

IN THE MATTER OF	§	BEFORE THE ELIGIBILITY
	§	
PERMANENT CERTIFICATE	§	AND DISCIPLINARY
	§	
NUMBER 422158	§	COMMITTEE
	§	
ISSUED TO	§	OF THE TEXAS
	§	
JOANN K. K. HEZEL	§	BOARD OF NURSING

ORDER OF THE BOARD

TO: Joann K. K. Hezel
12622 La Entrada
San Antonio, Texas

During open meeting held in Austin, Texas, on February 12, 2008, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.


NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 422158, previously issued to JOANN K. K. HEZEL, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 422158, previously issued to JOANN K. K. HEZEL, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice professional nursing in the State of Texas.

Entered this 12th day of February, 2008.

TEXAS BOARD OF NURSING


BY: 
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 422158
Issued to Joann K. K. Hezel
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of February, 2008, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Joann K. K. Hezel
12622 La Entrada
San Antonio, Texas 78233

BY: 
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD



Board of Nurse Examiners For the State of Texas

Location Address: William P. Hobby Building, Ste. 3-460, 333 Guadalupe Street, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 Web: www.bne.state.tx.us

Katherine A. Thomas, MN, RN
Executive Director

August 15, 2007

Certified Mail No. 7007 0710 0004 7189 1406

Return Receipt Requested

Joann K. K. Hezel
12622 La Entrada
San Antonio, Texas 78233

Dear Ms. Hezel:

Enclosed are Formal Charges which have been filed against you alleging one or more violations of Section 301.452(b) of the Nursing Practice Act, Texas Occupations Code. Within three weeks of the date of this letter, you must file a written answer to each charge admitting or denying each allegation. If you intend to deny only part of an allegation, you must specify so much of it as is true and deny only the remainder. Your answer shall also include any other matter, whether of law or fact, upon which you intend to rely for your defense. Please send your written answer to the attention of Carolyn Schooley, RN, Investigator. You may obtain legal counsel at your own expense.

FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY LEGAL REPRESENTATIVE, WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF WILL BE GRANTED BY DEFAULT.

Please be advised that should you fail to file a written answer, the case will proceed on a default basis and it will be staff's recommendation that a default order be entered revoking your license or multistate privilege to practice professional nursing in the State of Texas.

The results of any default order or formal disposition (Board Order) are public information. Results of informal and formal dispositions will appear in the Board's newsletter under the heading of "Disciplinary Action."

Should you desire to discuss this matter, you may contact Carolyn Schooley, RN, Investigator, Enforcement Division, at the above address, or at (512) 305-6861.

Sincerely,

Katherine A. Thomas, MN, RN
Executive Director

KAT/cs
Enclosure: Formal Charges

09/99-DA

Members of the Board

Joyce Adams, PhD, RN Houston	Deborah Bell, CLU, ChFC Abilene	George Buchenau, Jr., BSN, RN, MBA Amarillo	Virginia Campbell, BSN, RN, CNOR Mesquite	Blanca Rosa Garcia, PhD, RN Corpus Christi
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7007 0710 0004 7189 1406
PS Form 3800, August 2006

In the Matter of Permanent License § BEFORE THE BOARD
Number 422158, Issued to § OF NURSE EXAMINERS
JOANN K. K. HEZEL, Respondent § FOR THE STATE OF TEXAS

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JOANN K. K. HEZEL, is a Registered Nurse holding license number 422158, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about May 3, 2005, while employed with Northeast Baptist Hospital, San Antonio, Texas, Respondent failed to provide adequate care for Patient Medical Record Number 0509100693 in that she mistakenly administered Potassium Phosphate Intravenous Piggy Back instead of Potassium Chloride, as ordered. Potassium Phosphate is an oral which cannot safely be administered intravenously. Respondent's conduct was likely to injure the patient from potentially life-threatening adverse reactions, including possible demise.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(B)&(1)(C) and 217.12(1)(B)&(4).

CHARGE II.

On or about May 3, 2005, while employed with Northeast Baptist Hospital, San Antonio, Texas, Respondent failed to document wastage of Morphine in excess of the amount administered to Patient Medical Record Number 0509100693. Respondent's conduct resulted in an incomplete medical record and placed the facility in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(B)&(1)(D) and 217.12 (1)(B),(1)(C),(4)&(11)(B).

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CHARGE III.

On or about May 3, 2005, while employed with Northeast Baptist Hospital, San Antonio, Texas, Respondent failed to assess the respiratory status of Patient Medical Record Number 0509100693 after being informed that the patient was fighting the ventilator and was having difficulty breathing. Respondent's conduct was likely to injure the patient from clinical care decisions formulated based on incomplete assessment information.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(B)&(3)(A) and 217.12(1)(B)&(4).

CHARGE IV.

On or about May 3, 2005, while employed with Northeast Baptist Hospital, San Antonio, Texas, Respondent falsely documented that she administered Lasix, Lovenox, Protonix and Levothyroxine to Patient Medical Record Number 0510500729 at 0900. An audit from the Acudose-RX Station indicated the medications were not obtained until later at 1800. Respondent's conduct was deceptive, resulted in an incomplete, inaccurate medical record, and was likely to injure the patient in that subsequent care givers would rely on her documentation in order to provide further patient care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(B)&(1)(D) and 217.12(1)(B),(1)(C),(4),(6)(A)&(6)(H).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

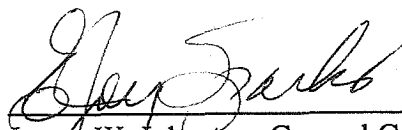
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NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bne.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Fraud, Theft & Deception, and for Lying and Falsification, which can be found at the Board's website, www.bne.state.tx.us.

Filed this 15th day of August, 2007.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Victoria Cox, Assistant General Counsel
State Bar No. 00789585

E. Joy Sparks, Assistant General Counsel
State Bar No. 18874600

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305.8101 or (512)305-7401

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1. Article Addressed to:

Joann K. K. Hezel
12622 La Entrada
San Antonio, Texas 78233

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A. Signature <i>Joann Hezel</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name) Joann Hezel	C. Date of Delivery 8-18-07
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	

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102595-02-M-1540