

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse License Number 199088 § AGREED
issued to AMYE MARIE OLEWIN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of AMYE MARIE OLEWIN, Vocational Nurse License Number 199088, 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 informal conference, notice and hearing, and agreed to the entry of this Order offered on November 11, 2007, 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 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 Temple Junior College, Temple, Texas, on May 13, 2005. Respondent was licensed to practice vocational nursing in the State of Texas on June 28, 2005.
5. Respondent's vocational nursing employment history includes:

6/05 - 1/06	Not employed as a nurse	
2/06 - 1/07	Staff Nurse	Pflugerville Care Center Pflugerville, Texas

Respondent's vocational nursing employment history continued:

2/07 - 7/07	Treatment Nurse	Pflugerville Care Center Pflugerville, Texas
8/07 - Present	Clinical Nurse	University of Texas Student Services Clinic Austin, Texas

6. At the time of the incident in Findings of Fact Numbers Seven (7) and Eight (8), Respondent was employed as a Staff Nurse with Pflugerville Care Center, Pflugerville, Texas, and had been in this position for five (5) months.
7. On or about July 27, 2006, while employed as a Staff Nurse with Pflugerville Care Center, Pflugerville, Texas, Respondent failed to notify the physician when Patient Medical Record Number 25176, a seventy four (74) year-old admitted for continued physical, occupational and respiratory therapy following a hospitalization for acute respiratory failure secondary to Chronic Obstructive Pulmonary Disease (COPD), continued to experience abdominal pain after being examined by the Nurse Practitioner. The patient's condition continued to deteriorate into the next shift, and the patient subsequently expired at 01:29 the next morning. Respondent's conduct potentially delayed further medical interventions for this patient, and might have contributed to the patient's demise.
8. On or about July 27, 2006, while employed as a Staff Nurse with Pflugerville Care Center, Pflugerville, Texas, Respondent failed to recognize the potential for clinical complications, and to assess and intervene as appropriate, when the aforementioned Patient Medical Record Number 25176 continued to have abdominal pain. Consequently, Respondent failed to initiate nursing interventions that may have been required to stabilize the patient, who appeared to be in distress and was too weak to ambulate to the bathroom. Shortly after Respondent's shift, the subsequent nurse determined that the patient was still complaining of abdominal pain and that her abdomen was distended. The patient's condition continued to deteriorate on the following shift, and the patient subsequently expired at 01:29 the next morning. Respondent's conduct may have contributed to the patient's demise.
9. In response to the incident in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states the following: "During my shift on July 27, 2006, both the physician and the physician's nurse practitioner were aware of the patient's abdominal pain. The nurse practitioner assessed the patient immediately before my shift began and ordered an abdominal x-ray, which was performed. I administered Norco for the patient's abdominal pain, according to the physician's PRN order from July 25, 2006. I also monitored the patient frequently that day and discussed the patient's condition with her family members, who were present until approximately the last hour of my shift. Her vital signs and oxygen saturation remained within normal limits for her condition, and the patient's family declined my offer for a second PRN Norco, because the patient was resting. I documented that the patient was in apparent distress at approximately 7:00 that evening because she complained of abdominal pain and appeared to be experiencing anxiety over her adjustment to a new facility. However,

the patient seemed to improve after that, and when I turned her over to the oncoming nurse the patient appeared to be sleeping comfortably, without signs of respiratory distress.

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),(1)(D), (1)(M),(1)(P)&(2)(A) and 217.12(1)(B),(1)(C)&(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 199088, heretofore issued to AMYE MARIE OLEWIN, 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 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 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 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 license issued to AMYE MARIE OLEWIN 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 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>.

(5) 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 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

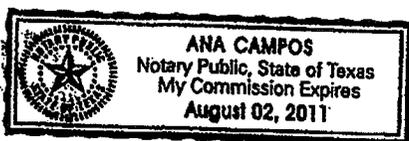
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid 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 license to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 14 day of February, 2008.

Amye Marie Olewin
AMYE MARIE OLEWIN, Respondent

Sworn to and subscribed before me this 14th day of February, 2008.

SEAL



NOTARY WITHOUT BOND

Ana Campos

Notary Public in and for the State of Texas

Approved as to form and substance.

Emily Davenport
Emily Davenport, Attorney for Respondent

Signed this 29th day of February, 2008.

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 14th day of February, 2008, by AMYE MARIE OLEWIN, Vocational Nurse License Number 199088, and said Order is final.

Effective this 6th day of March, 2008.



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