

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Vocational Nurse § AGREED
License Number 175940 §
issued to VALERIE ANN EDWARDS § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of VALERIE ANN EDWARDS, Vocational Nurse License Number 175940, 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 representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on December 17, 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 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 San Jacinto College South, Houston, Texas, on December 15, 1999. Respondent was licensed to practice vocational nursing in the State of Texas on April 25, 2000.

5. Respondent's vocational nursing employment history includes:

6/00 to 10/00	Licensed Vocational Nurse (LVN) Ben Taub Hospital Houston, Texas
10/00 to 12/00	LVN, Charge Nurse Briarwood Care Center Houston, Texas
1/01 to 11/01	Unknown
12/01 to 5/03	LVN, Charge Nurse Bayou Pines Care Center La Marque, Texas
6/03 to Unknown	LVN, Charge Nurse Harbourview Care Center League City, Texas
6/04 to 2/18/05	LVN, Field Nurse CN Healthcare Services, Inc. Missouri City, Texas
2/19/05 to Present	Unknown

6. On March 6, 2000, Respondent was issued an eligibility Agreed Board Order by the Board of Vocational Nurse Examiners which, upon licensure, SUSPENDED and PROBATED Respondent's license to practice vocational nursing in the State of Texas for the period of eighteen (18) months. A copy of the Agreed Board Order, Order of the Board, and Certificate of Service dated March 6, 2000, is attached and incorporated by reference as a part of this Order.
7. At the time of the initial incident in Finding of Fact Number Eight (8), Respondent was employed as a LVN Field Nurse with CN Healthcare Services, Inc., Missouri City, Texas, and had been in this position for seven (7) months.
8. On or about January 22, 2005, while employed as a LVN Field Nurse with CN Healthcare Services, Inc., Missouri City, Texas, Respondent falsified documentation of the times she performed a skilled nurse visit for Patient GR in that she documented a skilled nurse visit from 7:00 a.m. until 5:00 p.m. when Respondent actually left the patient's home at noon. Respondent's conduct resulted in an inaccurate medical record and was likely to harm the patient in the patient was deprived of skilled nursing care as scheduled. In addition, subsequent caregivers would have relied on her documentation while providing further care to the patient. Respondent's conduct may have defrauded the insurance carrier of fees for services not provided.

9. On or about February 12, 2005, while employed as a LVN Field Nurse with CN Healthcare Services, Inc., Missouri City, Texas, Respondent submitted falsified documentation of a skilled nurse visit for the aforementioned Patient GR in that Respondent did not perform the visit as documented. Respondent's conduct resulted in an inaccurate medical record, and was likely to injure the patient from failure to provide skilled nursing interventions as needed and ordered by the physician.
10. In response to the incident in Finding of Fact Number Eight (8), Respondent denies ever leaving her assignment early. In response to the incident in Finding of Fact Number Nine (9), Respondent states that another nurse covered the shift for her as they had traded shifts earlier, and that the other nurse gave report of the patient's condition and vital signs to Respondent, which was the information documented by Respondent.

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)(D) and 217.12(6)(A).
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 175940, heretofore issued to VALERIE ANN EDWARDS, 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 a WARNING 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 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 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 VALERIE ANN EDWARDS, 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).*

(5) RESPONDENT SHALL pay a monetary fine in the amount of six hundred dollars (\$600.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A LICENSED VOCATIONAL 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 VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(6) 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.

(7) 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.

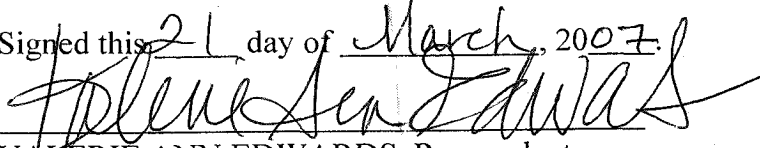
(8) RESPONDENT SHALL be supervised by a Registered Nurse or a Licensed Vocational Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. 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.

(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 or Licensed Vocational 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 privileges, if any, to practice vocational nursing in the State of Texas.

RESPONDENT'S CERTIFICATION

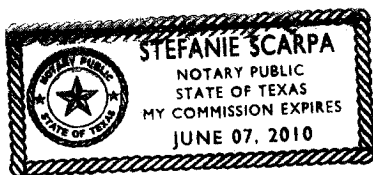
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 21 day of March, 2007.


VALERIE ANN EDWARDS, Respondent

Sworn to and subscribed before me this 21 day of March, 2007.

SEAL






Notary Public in and for the State of Texas

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 March, 2007, by VALERIE ANN EDWARDS, Vocational Nurse License Number 175940, and said Order is final.

Effective this 19th day of April, 2007.


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

BOARD OF VOCATIONAL NURSE EXAMINERS * STATE OF TEXAS
 VS. *
 *
 VALERIE ANN EDWARDS * COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of VALERIE ANN EDWARDS, an Applicant for Licensure by, examination hereinafter called Applicant.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Applicant of its intent to take disciplinary action with respect to said Application for Licensure, as a result of a subsequent investigation. Said investigation produced evidence indicating that Applicant has been convicted of a crime of the grade of a misdemeanor that relates to the practice of vocational nursing and/or, in violation of the Texas Occupations Code, Chapter 302, Section 302.402 (a) (3) (B), in the following manner:

I.

- a. On or about November 1, 1999, Applicant submitted her Application for Licensure by Examination to the Board of Vocational Nurse Examiners for the State of Texas. On said Application, Applicant answered "yes" to the question(s) asking: "Have you ever been convicted of a misdemeanor other than a minor traffic violation?".
- b. On or about June 22, 1989, Applicant was convicted of the Misdemeanor offense of: DRIVING WHILE INTOXICATED, in the County Court Number Two of Galveston County, Texas, under Cause Number 102868. As a result of said conviction; Applicant was placed on probation for a period of twelve (12) months.
- c. On or about July 21, 1993, Applicant was convicted of the Misdemeanor offense of: DRIVING WHILE INTOXICATED, in the County Court Number One of Galveston County, Texas, under Cause Number 131,651. As a result of said conviction; Applicant was placed on probation for a period of twenty-four (24) months.
- d. Applicant has been convicted of a crime, which the Board considers to be directly related to the duties and responsibilities of a Licensed Vocational Nurse. Said conviction is inconsistent with the basic duties and responsibilities inherent in the occupation of vocational nursing in that said occupation requires knowledge and familiarity of drugs, and compliance with drug laws.

FEB 23 2000

AGREED BOARD ORDER
RE: VALERIE ANN EDWARDS, EXAM APPLICANT
PAGE 2

e. On or about July 6, 1989, Applicant was convicted of the Misdemeanor offense of: THEFT, in the County Criminal Court at Law Number Six of Harris County, Texas, under Cause Number 01020047. As a result of said conviction; Applicant was assessed a fine.

f. On or about June 22, 1998, Applicant was convicted of the Misdemeanor offense of: THEFT, in the County Criminal Court at Law Number Five of Harris County, Texas, under Cause Number 9816520. As a result of said conviction; Applicant was assessed a punishment was 10 days confinement in the Harris County Jail.

g. Applicant has been convicted of a crime, which the Board considers to be directly related to the duties and responsibilities of a License Vocational Nurse. Said conviction is inconsistent with the basic duties and responsibilities inherent in the occupation of vocational nursing in that said occupation requires the maintenance of accurate and complete records, and safeguarding property of the patient, client, and employer.

By Applicant's signature on this Order, Applicant neither admits nor denies the truth of the matters previously set out in this Order with respect to the above mentioned investigation. By Applicant's signature on this Order, Applicant acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

By their notarized signature on this Order, Applicant does hereby waive the right to a formal Complaint, Notice of Hearing, and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED, that VALERIE ANN EDWARDS is hereby allowed to take the examination for licensure, and upon obtaining a passing score, be issued a license to practice vocational nursing in the State of Texas. Said license shall be suspended, with said suspension stayed and placed on probation for a period of eighteen (18) months.

AGREED BOARD ORDER
RE: VALERIE ANN EDWARDS, EXAM APPLICANT
PAGE 3

The probation of said license is subject to the following stipulations, to wit:

1. That is Applicant's place of employment, name, address or telephone number changes, Applicant is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said notification shall be in the form of a written letter or report.
2. That Applicant shall comply with Federal, State, and local laws, and all the provisions of the Texas Occupations Board and Rules and Regulations of the Board.
3. That by copy of this Board Order Applicant shall provide notice of Board disciplinary action to his/her immediate nursing supervisor(s) and Director(s) of Nursing, throughout the term of probation.
4. That Applicant shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a monthly basis for the first six (6) months of probation. Thereafter, and throughout the remainder of said probation, Applicant shall be responsible for causing his/her immediate nursing supervisor(s) to submit satisfactory reports directly to the Board office on a quarterly basis.
5. That any period(s) of nursing unemployment must be documented in writing by Applicant and submitted to the Board office, as provided in Stipulation No. four (4).
6. That Applicant shall work only under the supervision of a licensed medical professional (M.D., R.N., L.V.N.) who is physically present on the work premises during Applicant's shift assignment(s), throughout the term of probation.
7. That Applicant shall not be employed by a nurse registry, temporary nurse employment agency, home health agency, or as a private duty nurse, throughout the term of probation.
8. That Applicant shall and hereby agrees to remain free of alcohol and all unprescribed controlled substances. Any controlled or legend medication must be prescribed by a physician knowledgeable about the disease of addiction, as well as Applicant's history, and it is incumbent upon Applicant to insure such physician knowledge. In all such cases, the prescribed drugs must be verified in writing to the Board by the prescribing physician.
9. That Applicant shall submit to monthly blood alcohol drug screen(s) upon demand of the Board staff for the first three (3) months of probation. Thereafter, and throughout the remainder of said probation, Applicant shall submit to random periodic blood alcohol drug screen(s) upon demand of the Board staff throughout the term of probation. Applicant shall submit to a drug screening panel consisting of the following: Alcohol, Amphetamines, Barbiturates, Benzodiazepines, Cannabinoids, Cocaine, Hydrocodone, Meperidine, Opiates, Propoxyphene, PCP, Morphine, Codeine, Methadone, and Methaqualone. Said screen(s) shall be properly monitored with adherence to chain of custody procedures. A positive result shall be legally confirmed by Gas Liquid Chromatography/Mass Spectrometry (GCMS). The results of said screen(s) shall be borne by Respondent. The report of a positive drug screen shall be considered a violation of probation.

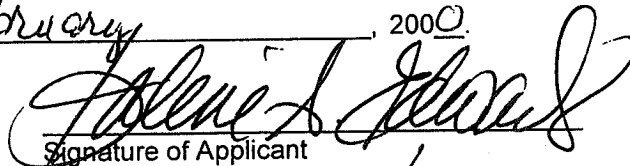
AGREED BOARD ORDER
 RE: VALERIE ANN EDWARDS, EXAM APPLICANT
 PAGE 4

10. That Applicant shall provide the Board a telephone number by which Applicant may be contacted between the hours of 8:00 a.m. and 5:00 p.m. on weekdays. Applicant must maintain with the Board, during the term of this probation, a current telephone number in order for the Board to request random blood alcohol and urine drug screens, as provided in Stipulations No. nine (9). An inability to contact Respondent by telephone to request said required drug screens shall be considered a violation of probation.

11. That Applicant shall pay a Probation Monitoring fee in the amount of thirty (\$30.00) dollars in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners. Said fee shall be paid quarterly, due on the 15th of each quarter, commencing the quarter following the date of the Board's endorsement of the Order, and continuing thereafter until the successful completion of Applicant's probation. Said fee shall be sent to the Board office, addressed to the "Board of Vocational Nurse Examiners, 333 Guadalupe, Suite 3-400, Austin, TX 78701". Failure by Applicant to make any quarterly payment on time shall constitute a violation of probation.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until ratified by a majority of the Board present and voting, at its next regularly called session.

Dated this the 17th day of February, 2000.


 Signature of Applicant

P.O. Box 1604 / 2512 Stonewall
 Current Address

LA Marque, TX 77568
 City, State and Zip

409, 771-3179 cell
 Area Code and Telephone Number

Hm - 281-692-0212

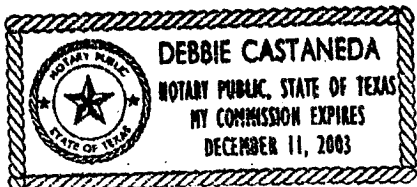
WK - 409-938-4143

The State of Texas
 County of Marbleton

Before me, the undersigned authority, on this day personally appeared VALERIE ANN EDWARDS, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

AGREED BOARD ORDER
RE: VALERIE ANN EDWARDS, EXAM APPLICANT
PAGE 5

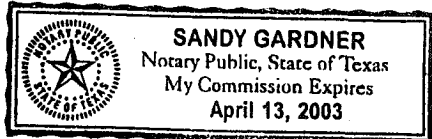
SWORN TO AND SUBSCRIBED before me this the 17th day of February, 2000.



Debbie Castaneda
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 12/11/03

Mary M. Strange
Mary M. Strange, RN
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 23rd day of February, 2000.




Sandy Gardner
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

AGREED BOARD ORDER
RE: VALERIE EDWARDS, EXAM APPLICANT
PAGE: 6

WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 17th day of February, 2000 by VALERIE EDWARDS, EXAM Applicant and that Said Order is Final.

Effective this 6th day of March, 2000.


Mary M. Strange, RN
Executive Director
On Behalf of Said Board

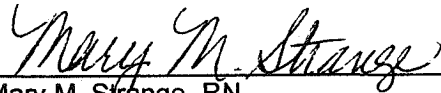
00175940

BOARD ORDER
RE: VALERIE EDWARDS, EXAM APPLICANT
PAGE: 7

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of March, 2000, a true and correct copy of the foregoing **BOARD ORDER** was served by placement in the U.S. Mail, first class, and addressed to the following person(s):

VALERIE EDWARDS
PO BOX 1604
LAMARQUE TX 77568



Mary M. Strange, RN
Executive Director
Agent for the Board of Vocational Nurse Examiners