

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Permanent Vocational Nurse	§	
License Number 85550 and	§	AGREED
Multistate License Privilege	§	
Related to Arkansas Practical Nurse	§	
License Number L19041	§	ORDER
Issued to LINDA DENT	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LINDA DENT, Vocational Nurse License Number 85550 and Multistate Licensure Privilege related to Arkansas Practical Nurse License Number L19041, 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 March 9, 2008, 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 received a Certificate in Vocational Nursing from Texarkana Community College, Texarkana, Texas, on January 21, 1980. Respondent was licensed to practice vocational nursing in the State of Texas on April 15, 1980, was licensed to practice practical nursing in the State of Arkansas on February 18, 1982, and was licensed to practice practical nursing in the State of Washington on March 21, 1986.

4. Respondent's license to practice vocational nursing in the State of Texas is currently in "MSR Invalid" status. Respondent is a currently licensed to practice practical nursing in the State of Arkansas.

5. Respondent's vocational nursing employment history includes:

04/1980 - 1996	Unknown	
1997 - 2000	Staff Nurse	Medicalodge Texarkana, Arkansas
2000 - 2001	Staff Nurse	Heritage Plaza Nursing and Rehabilitation Ctr. Texarkana, Texas
2001 - 08/2004	Staff Nurse	Bowie County Family Health Center Texarkana, Texas
09/2004 - 06/2007	Charge Nurse	Heritage Plaza Nursing and Rehabilitation Ctr. Texarkana, Texas
07/2007 - Present	Unknown	

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Charge Nurse with Heritage Plaza Nursing and Rehabilitation Center, and had been in this position for two (2) years and nine (9) months.

7. On or about June 22, 2007, while employed as a Charge Nurse with Heritage Plaza Nursing and Rehabilitation Center, Texarkana, Texas, Respondent failed to timely and appropriately assess and intervene regarding Resident Number 2165, who was experiencing respiratory distress. Respondent was notified by a Nurse Aide that the resident, who had orders for oxygen per Continuous Positive Airway Pressure (CPAP), was complaining of "not getting any oxygen." Respondent looked into the resident's room a few minutes later, noted that the resident was sitting in a chair with the CPAP mask on his face, and without speaking with the resident, left the patient's room instead of immediately performing a focused assessment of the patient's respiratory status and checking the operational status of the oxygen delivery system. Respondent wondered "why this resident, who was apparently a patient with breathing problems was not on oxygen via nasal cannula or mask," so she checked the resident's Medication Administration Record (MAR) to see if he had an order for oxygen via mask or nasal cannula, and found that he did not. Respondent also failed to administer a breathing treatment, which was ordered on an "as needed" basis by the physician. Approximately forty-five (45) minutes later, the resident was discovered without pulse or respirations, with the CPAP mask on his chest. Cardiopulmonary resuscitation was administered, but the resident was pronounced deceased when Emergency Medical Services determined that the resident continued to have no heart rate or spontaneous respirations. Respondent's conduct may have contributed to the resident's demise.

8. On or about June 22, 2007, while employed as a Charge Nurse with Heritage Plaza Nursing and Rehabilitation Center, Texarkana, Texas, Respondent failed to document in the medical record that the aforementioned Resident Number 2165 complained of difficulty breathing and subsequently suffered respiratory arrest. Respondent's conduct resulted in an inaccurate medical record.
9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that she "visited" with the resident as she took him to his room upon arrival at the facility. He was alert and oriented, in no distress, and had on a CPAP, which gave him continuous positive airway pressure. About thirty (30) minutes later, a nurse aide "called to" her that the resident was having trouble breathing, and Respondent states she "went to him" and he was sitting up in the chair. According to Respondent, she checked the CPAP, which she states was providing him with air, she "touched him" and he was in no distress, and she asked him if he was okay, to which he nodded "yes" and looked up at her. Respondent asserts that Resident Number 2165 was never in distress while she was in his presence. Although Respondent indicated she checked the resident's MAR to see if he had an order for oxygen, she also states that she did not document in the resident's medical record because there was no chart and that all information was gathered after the resident was found non-responsive.
10. Formal Charges were filed on January 29, 2008.
11. Formal Charges were mailed to Respondent on January 30, 2008.

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 to prove violations of 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(B),(1)(C),(1)(D),(1)(M),(1)(P)&(2)(A) and 217.12(1)(A),(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Sections 301.452(b) and 304.001, Article 3(c), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 85550 and Multistate License Privilege related to Arkansas Practical Nurse License Number L19041, heretofore issued to LINDA DENT, including revocation of Respondent's license and multistate licensure privilege to practice 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 REPRIMAND 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 licensure privilege, if any, to practice 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 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 LINDA DENT, 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 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. *Information regarding Board-approved courses in Texas Nursing Jurisprudence may be found at the Board's website www.bon.state.tx.us (on the Disciplinary Action page and on the page "About the Board"/"BON Meetings and Events).*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. 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 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>.*

(5) 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>

(6) 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 LICENSED VOCATIONAL 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:

(7) 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.

(8) 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.

(9) 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.

(10) 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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12/20 08:50

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 and multistate licensure privilege to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 26th day of March, 2008.

Linda Dent
LINDA DENT, Respondent

Sworn to and subscribed before me this 26th day of March, 2008.

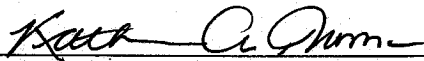
Fran Williams
Notary Public in and for the State of Arkansas

SEAL

Fran Williams
Notary Public-state Of Arkansas
Sevier County
My Commission Expires 6-17-2014

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 26th day of March, 2008, by LINDA DENT, Vocational Nurse License Number 85550 and Arkansas Practical Nurse License Number L19041, and said Order is final.

Effective this 13th day of May, 2008.


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

