BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 140185	§	
issued to SANDRA LEE HUTSLAR	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SANDRA LEE HUTSLAR, Vocational Nurse License Number 140185, 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 October 28, 2007, 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 North Central Texas College, Gainesville, Texas on August 21, 1992. Respondent was licensed to practice vocational nursing in the State of Texas on December 6, 1992.

5. Respondent's vocational nursing employment history includes:

12/92	Unknown

Respondent's vocational nursing employment history continued:

01/93 - 04/96	LVN	North Central Texas Home Care Fort Worth, Texas
05/96	Unknown	
06/96 - 06/97	LVN	Tarrant County MHMR Services Fort Worth, Texas
06/97 - 03/98	LVN	Perfect Home Care, Inc. Fort Worth, Texas
03/98 - 12/98	LVN	Renaissance Nursing Home Fort Worth, Texas
12/98 - 09/04	LVN Home Health Care	Self-Employed Alvarado, Texas
10/04 - 12/04	LVN	Advantage Home Care Fort Worth, Texas
12/04 - 04/05	LVN	Alvarado Meadows Rehabilitation Alvarado, Texas
05/05 - present	Unknown	

6. At the time of the initial incident, Respondent was employed as a vocational nurse with Alvarado Meadows Rehabilitation Center, Alvarado, Texas, and had been in this position for approximately three (3) months.

7. On or about February 12, 2005, while employed with Alvarado Meadows Rehabilitation Center, Alvarado, Texas, Respondent asked a Certified Nurse Aide (CNA) to administer an Albuterol treatment to Resident MH when said CNA was unlicensed to administer such treatment. Respondent's conduct was likely to injure the patient in that a Certified Nurse Aide lacks the necessary training, competency, and skills to perform these tasks, and Respondent exposed the patient to the risk of harm.

8. Respondent states that she never asked the Certified Nurse Aide (CNA) to administer the treatment, nor did she give the medication to the CNA for her to administer the treatment. Respondent states she was testing the CNA's response because the CNA was later going to be tested in order to become a Certified Medication Aide (CMA).

9. On or about February 12, 2005, while employed with Alvarado Meadows Rehabilitation Center, Alvarado, Texas, Respondent left medications at the bedside of a resident and left the room before she ensured the resident took the medications. Respondent's conduct was likely to injure the resident in that failing to verify that the medication were taken by the resident could have resulted in nonefficacious treatment.

10. On or about February 13, 2005, while employed with Alvarado Meadows Rehabilitation Center, Alvarado, Texas, Respondent failed to initiate appropriate, timely, and complete emergency interventions, to include activation of the 911 Emergency Management System when Respondent was made aware that Resident W.E. was in respiratory distress. Respondent's failure to assess and intervene unnecessarily exposed the patient to the risk of harm from complications due to respiratory distress.

11. Respondent states that she was told there was no change in condition for Resident W.E. Respondent states that when she performed her rounds, she noticed that the resident was having some respiratory difficulty. Respondent states she immediately called the RN Supervisor, who stayed with the resident until the end of her shift. Respondent states that the supervisor was in the room most of the day and only left periodically. She took responsibility for this resident during the time she was on duty. Respondent states when the RN supervisor was going off duty she advised Respondent that there had been no change in Resident W.E.'s condition during the shift and told Respondent to "use comfort measures" and continue observing. Respondent states she did not notice any further deterioration or any changes that would have required emergency transport during her shift.

12. On or about April 17, 2005, while employed with Alvarado Meadows Rehabilitation Center, Alvarado, Texas, Respondent administered Vistaril to Resident IE without a physician's order and falsified the physician's order and/or documentation thereof, in Resident IE's medical record. Subsequently, the resident suffered an allergic reaction. Respondent's conduct was likely to injure the patient in that the administration of Vistaril without a physician's order could result in the patient suffering from adverse reactions.

13. Respondent states that on April 16, 2005, she received an order for IM Atarax to help alleviate Resident IE's hysteria. It was reported to Respondent that this Resident was threatening to hit other residents and was getting the other residents upset and starting fights. The medication was administered and the resident responded favorably. Respondent states that on the night of April 17, 2005, Resident IE had the same problems with hysteria and was threatening the staff and other residents. Respondent states that the Nurse Practitioner was called. Another order for the same medication was received. The resident was observed for more than eight (8) hours after the injection and no adverse reaction was noted. The nurse aides did not report any problems during the shift and she did not notice any adverse effects. Respondent states that the shift was busy and she failed to document the verbal order on her shift. Respondent states that the next morning she made the entry immediately upon entering the unit. At that time, Respondent states she was told that there was an adverse reaction (on

right upper arm) from the medication the night before. Respondent states it was only after being advised that there was an adverse reaction possibly due to the Atarax that the nurse practitioner denied issuing the order for the patient.

14. On or about April 18, 2005, while employed with Alvarado Meadows Rehabilitation Center, Alvarado, Texas, Respondent failed to assess a resident's blood pressure before giving them blood pressure medication. Respondent's conduct was likely to injure the resident in that failing to assess the resident unnecessarily exposed the resident to a risk of harm.

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)(B)(C)(D)(M)(S) & (2)(B) and §217.12(1)(A)(D),(4), and (6)(A)(H).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action Vocational Nurse License Number 140185, heretofore issued to SANDRA LEE HUTSLAR, 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 Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPUATIONS, 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 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 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 SANDRA LEE HUTSLAR, to the office of the Texas Board of Nursing 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 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 a course in physical assessment. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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.*

(4) 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 at the following Board website address: http://www.bon.state.tx.us/about/stipscourses.html.*

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 ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) 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:

(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) 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.

(8) 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 one (1) year 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.

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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 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 19 day of November, 2007.

Sandra Lee Hutslar

SANDRA LEE HUTSLAR, Respondent

Sworn to and subscribed before me this 19 day of November, 2007.

SEAL

Daniela Monique Hensley

Notary Public in and for the State of Texas

DANIELA MONIQUE HENSLEY
Notary Public
STATE OF TEXAS
My Comm. Exp. 06/11/2008

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 19th day of November, 20 07, by SANDRA LEE HUTSLAR, Vocational Nurse License Number 140185, and said Order is final.

Effective this 17th day of January, 20 08.

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