

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse License Number 166200 issued to TRICIA LUCINDA DANNS § AGREED § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of TRICIA LUCINDA DANNS, Vocational Nurse License Number 166200, hereinafter referred to as Respondent.

An informal conference was held on July 11, 2008, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Kenda Dalrymple, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Victoria Cox North, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Cynthia A. Smith, Supervising Investigator; and Marcia Wilson, RN, 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 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 Diploma in Vocational Nursing from the United States Army, Fort Sam Houston, Texas, on September 20, 1997. Respondent was licensed to practice vocational nursing in the State of Texas on January 21, 1998.
5. Respondent's vocational nursing employment history includes:

01/1998 - 10/1998 LVN Wilkerson Home Health Care Temple, Texas

Respondent's vocational nursing employment history continued:

11/1998 - 03/2001	Charge Nurse	Manor Care West Temple, Texas
04/2001 - 06/2004	LVN	Hill Country Rehabilitation and Nursing Center Copperas Cove, Texas
07/2004 - 04/2006	Treatment Nurse	Trisun Temple Living Center West Temple, Texas
05/2006 - Present	Charge Nurse	Hill Country Rehabilitation and Nursing Center Copperas Cove, Texas

6. At the time of the initial incident, Respondent was employed as a Charge Nurse with Hill Country Rehabilitation and Nursing Center, Copperas Cove, Texas, and had been in this position for five (5) months.
7. On or about October 29, 2006, through October 30, 2006, while employed with Hill Country Rehabilitation and Nursing Center, Copperas Cove, Texas, Respondent failed to notify the physician and intervene appropriately, as required by the facility's policy and procedure, when the blood sugar levels of Resident MH were higher than 451, as follows:

Date	Time	Blood Sugar Level	Intervention	Physician Notification
10/29/06	23:30	465	No insulin administered.	None.
10/30/06	02:00	480	No insulin administered.	None.
	05:30	531	No insulin administered. Information passed to oncoming nurse.	None.

The facility's policy required that the physician be notified when a resident's blood sugar was higher than 451. Resident MH was found November 10, 2006, unresponsive and was emergently transported to the hospital, where the resident remained unresponsive and subsequently expired.

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8. On or about October 31, 2006, through November 5, 2006, while employed with Hill Country Rehabilitation and Nursing Center, Copperas Cove, Texas, Respondent failed to notify the physician and intervene appropriately, as required by the facility's policy and procedure, when the blood sugar levels of Resident MH were less than 60 and the resident was symptomatic, as follows:

Date	Time	Blood Sugar Level	Nurses' Notes/ Intervention	Nurses' Notes/ Symptoms	Physician Notification
10/31/06	01:00	44	1:10 Glucagon IM given to left thigh.	Found on floor rolling around yelling out incoherently. Cool and clammy.	Not verbally. Wrote notes on Doctor Call List.
	01:15	39	None.	01:15 Blood sugar rechecked. 01:30 Instant glucose administered orally. Continued yelling and rolling around on floor. Still cool and clammy. More coherent. Still unable to answer appropriately. Blood sugar level 89.	Not verbally. Wrote notes on Doctor Call List.
	01:45	279	Gave ice chips.	More alert, tearful, and afraid. Asking to be helped.	Not verbally. Wrote notes on Doctor Call List.
11/05/06	05:15	54	Gave 3 glucose tabs but did not recheck blood sugar	None noted.	

The facility's policy required that the physician be notified when a resident's blood sugar remained less than 60 for thirty (30) minutes after administering one (1) teaspoon of cake frosting or six (6) ounces of orange juice, or the resident was symptomatic. According to the physician's orders, three (3) tablets of glucose were to be administered, one (1) tablet every fifteen (15) minutes, as needed, for blood glucose levels less than 60, which would require the resident's blood sugar level to be re-checked and glucose tablets to continue to be administered until the blood glucose level was no longer less than 60. There was also a physician's order for Glucagon injection as needed for low blood sugar. On November 10, 2006, Resident MH was found to be unresponsive and with a blood sugar level too low for the monitor to record a numerical result. Upon emergent transport to a hospital, it was determined that the resident had suffered anoxic metabolic encephalopathy. The resident remained unresponsive in the hospital and subsequently expired.

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9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that according to physicians' orders, ten (10) units of insulin should be administered for high blood sugar; however, Respondent was afraid to give Resident MH insulin at night because Resident MH was a brittle diabetic whose blood sugar readings varied widely and tended to drop very low overnight. At times, there were no nightly snacks provided for Resident MH. Respondent states she was certain that she had checked on Resident MH around change of shift, however, she failed to document that intervention. Respondent was not working on November 10, 2006, and she did not care for the Resident on the date that the Resident was found to be unresponsive and was transported to the hospital.
10. Charges were filed on February 29, 2008.
11. Charges were mailed to Respondent on March 6, 2008.
12. Respondent filed her Answer to the Formal Charges on March 21, 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 22 TEX.ADMIN. CODE § 217.11(1)(A),(1)(B),(1)(C),(1)(D),(1)(M),(1)(P)&(2)(A).
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 166200, heretofore issued to TRICIA LUCINDA DANNIS, including revocation of Respondent's license to practice vocational nursing in the State of Texas.
5. Section 301.463(d) of the Act provides that this Agreed Order is a settlement agreement under Rule 408 of the Texas Rules of Evidence for purposes of civil or criminal litigation.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act,

Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *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 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 TRICIA LUCINDA DANNIS, 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. *Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/disciplinaryaction/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/disciplinaryaction/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/disciplinaryaction/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, 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:

(6) 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.

(7) 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.

(8) 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.

(9) 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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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 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 to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 04th day of September, 2008.

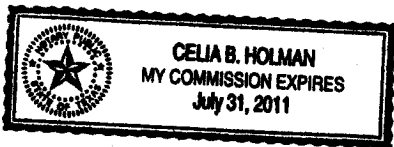
Tricia Lucinda Danns
TRICIA LUCINDA DANNS, Respondent

Sworn to and subscribed before me this 4th day of September, 2008.

SEAL

Celia B. Holman

Notary Public in and for the State of Texas




Approved as to form and substance.

Kenda Dalrymple
Kenda Dalrymple, Attorney for Respondent

Signed this 7th day of October, 2008.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 4th day of September, 2008, by TRICIA LUCINDA DANNS, Vocational Nurse License Number 166200, and said Order is final.

Effective this 12th day of November, 2008.


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