



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

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In the Matter of Women's Health Nurse Practitioner,	§	AGREED
Family Nurse Practitioner with Prescriptive Authorization	§	
& Registered Nurse License Number 547372,	§	
issued to JANICE ELAINE FRIGO	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of JANICE ELAINE FRIGO, Women's Health Nurse Practitioner, Family Nurse Practitioner with Prescriptive Authorization, and Registered Nurse License Number 547372, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10),(12)&(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on November 2, 2011, by Katherine A. Thomas, MN, RN, FAAN, Executive Director, subject to ratification by the Board.

### 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 informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent received a Baccalaureate Degree in Nursing from West Texas A & M University, Canyon, Texas, on May 1, 1988. Respondent was licensed to practice professional nursing in the State of Texas on September 1, 1988. Respondent received a Master's Degree in Nursing from West Texas A & M University, Canyon, Texas, on December 1, 1994. Respondent became Board recognized as an Women's Health Nurse Practitioner (WHNP) in the State of Texas on March 16, 1995 and Board recognized as an Family Nurse Practitioner (FNP) in the State of Texas on September 25, 1997; and became Board recognized as a FNP with Prescriptive Authorization in the State of Texas on October 31, 1997.

4. Respondent's nursing employment history includes:

9/88-3/90	RN	Northwest Texas Health System Amarillo, Texas
3/90-9/90	Case Manager	Maternal/Infant Health Improvement Act Amarillo, Texas
9/90-3/93	RN	High Plains Baptist Hospital Amarillo, Texas
3/93-8/93	RN	Northwest Texas Health System Amarillo, Texas
8/93-7/97	RN & WHNP	Baptist St. Anthony's Health System Amarillo, Texas
7/97-4/99	RN	Golden Plains Community Hospital Borger, Texas
4/99-12/04	FNP & WHNP	Baptist St. Anthony's Women's & Children's Health Clinic Amarillo, Texas
1/05-1/07	FNP & WHNP	Northwest Texas Healthcare System Amarillo, Texas
1/07-3/08	FNP & WHNP	Northwest Texas Healthcare System Woman & Children's Clinic Amarillo, Texas
4/08-Present	Unknown	

5. At the time of the incidents in Findings of Fact Numbers Six (6) and Eight (8), Respondent was employed as a FNP and WHNP with North Texas Healthcare System, Woman & Children's Clinic, Amarillo, Texas, and had been in this position for approximately one (1) year.

6. On or about January 29, 2008, while employed with Northwest Texas Healthcare System, Women & Children's Clinic, Amarillo, Texas, Respondent lacked fitness to practice professional nursing in that she exhibited impaired behavior while on duty, including but not limited to: closing her eyes and appearing drowsy while performing a vaginal exam. Respondent's condition could have affected her ability to recognize subtle signs, symptoms

or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing patients in potential danger.

7. In response to Finding of Fact Number Six (6), Respondent states she didn't consciously think she was tired when she started work that day but when she really thought about it, she recognized she was a little tired. She recognized the medication she had been taking may have caused her to suffer from drowsiness as a side effect. Respondent had suffered a lot of pain due to fibromyalgia and endometriosis and had recently been diagnosed with h.pylori. Respondent then started having terrible neck pain and was referred to a pain doctor that did therapy, epidurals, chiropractic therapy which seemed to help. Respondent states based on the raised concern by her assistant she decided to contact her personal physician and inquire about this issue. She and her physician had been juggling her medications and the administration times of her medications to test for effectiveness and it appears that there may have been some drowsy side effects to the medications she was taking during the day.
8. On or about March 17, 2008, while employed with Northwest Texas Healthcare System-Women & Children's Clinic, Amarillo, Texas, Respondent lacked fitness to practice professional nursing in that she slept at her desk. Once awakened, Respondent was groggy and had difficulty processing information. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
9. In response to Finding of Fact Number Eight (8), Respondent states she has a history of migraine and sinus headaches. On the day in question she had a migraine and vertigo. Respondent claims she tried to call in sick but was told by her supervisor she could not stay home and her job would be threatened if she didn't come to work. She took her medications, but she could not get rid of her migraine. Respondent admits she tried to sleep at lunch, at her desk, but the pain was not relieved. Respondent acknowledges that she was suffering from depression and had been suffering from that depression during that entire year of work at this clinic. According to Respondent, this was a minor incident during a very difficult time of her life. Respondent states she is actively working on her depression issues and is taking a number of anti-depressive medications to assist her to function and is taking a number of pain medications to help her when her pain level is so high she can barely get out of bed.
10. On or about February 18, 2011, Respondent placed her authorizations to practice as a Family Nurse Practitioner and Women's Health Nurse Practitioner in the State of Texas and her license to practice professional nursing in the State of Texas in Inactive Status.
11. Formal Charges were filed on October 6, 2011.
12. Formal Charges were mailed to Respondent at her address of record on October 10, 2011.
13. Respondent, by her signature to this Order, expresses her willingness to maintain her license(s) in Inactive Status.

### 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),(12)& (13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(T) and §217.12(1)(A),(1)(B),(1)(E),(4)&(5).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Women's Health Nurse Practitioner, Family Nurse Practitioner with Prescriptive Authorization, and Registered Nurse License Number 547372, heretofore issued to JANICE ELAINE FRIGO, 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.state.tx.us/disciplinaryaction/stipscourses.html>.

(2) 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://learningext.com/hives/a0f6f3e8a0/summary>.*

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 said license(s) shall remain in INACTIVE status.

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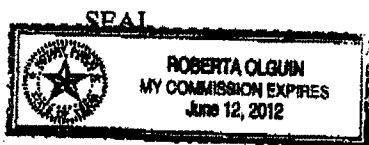
RESPONDENT'S CERTIFICATION

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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance. I further understand that, should I decide in the future to reactivate my license(s), I will be required to satisfy all then existing requirements for reactivation.

Signed this 28<sup>th</sup> day of November, 2011.

JANICE ELAINE FRIGO  
JANICE ELAINE FRIGO, Respondent

Sworn to and subscribed before me this 28 day of Nov, 2011.



Roberta Olguin  
Notary Public in and for the State of Texas

Approved as to form and substance:

William E. Hopkins  
William E. Hopkins, Attorney for Respondent

Signed this 19<sup>th</sup> 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 28th day of November, 2011, by JANICE ELAINE FRIGO, Women's Health Nurse Practitioner, Family Nurse Practitioner with Prescriptive Authorization, and Registered Nurse License Number 547372, and said Order is final.

Effective this 19th day of January, 2012.



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