

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse § AGREED  
License Number 533003 §  
issued to BEVERLY J. COUCH § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BEVERLY J. COUCH, Registered Nurse License Number 533003, 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 September 21, 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 informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Midland College, Midland, Texas, in May 1986, received a Baccalaureate Degree in Nursing from Texas Tech University Health Sciences Center School of Nursing, Lubbock, Texas, in December 1994, and received a Certificate of Completion from The University of Texas Southwestern Medical Center at Dallas Women's Health Care Nurse Practitioner Program, Dallas, Texas, on June 23, 1995. Respondent was licensed to practice professional nursing in the State of Texas on August 22, 1986, and became Board recognized as a Women's Health Care Nurse Practitioner in the State of Texas on November 13, 1995.

5. Respondent's nursing employment history includes:

8/1986 - 1/1987	Staff Nurse	Medical Center Hospital Odessa, Texas
2/1987 - 12/1988	Unknown	
1/1989 - 1/1991	Staff Nurse	Medical Center Hospital Odessa, Texas
7/1990 - 1994	Head Nurse	Texas Tech University Health Sciences Center, Odessa, Texas
1/1995 - 10/1995	Unknown	
11/1995 - 1996	Women's Health Care Nurse Practitioner	Planned Parenthood of West Texas Odessa, Texas
9/1996 - 12/2001	Director of Services	The Birthplace, Westwood Medical Center, Midland, Texas
1996 - 2004	Women's Health Care Nurse Practitioner	Midland Women's Clinic Midland, Texas
8/2004 - 3/2005	Regional Director	American Heart Association "Get with the Guidelines" Program
4/2005	Unknown	
5/2005 - 8/2005	Women's Health Care Nurse Practitioner	Texas Health Enhancement, Inc. Midland, Texas
9/2005 - Present	Unknown	

6. At the time of the incident, Respondent was operating as a Women's Health Care Nurse Practitioner on the premises of Texas Health Enhancement, Inc., Midland, Texas, and had been in this position for less than one (1) month.

7. On or about May 2005 through August 2005, Respondent treated male patients, which was outside her Board authorized scope of practice as a Women's Health Care Nurse Practitioner, by placing stainless steel surgical staples in their ears for the purposes of weight loss and/or smoking cessation.

8. In response to the incidents in Finding of Fact Number Seven (7), Respondent states she completed fifty (50) hours of instruction in ear stapling for weight control and smoking cessation from Larry McIlroy, DC, and that the ear stapling services were provided under the medical supervision of Mario M. Gross, MD, who also provided instructions on treatment of any infections, should they develop. Respondent states that she ceased providing the services as soon as she received the Board's notification.

#### 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)&(4)(A), 217.12(1)(A) & 221.13(d).
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 533003, heretofore issued to BEVERLY J. COUCH, including revocation of Respondent's license to practice professional nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION WITH FINE, 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 privilege, if any, to practice 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 Texas Board of Nursing 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 BEVERLY J. COUCH to the office of the Texas Board of Nursing 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 and 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. 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, 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 Chemical Dependency, and Lying and Falsification. 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 at the following Board website address: <http://www.bon.state.tx.us/about/stipscourses.html>.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of seven hundred fifty dollars (\$750.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

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 nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

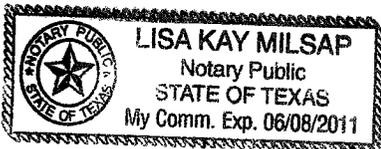
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid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

Signed this 6 day of Dec., 2007.

Beverly J. Couch  
BEVERLY J. COUCH, Respondent

Sworn to and subscribed before me this 6 day of Dec., 2007.

SEAL



Lisa K. Milsap  
Notary Public in and for the State of TEXAS

Approved as to form and substance.

Max E. Wright  
Max E. Wright, Attorney for Respondent

Signed this 26 day of December, 2007.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 6<sup>th</sup> day of December, 2007, by BEVERLY J. COUCH, Registered Nurse License Number 533003, and said Order is final.

Effective this 28<sup>th</sup> day of December, 2007.



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

