

BEFORE THE TEXAS BOARD OF NURSING

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| In the Matter of Registered Nurse License | § | AGREED |
| Number 577050 and Vocational Nurse | § | |
| License Number 56378, issued to | § | ORDER |
| FIELD BENNINGS | § | |

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that FIELD BENNINGS, Registered Nurse License Number 577050 and Vocational Nurse License Number 56378, hereinafter referred to as Respondent, may have violated Section 301.452 (b)(13), Texas Occupations Code.

An informal conference was held on May 27, 2008, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Vince Martinez, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Victoria North, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Nancy Krause, RN, Investigator; Veronica Franco, Investigator; John De La Rosa, Investigator; Dennis Riggins, Investigator; and Noemi Leal, Supervising Investigator.

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 notice and hearing, and consented 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 of Completion in the Clinical Specialist Course from William Beaumont General Hospital, El Paso, Texas, in 1973. Respondent received a Diploma in Nursing from Methodist Hospital School of Nursing, Lubbock, Texas, on November 8, 1991. Respondent was licensed to practice vocational nursing in the State of Texas on April 20, 1973. Respondent was licensed to practice professional nursing in the State of Texas on March 17, 1992.

5. Respondent's professional and vocational nursing employment history includes:

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| 1968 - 1976 | Active Duty, US Army | |
| 1975 - 1977 | Agency Nurse/LVN | NurseFinders Lubbock, Texas |
| 1977 - 1978 | LVN/Staff Nurse MICU | William Beaumont Army Medical Center El Paso, Texas |
| 1978 - 1979 | Staff Nurse/LVN | El Paso State Center for Human Development El Paso, Texas |
| 1979 - 1980 | Social Worker | El Paso State Center for Human Development El Paso, Texas |
| 1982 - 1985 | Staff Nurse/LVN | Vista Hills Medical Center El Paso, Texas |
| 09/86 - 08/87 | Staff Nurse LVN | University Hospital Lubbock, Texas |
| 08/87 - 04/92 | Staff Nurse LVN/RN | St. Mary's Hospital Lubbock, Texas |
| 1988 - 2002 | Staff Nurse LVN/RN | Covenant Medical Center Lubbock, Texas |
| 12/89 - 09/99 | Staff Nurse | U. S. Army Reserves Hospital Lubbock, Texas |
| 06/93 - 12/03 | Staff Nurse | Covenant Medical Center Lubbock, Texas |
| 01/04 - 12/04 | Assistant Instructor | Texas Tech University, School of Nursing Lubbock, Texas |
| 01/04 - 12/05 | Staff Nurse/ICU | Lubbock Heart Hospital Lubbock, Texas |

Respondent's vocational and professional nursing employment history continued:

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| 01/06 - 02/07 | Agency Nurse | NurseFinders Lubbock, Texas |
| 05/07 - 10/07 | Staff Nurse | Southwest Regional Medical Center Lubbock, Texas |
| 11/07 - Present | Staff Nurse | Covenant Specialty Hospital Lubbock, Texas |

6. At the time of the incidents, Respondent was employed as an Agency Nurse with NurseFinders, Lubbock, Texas, and was on assignment with Lynwood Nursing and Rehabilitation, Levelland, Texas. Respondent had been employed with NurseFinders for five (5) months.
7. On or about February 21, 2007, through February 22, 2007, while employed with NurseFinders, Lubbock, Texas, and on assignment at Lynwood Nursing and Rehabilitation, Levelland, Texas, Respondent failed to perform a focused head-to-toe assessment on Patient Medical Record Number 452, when he was notified that the patient had fallen in the bathroom. Respondent's conduct exposed the patient unnecessarily to a risk of harm from complications due to undiagnosed and, consequently, untreated disease processes.
8. On or about February 22, 2007, while employed with NurseFinders, Lubbock, Texas, and on assignment at Lynwood Nursing and Rehabilitation, Levelland, Texas, Respondent failed to notify the physician, the family, and the on-coming staff after he was notified that Patient Medical Record Number 452 had fallen. In addition, Respondent failed to document the information regarding the patient's fall in the medical record. Respondent's conduct exposed the patient unnecessarily to a risk of harm in that the physician needed complete information on which to base his care and subsequent care givers would not have the benefit of the documented information while providing care to the patient.
9. Respondent submitted a written statement to the facility regarding the incident in which he states that at around 5:00am, the nurse aide stopped him as he was walking past the resident's room and stated that resident (Medical Record Number 452) told her she had fallen in the bathroom. Upon entering the patient's room, he noticed the resident walking by herself, without help, and not complaining of a fall. After observing the resident walking by herself in her room, and after not observing any injuries, cuts or bruises on the patient, he determined that the resident was not in distress. He then left the room to complete other nursing responsibilities. He did not initiate an accident/ incident report because the nurse aide was informed by the resident of her fall and also observed her on the floor in the bathroom. This was an adequate indication for the nurse aide to initiate the appropriate reporting documentation. Respondent stated that he also forgot to pass the information on to the next shift at 6:00am due to other demands placed on him this shift.

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)(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A)(B)(D)(P)&(3)(A).
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 577050 and Vocational Nurse License Number 56378, heretofore issued to FIELD BENNING, 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 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 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 FIELD BENNINGS 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 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 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 15th day of July, 2008.

Field Benning
FIELD BENNING, RESPONDENT

Sworn to and subscribed before me this 15th day of July, 2008.



Albert Hernandez
Notary Public in and for the State of TEXAS

Approved as to form and substance.

Vince Martinez
Vince Martinez, Attorney for Respondent

Signed this 15 day of July, 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 15th day of July, 2008, by FIELD BENNINGS, Registered Nurse License Number 577050 and Vocational Nurse License Number 56378, and said Order is final.

Effective this 22nd day of July, 2008.



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