



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Stephanie Coleman
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse	§	AGREED
License Number 731030 and Vocational	§	
Nurse License Number 198563	§	
issued to ERIN RACHELLE ALLEN	§	ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that ERIN RACHELLE ALLEN, hereinafter referred to as Respondent, Registered Nurse License Number 731030 and Vocational Nurse License Number 198563, may have violated Section 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on March 27, 2012, 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 notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were, Denise Benbow, MSN, RN, CMSRN, Consultant for Nursing Practice, Executive Director's Designee; Ramona Gaston-McNutt, BSN, RN, Consultant for Nursing Practice; Nikki Hopkins, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Robert Almanza, Investigator; Pamela Nemir, RN, Investigator; Tonya Harry, Investigator; Sandra Jackson, RN, Investigator; Charlette Medearis, RN, Investigator; and Carolyn Schooley, 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(s).
2. Respondent waived representation by counsel, notice and hearing, and consented to the entry of this Order.

3. Respondent is currently licensed to practice professional and vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Paris Junior College, Paris, Texas, on May 6, 2005; and received an Associate Degree in Nursing from Paris Junior College, Paris, Texas, on May 12, 2006. Respondent was licensed to practice vocational nursing in the State of Texas on May 31, 2005 and was licensed to practice professional nursing in the State of Texas on July 11, 2006.

5. Respondent's nursing employment history includes:

5/05 - 1/06	LVN Staff Nurse	Paris Regional Medical Center Paris, Texas
1/06 - 6/06	LVN Staff Nurse	Hopkins County Memorial Hospital Sulphur Springs, Texas
7/06 - 10/06	RN Staff Nurse	Hopkins County Memorial Hospital Sulphur Springs, Texas
11/06 - 10/07	RN Staff Nurse	Baylor All Saints Medical center Fort Worth, Texas
11/07 - 5/09	RN Staff Nurse	Cypress Home Care, Inc. Paris, Texas
6/09 - 5/10	RN Staff Nurse Labor/Delivery	Hopkins County Memorial Hospital Sulphur Springs, Texas
6/10 - 10/10	Unknown	
11/10 - Present	RN Staff Nurse	Cypress Home Care, Inc. Hugo, Oklahoma

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse in Labor and Delivery with Hopkins County Memorial Hospital, Sulphur Springs, Texas, and had been in this position for ten (10) months.
7. On or about April 14, 2010, while employed in Labor and Delivery with Hopkins County Memorial Hospital, Sulphur Springs, Texas, Respondent failed to provide adequate care for Patient Medical Record Number EN9245638 in that she failed to accurately perform a vaginal examination on this obstetrical patient, and then informed the patient that she was completely dilated and instructed the patient to start pushing when, in fact, the patient was

only six (6) centimeters dilated. Delivery occurred at approximately 23:45. At approximately 03:00, Respondent documented "slight perineal swelling" and the patient was assessed by the Charge Nurse and vital signs were stable. At approximately 04:00, Respondent attempted to get the patient up for a shower when the patient complained of feeling light headed and a hematoma to the perineum was noted. Respondent documented the patient's dropping blood pressure as 95/61. Respondent set a monitor to record blood pressures every ten (10) minutes. The lowest blood pressure recorded was 81/42 at 04:39. At approximately 05:00, the Charge Nurse assessed the patient again with Respondent and the physician was notified. Subsequently, the patient began complaining of left lower quadrant pain and intravenous fluids were ordered to be continued and a complete blood count was drawn. The patient ultimately required a Dilatation and Curettage (D&C) to remove a blood clot which had not been passed. Respondent's conduct exposed the patient unnecessarily to a risk of harm in that instructing an obstetrical patient to start pushing when dilation was not complete could result in a ruptured cervix. Additionally, medical intervention was delayed because the physician was not notified of the patient's condition in a timely manner.

8. On or about May 4, 2010, while employed in Labor and Delivery with Hopkins County Memorial Hospital, Sulphur Springs, Texas, Respondent failed to accurately document the removal of Norco 10/325 and Ibuprofen 800 mg. from the Pyxis Medication Dispensing System for Patient Medical Record Number EN9240505. Instead, Respondent withdrew these medications under another patient's name. However, the correct patient did receive the correct medications. Respondent's conduct resulted in an inaccurate Pyxis record resulting in the wrong patient being charged for the medications.
9. On or about May 4, 2010, while employed in Labor and Delivery with Hopkins County Memorial Hospital, Sulphur Springs, Texas, Respondent failed to provide adequate care for Patient Medical Record Number EN 9241641 in that she failed to notify the Nurse Midwife when the patient complained of heartburn, chest pain and an elevated heart rate of 122. Instead, Respondent administered Maalox, per facility standing orders, and then wrote a physician's telephone order for the Maalox as a verbal order from the Nurse Midwife. Additionally, Respondent failed to continue intravenous Lactated Ringers on this patient. However, the order was never written by the Nurse Midwife; she had only mentioned continuing the fluids in her progress note. The Nurse Midwife also signed the verbal order for the Maalox the next morning. Respondent's conduct resulted in an inaccurate, incomplete medical record, and was likely to injure the patient in that subsequent care givers would rely on her documentation to provide further patient care.
10. In response to the incidents in Findings of Fact Numbers Seven (7) through Nine (9), Respondent states the following:

In regards to Finding of Fact Number Seven (7), Respondent admits that she did perform the vaginal examination inaccurately but asserts that the physician arrived after the first push, and informed Respondent that the patient was not completely dilated and then allowed Respondent to recheck the patient so that she could feel that

the cervix was still very posterior. Respondent denies that this patient passed a softball size blood "clot." Respondent asserts that there was blood on the blanket that was the size of a softball. Respondent states that she asked one of the more experienced nurses to check the patient because the patient was complaining of left lower quadrant pain. Respondent states that the nurse attempted to do an exam but the patient was too uncomfortable. The physician was called and he returned to the hospital. Respondent states that after the physician was also unable to examine the patient, the decision was made to do a D&C on the patient to extract any blood clots that had not been passed.

In regards to Finding of Fact Number Eight (8), Respondent admits that she did withdraw the medications under the wrong patient's name.

In regards to Finding of Fact Number Nine (9), Respondent denies the allegations stating that she contacted the physician of the patient's complaints and he instructed her to call the Nurse Midwife, which she did.

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 violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(D),(1)(P)&(3)(A) and 217.12(1)(A)&(4).
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 731030 and Vocational Nurse License Number 198563, heretofore issued to ERIN RACHELLE ALLEN, including revocation of Respondent's license(s) 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 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, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact 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, 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) 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 Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; 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.texas.gov/disciplinaryaction/stipscourses.html>.

(2) 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.texas.gov/disciplinaryaction/stipscourses.html>.

(3) 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.texas.gov/disciplinaryaction/stipscourses.html>.

(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. *Board-approved courses may be found at the following Board*

website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL 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 REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). 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(s). 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.

(6) 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.

(7) RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The 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.

(8) 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 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) month period for one (1) year of employment as a nurse.Stips)

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order.

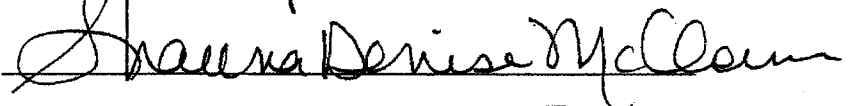
I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 16th day of April, 2012



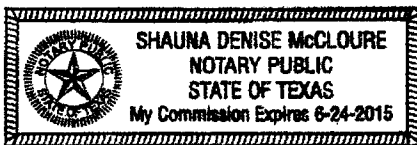
ERIN RACHELLE ALLEN, Respondent

Sworn to and subscribed before me this 16th day of April, 2012



Notary Public in and for the State of Texas

SEAL



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 16th day of April, 2012, by ERIN RACHELLE ALLEN, Registered Nurse License Number 731030 and Vocational Nurse License Number 198563, and said Order is final.

Effective this 7th day of May, 2012.

A handwritten signature in cursive script, reading "Katherine A. Thomas".

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