

Respondent's nursing employment history continued:

1995	Staff Nurse	Oakview Manor Hubbard, Texas
1996 - 1997	Staff Nurse	Quality Care of Waco Waco, Texas
1997 - 1999	Staff Nurse	St. Catherine's Nursing Home Waco, Texas
1999 - 2001	Staff Nurse	Providence Hospital Waco, Texas
2001 - 2002	Home Health Nurse	Outreach Home Health Temple, Texas
2001 - 2003	Agency Nurse	Med Staffing Plano, Texas
2002 - 2003	Corrections Nurse	UTMB Prison Unit at Gatesville, Texas
2004 - 2005	Staff Nurse	Lakeshore Village H.C.C. Waco, Texas
2005	Corrections Nurse	McLennan Community Jail Waco, Texas
2006 -2007	Agency Nurse	Angel Medical Staffing Waco, Texas
2007 - 2008	Staff Nurse	Freeman Center Waco, Texas
01/2008 - 01/2009	Staff Nurse	Providence Depaul Center Waco, Texas
02/2009 - Unknown	Staff Nurse	Freeman Center Waco, Texas

6. At the time of the initial incident, Respondent was employed as a staff nurse with Providence Depaul Center, Waco, Texas, and had been in this position for one (1) year and one (1) month.
7. On or about April 10, 2008, while employed as a Licensed Vocational Nurse with Providence Depaul Center, Waco, Texas, Respondent failed to correctly transcribe Methotrexate two and

a half (2.5) milligrams, three (3) tablets, every Wednesday, as ordered, for Patient Medical Record Number 922641. Respondent failed to block out the other days of the week on the Medication Administration Record making it appear as if the patient was to receive the medication every day. Respondent's conduct was likely to injure the patient in that failure to transcribe Methotrexate as ordered by the physician, could have resulted in the excess administration of Methotrexate, an anti-neoplastic drug, and the patient suffering from adverse reactions including bone marrow suppression, anemia, gastrointestinal bleeding, seizures, increased intracranial pressure or death.

8. On or about May 7, 2008, while employed as a Licensed Vocational Nurse with Providence Depaul Center, Waco, Texas, Respondent failed to correctly document administration of Lexapro (antidepressant) ten (10) milligrams on the Medical Administration Record of Patient Medical Record Number 918456. Respondent circled the time, indicating that she did not administer the medication when in fact she had administered it to the patient. Respondent's conduct was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an over dosage and possible adverse reactions including lethargy, hypertension, heart palpitations, and chest pain.
9. On or about May 27, 2008, while employed as a Licensed Vocational Nurse with Providence Depaul Center, Waco, Texas, Respondent, failed to administer Toprol XL fifty (50) milligrams, an anti-hypertensive, Abilify (anti-psychotic), five (5) milligrams, and Exelon (used to treat dementia) one and a half (1.5) milligrams, to Patient Medical Record Number 922769. The medications were prepared for administration but never administered to the patient and were later found in a medication cup in the medication cupboard. Respondent's conduct was likely to injure the patient in that failure to administer medications as ordered by the physician could have resulted in non-efficacious treatment from under treating patient symptoms resulting in possible hypertensive episodes, and increased psychosis.
10. On or about June 17, 2008, while employed as a Licensed Vocational Nurse with Providence Depaul Center, Waco, Texas, Respondent failed to correctly transcribe Cogentin one (1) milligram, twice a day, as ordered, for Patient Medical Record Number 905542. Respondent transcribed it to be administered once a day. Respondent's conduct was likely to injure the patient in that failure to transcribe medications as ordered by the physician could have resulted in non-efficacious treatment from under treating patient symptoms.
11. On or about November 5, 2008, while employed as a Licensed Vocational Nurse with Providence Depaul Center, Waco, Texas, Respondent incorrectly administered Pulmacort inhaler a day early to Patient Medical Record Number 919630. The order was for Pulmacort once every three (3) days, Respondent administered it after two (2) days, one day early. Respondent's conduct was likely to injure the patient in that failure to administer medications as ordered by the physician could have resulted in non-efficacious treatment.
12. On or about November 5, 2008, while employed as a Licensed Vocational Nurse with Providence Depaul Center, Waco, Texas, Respondent failed to correctly administer Humulin 70/30, twenty (20) units of insulin, as ordered, to Patient Medical Record Number 923416.

The Pharmacy had not dispensed Humulin 70/30 twenty (20) units for administration to the patient and therefore the medication was not available to be administered. Instead, Respondent administered Humalog and Humalin R which were in the patient's medication drawer. Further, Respondent failed to check the insulin dosage with another nurse, as required. Respondent's conduct was likely to injure the patient in that failure to administer medications as ordered by the physician could have resulted in non-efficacious treatment and adverse reactions including altered glucose levels.

13. On or about December 24, 2008, while employed as a Licensed Vocational Nurse with Providence Depaul Center, Waco, Texas, Respondent failed to correctly identify Patient Medical Record Number 906370, and then administered, in error, Vistaril fifty (50) milligrams and Thorazine (anti-psychotic) fifty (50) milligrams, without a physician's order. Respondent's conduct was likely to injure the patient in that administration of medications could have resulted in adverse reactions including seizures, sedation, orthostatic hypotension, aplastic anemia, and neuroleptic malignant syndrome.
14. On or about February 3, 2009, while employed with Providence Health Center, Waco, Texas, Respondent failed to clarify physician orders when the Medication Administration Record of Patient Medical Record Number 923092 indicated that the anti-hypertensive medication, Catapres 0.1 mg was to be administered at 0600 and again at 0700. The 0700 dose was a pharmacy entry error. Catapres was ordered to be administered every six (6) hours and Respondent administered two (2) doses one hour apart. Respondent's conduct was likely to injure the patient in that failure to administer medications as ordered by the physician could have resulted in adverse reactions including hypotension, dizziness, bradycardia and severe rebound hypertension.
15. In response to Finding of Fact Numbers Seven (7) through Thirteen (13) Respondent states that in 1999 her husband was diagnosed with cancer and died November 1999. The next two years she battled depression and multiple financial disasters. "Please consider this as you examine my history as a nurse. I continue to be a caring person." Respondent denies giving Catapres 0.1 milligrams to Patient Medical Record Number 923092 at 0600 and again at 0700, on February 3, 2009, stating that "The first dose was wasted (contaminated) or more likely a new admit, not in the computer system but needed the clonidine (Catapres) NOW. My computer skills are minimal to my sorrow."

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)(N)&(2)(A) and 217.12(1)(A),(1)(B),(1)(C)&(4).

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 148203, heretofore issued to JANE B. KELSEY, including revocation of Respondent's license to practice 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 a REPRIMAND 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 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 is 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.state.tx.us/disciplinaryaction/stipscourses.html>.

(2) 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/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 Board-approved courses may be found at the following Board website address:* <http://www.bon.state.tx.us/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 AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY FOUR (24) 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) For the first year of employment as a Nurse under this Order, 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.

(9) For the remainder of the stipulation period, RESPONDENT SHALL be 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, 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 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 two (2) years of employment as a nurse.

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

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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

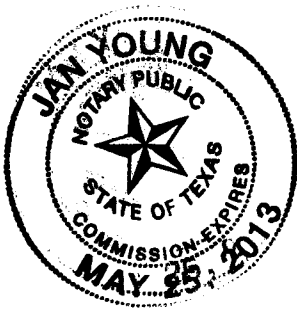
Signed this 8 day of December, 2011.

Jane B. Kelsey
JANE B. KELSEY, Respondent

Sworn to and subscribed before me this 8th day of December, 2011.

SEAL

Jan Young
Notary Public in and for the State of Tx



Approved as to form ~~and substance.~~

David N. Deaconson
David N. Deaconson, Attorney for Respondent

Signed this 7th day of December, 2011.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 8th day of December, 2011, by JANE B. KELSEY, Vocational Nurse License Number 148203, and said Order is final.

Effective this 19th day of January, 2012.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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