



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 242028 §
issued to VANESSA JUNE MAGEL § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of VANESSA JUNE MAGEL, Registered Nurse License Number 242028, 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 proceedings, notice and hearing, and agreed to the entry of this Order offered on June 8, 2012, by Katherine A. Thomas, MN, RN, FAAN, 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(s).
2. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Baccalaureate Degree in Nursing from The University of Texas at San Antonio, San Antonio, Texas, on December 1, 1977. Respondent was licensed to practice professional nursing in the State of Texas on April 21, 1978.
5. Respondent's nursing employment history includes:

4/1978 - 6/1996	Unknown	
7/1996 - 8/1997	Clinic Nurse	Rebecca Barrington, MD San Antonio, Texas

Respondent's nursing employment history continued:

8/1997 - 6/2000	Nurse Manager	St. Luke's Baptist Hospital San Antonio, Texas
6/2000 - 4/2001	Director	Urology San Antonio San Antonio, Texas
5/2001 - 2/2008	Coordinator	North Central Baptist Hospital San Antonio, Texas
3/2008 - 5/2009	Unknown	
6/1/2009 - 8/2010	Nurse Manager	The University of Texas Health Science Center Department of Radiation Oncology San Antonio, Texas
8/2010 - 6/2011	Staff Nurse	Northeast Baptist Hospital San Antonio, Texas
7/2011 - 1/2012	Unknown	
2/2012 - Present	Director Oncology	Northeast Baptist Hospital San Antonio, Texas

6. At the time of the initial incident, Respondent was employed as a Nurse Manager with The University of Texas Health Science Center, Department of Radiation Oncology, San Antonio, Texas, and had been in this position for seven (7) months.
7. On or about February 16, 2010 through July 22, 2010, while employed as a Nurse Manager with the University of Texas Health Science Center at San Antonio, Department of Radiation Oncology, San Antonio, Texas, Respondent withdrew narcotics but failed to completely and accurately document the administration, including signs, symptoms and responses in the patients' Nurses Notes, as follows:

Date Time	Patient	CONTROLLED SUBSTANCE RECORD	Physician's Order	Nurses Notes	Wastage
2/16/10 11:30	D.V.	Blank administered (1mg Ativan Tab Pulled)	.5mg Ativan PO SL prior to treatment	None documented	Signature unreadable
2/22/10 1400	K. L.	1mg Ativan Tab	1mg Ativan PO	None documented	None necessary
4/2/10 not timed	M. F.	5mg MSO4	2.5mg MSO4	None documented	2.5mg

Date Time	Patient	CONTROLLED SUBSTANCE RECORD	Physician's Order	Nurses Notes	Wastage
4/7/10 15:15	C. L.	1mg Ativan Tab	1mg Ativan PO	None documented	None necessary
7/22/10 not timed	R.B.	5mg MSO4	2mg MSO4 IM	None documented	3mg

Respondent's conduct was likely to injure the patients in that subsequent caregivers would rely on her documentation to further medicate the patient which could result in an overdose.

8. On or about January 2010 through June 2010, while employed as a Nurse Manager with University of Texas Health Science Center at San Antonio, Department of Radiation Oncology, San Antonio, Texas, Respondent withdrew narcotics and falsely documented administration of these narcotics in patients' medical records and falsely documented wastage of narcotics and inventory of narcotic counts, on dates that Respondent was absent from the facility. Respondent's conduct was deceptive and could have placed the facility in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act).
9. In response to Finding of Fact Number Seven (7) through Eight (8), Respondent denies failing to document the administration of narcotics in the patients' medical record. In response to Finding of Fact Number Eight (8), Respondent admits inadvertently signing records indicating she performed narcotics counts while she was on leave/vacation for the week starting on May 31, 2010.

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 violation of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(6)(A),(6)(H)&(11)(B).
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 242028, heretofore issued to VANESSA JUNE MAGEL, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION and a FINE, 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 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, 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.state.tx.us/disciplinaryaction/stipscourses.html>.

(2) 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>.

(3) 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 Board-approved courses may be found at the following Board website address:*
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

(4) RESPONDENT SHALL pay a monetary fine in the amount of five hundred (\$500.00) dollars. RESPONDENT SHALL pay this fine within forty-five 45 days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

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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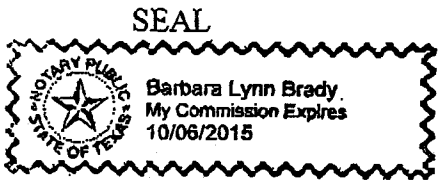
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RESPONDENT'S CERTIFICATION

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

Signed this 18 day of July, 2012.
Vanessa June Magel
VANESSA JUNE MAGEL, Respondent

Sworn to and subscribed before me this 18th day of July, 2012.

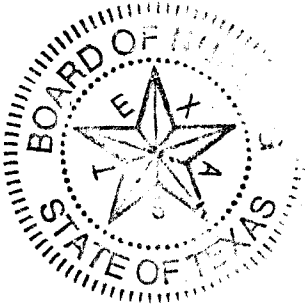


Barbara Lynn Brady
Notary Public in and for the State of Texas


Approved as to form and substance.
[Signature]
Dan Lype, Attorney for Respondent

Signed this 19 day of July, 2012.

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 18th day of July, 2012, by VANESSA JUNE MAGEL, Registered Nurse License Number 242028, and said Order is final.



Effective this 24th day of July, 2012.


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