BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 226580	§	
issued to ALICE F.M. TURK	§	ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that ALICE F.M. TURK, hereinafter referred to as Respondent, Registered Nurse License Number 226580, may have violated Section 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on November 20, 2007, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Andrea Arceneaux, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Cynthia A. Smith, Supervising Investigator; and Douglas A. Boone, Investigator.

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 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 a Baccalaureate Degree in Nursing from Texas Woman's University, Houston, Texas, on December 1, 1971, and a Master's of Science in Psychiatric/Mental Health Nursing from Texas Woman's University, Houston, Texas, in 1979. Respondent was licensed to practice professional nursing in the State of Texas on June 1, 1972.

5. Respondent's professional nursing employment history includes:

1/72 - 8/73	GN/Staff Nurse/Evening Supervisor Sweeny Community Hospital Sweeny, Texas
8/73 - 5/89	Nursing Instructor Galveston College Galveston, Texas
6/89 - 8/89	Unknown
9/89 - 12/91	School Nurse Brazosport Independent School District Clute, Texas
1/92 - 3/93	Research Nurse Baylor College of Medicine Houston, Texas
4/93 - 10/06	Staff Nurse/Psychiatry Ben Taub General Hospital Harris County Hospital District Houston, Texas
11/06 - 3/07	Not employed in Nursing
4/07 - present	Staff Nurse/Psychiatry University of Texas Medical Branch at Galveston Galveston, Texas

6. At the time of the incidents described in Findings of Fact Numbers Seven (7) and Eight (8), Respondent was employed as a Staff Nurse with Ben Taub General Hospital - Harris County Hospital District, Houston, Texas, and had been in this position for approximately thirteen (13) years and six (6) months.

7. On or about September 26, 2006, through September 27, 2006, while employed with Ben Taub General Hospital - Harris County Hospital District, Houston, Texas, Respondent failed to appropriately monitor and assess Patient #49511205-6252 while the patient was in seclusion. Consequently, the patient was found with blood coming from his mouth and without respirations or pulse. Respondent's conduct deprived the patient of early detection and timely emergency interventions when the patient's condition significantly declined, which may have contributed to the patient's demise.

8. On or about September 27, 2006, while employed with Ben Taub General Hospital - Harris County Hospital District, Houston, Texas, Respondent started cardiopulmonary resuscitation (CPR), then left after performing 100 chest compressions in order to get the crash cart. When the emergency resuscitation team arrived, they found the patient alone and no CPR in progress. Respondent's conduct deprived the patient of timely emergency intervention which may have contributed to the patient's demise.

9. In reference to Finding of Fact Number Seven (7), Respondent denies that she failed to appropriately monitor and assess this patient and states that she checked the patient's status frequently. In reference to Finding of Fact Number Eight (8), Respondent denies that she failed to provide appropriate emergency intervention or failed to perform CPR and states there were mitigating circumstances which caused her to leave the patient momentarily. Respondent states that when the Psychiatric Technician informed her there was blood on the patient's wrist, she immediately went to assess the patient and found the patient without respirations or pulse, unresponsive and noted blood on his mouth. Respondent went to the patient's door and called out to the Assistant Nurse Manager (who was at the nurses' station) to call a code. Respondent states that she performed one hundred (100) cardiac compressions but was unable to perform any form of rescue breathing due to blood oozing from the patient's mouth. Because no crash cart had been brought to the patient's room, Respondent left the patient to go to the treatment room to obtain the crash cart.

10. On October 19, 2007, Respondent completed the Healthcare Provider CPR and AED course offered by the American Heart Association, which would have been a requirement of this Order.

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)(B) & (M) and (3)(A), and §217.12(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 226580, heretofore issued to ALICE F.M. TURK, 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 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 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 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 the 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.

(1) 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.

(2) RESPONDENT SHALL deliver the wallet-sized license issued to ALICE F.M. TURK, to the office of the Texas Board of Nursing within ten (10) days of the date of this Order for appropriate notation.

(3) 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

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.*

(4) RESPONDENT SHALL, within sixty (60) days of entry of this Order, successfully complete a course in Advanced Cardiac Life Support (ACLS) for Healthcare Providers. In order to receive credit for completion of this course, RESPONDENT SHALL obtain the Verification of Course Completion form from the Board's website, ftp://www.bon.state.tx.us/i17.pdf, and SHALL SUBMIT the Verification of Course Completion form to the Board's office, to the attention of Monitoring, after having the form completed and signed by the course instructor. RESPONDENT SHALL also submit a front and back copy of the course completion card along with the Verification of Course Completion form. 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.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED 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 PROBATION CONDITIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY 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 REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the probation conditions 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 probation conditions 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 duration of the probation 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.

(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 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 and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

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.

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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 28th day of December, 2007.

Alice F.M. Turk

ALICE F.M. TURK, Respondent

Sworn to and subscribed before me this 28 day of December, 2008.

SEAL

Linda A. Johnson Youngblood

Notary Public in and for the State of Texas

LINDA A JOHNSON-YOUNGBLOOD
NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES
NOV. 16, 2011

Approved as to form and substance.

Andrea Arceneaux

ANDREA ARCENEAUX, Attorney for Respondent

Signed this 28th day of December, 2007

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 28th day of December, 2007, by ALICE F.M. TURK, Registered Nurse License Number 226580, and said Order is final.

Effective this 12th day of February, 2008.

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