

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 723897 and	§	
Vocational Nurse License	§	
Number 184838	§	
issued to LINDSEY DEON NICHOLSON	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LINDSEY DEON NICHOLSON, Registered Nurse License Number 723897 and Vocational Nurse License Number 184838, 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 January 14, 2008, 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 and holds a license to practice vocational nursing in the State of Texas which is in Delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Frank Phillips College, Borger, Texas on May 15, 2002, and an Associate Degree in Nursing from Amarillo College, Amarillo, Texas on December 15, 2005. Respondent was licensed to practice vocational nursing in the State of Texas in July 2002 and to practice professional nursing in the State of Texas in January 2006.

5. Respondent's nursing employment history includes:

5/02 - 8/03	GVN/Staff LVN	Golden Plains Community Hospital Borger, Texas
4/03 - 8/03	Staff LVN	Amarillo Nursing Center Amarillo, Texas
8/03 - 7/05	Staff LVN	Borger Healthcare Center Borger, Texas
8/05 - present	Unknown	

6. At the time of the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent was employed as a Staff LVN with Borger Healthcare Center, Borger, Texas, and had been in this position for one (1) year and four (4) months.
7. On or about December 21, 2004, while employed as a Staff LVN with Borger Healthcare Center, Borger, Texas, Respondent neglected to report to the appropriate authorities that she witnessed RP, RN, strike Resident RM in the face. Respondent's failure to report the abuse of Resident RM exposed the residents to additional incidents of abuse, which created an unsafe environment.
8. On or about December 21, 2004, while employed as a Staff LVN with Borger Healthcare Center, Borger, Texas, Respondent forced Resident RM to take medications after his refusal. Respondent's conduct may have resulted in emotional harm to the resident and was a violation of patients' rights.
9. In reference to Finding of Fact Number Seven (7), Respondent states that she knew the incident should be reported, but was fearful of retaliation because RP, RN, was the daughter of the Director of Nursing. In reference to Finding of Fact Number Eight (8), Respondent denies that she disregarded Resident RM's rights in that there was an order to crush the medications if necessary and mix them with water. Respondent and RP, RN, attempted to administer these medications and it was at this time that RP, RN, struck Resident RM. Resident RM spit the medications out and no other attempt was made. The physician was contacted and the medications were administered via injection.

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10. The Respondent's conduct described in the preceding Findings of Fact was reportable under the provisions of Sections 301.401-301.419, Texas Occupations Code.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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, 22 TEX. ADMIN. CODE §217.11(1)(A) & (B), and 22 TEX. ADMIN. CODE §217.12(6)(C).
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 723897 and Vocational Nurse License Number 184838, heretofore issued to LINDSEY DEON NICHOLSON, including revocation of Respondent's licenses to practice professional and 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 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 and 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 professional and vocational 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 licenses issued to LINDSEY DEON NICHOLSON 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 a course in "Incident Reporting and Investigations," a 4.2 contact hours workshop presented in various locations by the Texas Department of Aging and Disability Services. In order to receive credit for completion of this workshop, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this workshop 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 website:* <http://www.dads.state.tx.us/providers/training/jointtraining.cfm> or by contacting [Lynn.Cooper@dads.state.tx.us](mailto:Lynn.Cooper@dads.state.tx.us).

(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, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued unencumbered licenses and multistate licensure privileges, if any, to practice professional and vocational nursing in the State of Texas.

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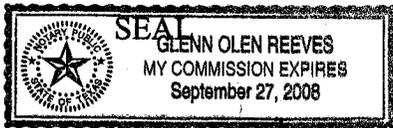
RESPONDENT'S CERTIFICATION

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 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 licenses to practice professional and vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 21<sup>st</sup> day of February, 2008.

Lindsey Deon Nicholson  
LINDSEY DEON NICHOLSON, Respondent

Sworn to and subscribed before me this 21 day of February, 2008.



Glenn Olen Reeves

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 21st day of February, 2008, by LINDSEY DEON NICHOLSON, Registered Nurse License Number 723897 and Vocational Nurse License Number 184838, and said Order is final.

Effective this 27th day of February, 2008.



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