

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse License Number 567200 § AGREED
issued to BEVERLY JOAN WINDSOR § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BEVERLY JOAN WINDSOR, Registered Nurse License Number 567200, 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 November 16, 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 professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Tarrant County Junior College, Ft. Worth, Texas, in 1990. Respondent was licensed to practice professional nursing in the State of Texas on March 18, 1991.
5. Respondent's professional nursing employment history includes:

3/91 - 12/91	Unknown	
1/92 - 4/95	Staff Nurse	Denton Community Hospital Denton, Texas

Respondent's professional nursing employment history continued:

5/95 - 5/01	Staff Nurse	Covenant Health Care System Denton Home Health Care Denton, Texas
6/01 - 9/02	Staff Nurse	Denton Regional Medical Center Denton, Texas
10/02 - 2/03	Staff Nurse	Baylor Medical Center Grapevine, Texas
3/03 - 2/05	Staff Nurse	Wise Regional Health Care System Decatur, Texas
3/05 - 2/06	Staff Nurse	North Texas Hospital Denton, Texas
3/06 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with North Texas Hospital, Denton, Texas, and had been in this position for ten (10) months.
7. On or about January 28, 2006, while employed as a Staff Nurse at North Texas Hospital, Denton, Texas, Respondent refused entry of Patient BC to the Emergency Department after the patient's representative presented to the hospital's locked Emergency Room door and told her, via intercom, that the patient had complaints of "feeling bad and hurting bad when he walks." Respondent directed the patient's representative to seek treatment at another hospital, which was not in compliance with either the facility's policy for patient transfers or the Emergency Medical Treatment and Active Labor Act (EMTALA). Subsequently, Patient BC went to Denton Presbyterian Hospital and was admitted for gastroenteritis. Respondent's conduct deprived the patient of timely medical interventions.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that on the night in question, a woman came to the intercom and camera at the Emergency Room (ER) door, which was kept locked, and was standing there alone with no car visible in the ER parking lot. Respondent states that the woman said, "He has been feeling bad all week and now he is hurting so bad that when he walks it is really bad." According to Respondent, she asked the woman "which facility she was looking for" and the woman said "this one." Respondent indicates that she asked the woman twice if her boyfriend was there, and she responded "no." Respondent says that she explained to the woman that the patient would have to be present in order for her to assist him, and then she suggested that the woman could take her boyfriend to the ER at the hospital across the street, Denton Regional, which had

more ER beds. Respondent asserts, "I just did this to offer choices," and states that the woman at the door said "okay" and walked out of camera view. Respondent further states "We never heard from the lady at the door again." Respondent says that later the same week, she was interviewed by the state investigation team for EMTALA, who informed her that the same woman had presented to the door on the North side of the building. Respondent informed the Board that if she had been given the correct information by the woman, she would have opened the door and admitted the patient.

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 violation of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11 (1)(A),(1)(B)&(1)(M) and 217.12(1)(A),(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 567200, heretofore issued to BEVERLY JOAN WINDSOR, 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, 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-sized license issued to BEVERLY JOAN WINDSOR 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, within one (1) year of entry of this order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address:*
<http://www.learningext.com/products/generalce/critical/ctabout.asp>.

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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RESPONDENT'S CERTIFICATION

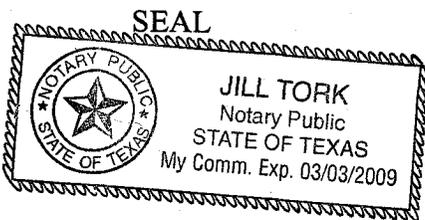
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 27 day of December, 2007.

Beverly Joan Ann Windsor
BEVERLY JOAN WINDSOR, Respondent

Sworn to and subscribed before me this 27th day of December, 2007.

Jill Tork
Notary Public in and for the State of Texas



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 27th day of December, 2007, by BEVERLY JOAN WINDSOR, Registered Nurse License Number 567200, and said Order is final.

Effective this 2nd day of January, 2008.



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