nurse	SCCI Hospital Amarillo, Texas
06/2005 - Present	Staff Nurse, Emergency Dept.	Pampa Regional Medical Center Pampa, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse in the Emergency Department of Pampa Regional Medical Center, Pampa, Texas, and had been in this position for two (2) months.
7. On or about August 6, 2005, while employed as a Staff Nurse in the Emergency Department of Pampa Regional Medical Center, Pampa, Texas, Respondent inappropriately allowed the Charge Nurse to use an ear loop in an attempt to extract a suspected bug from the nose of a 21-month patient, prior to, and instead of, having the baby examined appropriately by the physician. Although Respondent had begun to document her triage of the patient, Respondent destroyed her documentation instead of filing it in a medical record after the Charge Nurse released the patient and advised her not to complete the paperwork. The next day, the patient returned to the Emergency Department, in severe distress and with bloody, serous drainage from her nose, where it was determined that the patient had been suffering from an alkaline battery whose contents had been leaking. Respondent's conduct resulted in an inaccurate medical record, violated the Emergency Medical Treatment and Labor Act (EMTALA), and may have contributed to the patient suffering unnecessary injury and/or pain due to the delayed removal of the alkaline battery.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that the patient's parents left the facility voluntarily prior to examination by the physician, believing that the bug had been successfully removed. Respondent states that she had never before seen a patient treated and released from triage, that she questioned the Charge Nurse about whether or not this was appropriate as a Triage Nurse, and that the Charge Nurse responded by stating, "Sometime, it just depends." Respondent continues by stating that at the time of the incident the Charge Nurse was her assigned preceptor for orientation and training to the Emergency Department and that she had not yet completed the facility's EMTALA training. Respondent concludes by stating that as a direct result of the incident, she has modified her personal practice to ensure that she never encounters a similar situation, as follows:

- By ensuring registration paperwork is completed for every patient;
 - By ensuring that each patient is examined by a physician prior to discharge, without exception;
 - By completing an "Against Medical Advice," with patient signature, for any patient who refuses to wait and who leaves before the physician examines them;
 - By routinely questioning patients and family members to validate that they have actually been seen by a physician;
 - By questioning the physician if it is reported that the patient was not fully examined, and initiating the "Chain of Command" if needed; and
 - By immediately contacting the Emergency Department Nursing Director regarding any questions or concerns, regardless of time, day or night.
9. As a result of the incident in Finding of Fact Number Seven (7), Pampa Regional Medical Center, Pampa, Texas, altered its procedure to require EMTALA training during the first three (3) weeks of employee orientation and prior to the beginning of any Emergency Department preceptorship.
10. On or about August 21, 2005, Respondent successfully completed "EMTALA 2005: A Comprehensive Review," a 10.0 contact hour continuing education activity approved by the Emergency Nurses Association.

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)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(B),(1)(D), (1)(M)&(1)(P) and 217.12(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 649386, heretofore issued to LAWAUSA RENE McCURLEY, including revocation of Respondent's license to practice nursing in the State of Texas.

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ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of REPRIMAND WITH STIPULATIONS, 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 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 privileges, if any, to practice nursing in compact states.

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 LAWAUSA RENE McCURLEY, to the office of the Board of Nurse Examiners within ten (10) days from 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 BNE 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 BNE events).*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing ethics. 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) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by 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. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a

complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT 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.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) For the first year of employment as a Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional 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). The 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.

(8) For the remainder of the stipulation period, RESPONDENT SHALL be supervised by a Registered 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.

(9) 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 Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for two (2) years of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privilege, if any, to practice 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 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 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 nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 21 day of December, 2006.

LAWAUSA RENE McCURLEY
LAWAUSA RENE McCURLEY, Respondent

Sworn to and subscribed before me this 21 day of December, 2006

SEAL

Notary Public in and for the State of Texas



April Kidd

Approved as to form and substance.

Jeffrey F. Wood
Jeffrey F. Wood, Attorney for Respondent

Signed this 20th day of December, 2006.

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 21st day of December, 2006, by LAWAUSA RENE McCURLEY, Registered Nurse License Number 649386, and said Order is final.

Effective this 13th day of February, 2007.



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