BEFORE THE TEXAS BOARD OF NURSING

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| In the Matter of Vocational Nurse | § | AGREED |
| License Number 177323 | § | |
| issued to HOLLY KRISTEN JACKSON | § | ORDER |

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of HOLLY KRISTEN JACKSON, Vocational Nurse License Number 177323, 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 Tyler Junior College, Jacksonville, Texas, on August 11, 2000. Respondent was licensed to practice vocational nursing in the State of Texas on September 21, 2000.

5. Respondent's vocational nursing employment history includes:

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| 9/2000 - 10/2000 | Staff Nurse | Nacogdoches Memorial Hospital<br>Nacogdoches, Texas |

Respondent's vocational nursing employment history continued:

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| 12/00 - 5/01 | Staff Nurse | Sunbridge Care and Rehab<br>Unknown |
| 6/01 - 5/03 | Office Nurse | Women's Total Care/OB/GYN<br>Tyler, Texas |
| 6/03 - 9/03 | Unknown | |
| 10/03 - 1/07 | Staff Nurse | Pain Management Center of East Texas<br>Nacogdoches, Texas |
| 2/07 - 3/11/07 | Staff Nurse | Grace Visiting Nurses<br>Jacksonville, Texas |
| 3/12/07 - 6/6/07 | Staff Nurse | Crown Health Service<br>Nacogdoches, Texas |
| 6/7/07 - Present | Unknown | |

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Crown Health Service, Nacogdoches, Texas, and had been in this position for three (3) months.

7. On or about June 1, 2007, through June 4, 2007, while employed as a Staff Nurse at Crown Health Service, Nacogdoches, Texas, Respondent failed to notify the physician that she was unable to remove the Wound Vac foam from the wound of Patient Number 300000925. Subsequently, the physician had to surgically debride the patient's wound. Respondent's conduct unnecessarily exposed the patient to a risk of harm and may have contributed both to the patient requiring an additional surgical procedure and to a delay in the healing of her wound.

8. On or about June 1, 2007, through June 4, 2007, while employed as a Staff Nurse at Crown Health Service, Nacogdoches, Texas, Respondent falsely documented the status of the wound of the aforementioned Patient Number 300000925, by intentionally omitting her finding that foam was stuck in the wound and that she had attempted to remove the foam without success. Respondent failed to document that she had notified the RN Case Manager of her findings. Respondent's conduct was deceptive, deprived subsequent caregivers of vital information on which to base further nursing care and interventions, and denied the patient the benefit of the physician's expertise regarding medical management of the patient's wound and removal of the foam.

9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that when she first saw the patient, another LVN instructed her how to perform the dressing change and apply the Wound Vac attachment. Respondent admits that she did not understand how a Wound Vac worked, and that she did not realize that nurses must be specially trained and certified before performing wound care on a patient with a Wound Vac. Respondent says that on her next visit with the patient, she observed that a piece of foam was imbedded in the wound, and states that she attempted to remove the foam but that the patient complained of pain and asked her not to touch it anymore. According to Respondent, the patient told her that another nurse had left foam in the wound over the weekend and that the RN Case Manager was aware that the foam was imbedded in the wound when (the RN Case Manager) had performed wound care on the patient. Respondent states that if she had known more about the Wound Vac and how it worked, she would "have tried to call the physician or at least have tried to get in touch with the RN," adding that she "did not realize that this could potentially cause further harm to the patient." Respondent informed the Board that nurses received their patient visit notes back on a weekly basis for corrections from the Quality Assurance nurse and that she was not allowed time in her schedule to correct her documentation. Respondent states that she did not have the physician's orders available at the times she visited the patient because the RN Case Manager had not finished her admission documentation, and indicates that she waited to complete her notes so that she could document her findings correctly. Respondent asserts that she fully intended to document her findings but that she was called into the supervisor's office for questioning about the patient before she could correct the notes. Respondent admits that she made errors in judgment and she accepts full responsibility for her actions.

## 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)(C),(1)(D),(1)(H),(1)(P)&(1)(T) 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 Vocational Nurse License Number 177323, heretofore issued to HOLLY KRISTEN JACKSON, 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 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 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 HOLLY KRISTEN JACKSON, 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 <u>not</u> 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 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.*

(4) 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, SHOULD RESPONDENT PRACTICE AS A 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 11th day of December, 2007.

Holly Kristen Jackson

HOLLY KRISTEN JACKSON, Respondent

Sworn to and subscribed before me this 11th day of December, 2007.

SEAL

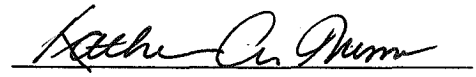
Angi Hightower

Notary Public in and for the State of Texas

ANGI HIGHTOWER
MY COMMISSION EXPIRES
May 10, 2011

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 11th day of December, 2007, by HOLLY KRISTEN JACKSON, Vocational Nurse License Number 177323, and said Order is final.

Effective this 12th day of February, 2008.



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