



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 586879 §
issued to LYNN MARIE COUTURE § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LYNN MARIE COUTURE, Registered Nurse License Number 586879, 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 April 18, 2012, 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(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 Diploma in Nursing from Framingham Union Hospital, Framingham, Massachusetts on May 1, 1980. Respondent was licensed to practice professional nursing in the State of Texas on November 30, 1992.
5. Respondent's nursing employment history includes:

5/1980 - 10/1992	Unknown
11/1992 - 9/1993	Director of Rehabilitation Services Irving Health Care System Irving, Texas

Respondent's nursing employment history continued:

2/1993 - 2/1995	Staff Nurse	Advanced Health Care Services of Fort Worth Fort Worth, Texas
11/1994 - 4/1998	Administrator	Cornerstone Family Resources Oak Cliff, Texas
1/1996 - 8/1999	CEO/Administrator	Research Services 2000, Inc. Cornerstone Family Resources Oak Cliff, Texas
Unknown	Director of Research	Arthritis Centers of Texas Dallas, Texas
Unknown	RN Coordinator Patient Care and Research	Texas Scottish Rite Hospital Dallas, Texas
6/2002 - 6/2006	Risk Manager Quality Manager	Select Specialty Hospital DeSoto, Texas
7/2006	Unknown	
8/2006 - 8/2208	Chief Clinical Officer	Kindred Hospitals Dallas Cluster Dallas, Texas
8/2008 - 3/2010	Clinical Services Director	Fundamental Clinical Consulting Sparks, Maryland
3/2010 - 10/2010	Chief Clinical Officer	Dallas LTAC, Triumph Hospital Dallas, Texas
11/2010 - Present	Unknown	

6. At the time of the incident in Finding of Fact Number Seven (7), and Finding of Fact Number Eight (8), Respondent was an applicant for employment as a Chief Clinical Officer (CCO) with Dallas LTAC Hospital, LLC, dba Triumph Hospital, Dallas, Texas.

7. On or about March 1, 2010, Respondent accepted an assignment as Chief Clinical Officer with Dallas LTAC Hospital, LLC., Dallas, Texas, when she lacked the educational preparation to meet the minimum requirements of the position. The position of Chief Clinical Officer required a Bachelor's Degree in Nursing or a related field. Additionally, this position preferred a Master's Degree in Nursing or required that the candidate have a plan of action in place to obtain these qualifications. In order to secure this position, Respondent submitted a resume that indicated she had earned a "BS in Health Science" from Alameda College, which is considered a substandard degree in the State of Texas due to the fact that Alameda College lacks accreditation from a college coordinating board. Respondent's use of this substandard degree was a violation of the Texas Penal Code (Section 32.52), which prohibits the use of substandard degrees in the State of Texas to obtain employment and is a Class B Misdemeanor offense. Additionally, Respondent's conduct was deceiving to Dallas LTAC Hospital and may have affected their decision to employ her.
8. In response to the incident in Finding of Fact Number Seven (7) Respondent states she did disclose that she did not have a bachelor's degree, and contends that Human Resources was aware. Respondent states her resume was submitted during her employment with a company based in Maryland, and Life Credit Degrees were considered, but during the interview full disclosure was discussed, and Respondent asserts that she enrolled in the College Network on July 26, 2010, to pursue a Master's degree.
9. At the time of the incidents in Findings of Fact Numbers Ten (10), and Twelve (12), Respondent was employed as Chief Clinical Officer Dallas LTAC Hospital, LLC, Dallas, Texas, and had been in this position for thirteen (13) days.
10. On or about March 14, 2010, while employed as the Chief Clinical Officer with Dallas LTAC Hospital, LLC, Dallas, Texas, Respondent failed to report occurrences of possible drug diversion by nurse BZ, to the Texas Board of Nursing as required. Respondent failed to comply with the mandatory reporting requirements of nurses who exhibit unprofessional conduct, which would likely cause harm to patients.
11. In response to the incident in Finding of Fact Number Eleven (11), Respondent states she was hired originally as "on call" on March 1, 2010, and was paid hourly to assist with a recent survey response. According to Respondent, her status changed on March 22, 2010, to full-time, assuming the role of Chief Clinical Officer; however, orientation was not until April 6, 2010, at which time she signed as Chief Clinical Officer. Respondent asserts that the overall responsibility was the Chief Executive Officer's, and when Respondent heard of the diversion allegations, she reported the nurses to the Board.

12. On or about March 14, 2010, while employed as the Chief Clinical Officer with Dallas LTAC Hospital, LLC, Dallas, Texas, Respondent allowed a newly hired nurse, BZ, to perform direct patient care prior to receiving the results of the nurse's drug screen. Subsequently, the drug screen revealed a positive result for methamphetamines. Respondent's conduct failed to comply with the mandatory reporting requirements of nurses who exhibit impairment of likely impairment or their nursing practice.
13. In response to the incident in Finding of Fact Number Thirteen (13), Respondent states the protocol was that once a candidate was cleared by Human Resources, they were set up for orientation, and only Human Resources had access to employee candidate drug screenings. Respondent states she did not assume the role of Chief Clinical Officer until March 22, 2010, and on the date in question, she was not the Director of Nursing.

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),(T) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(2),(4)&(6)(H)&(11)(D),(13).
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 586879, heretofore issued to LYNN MARIE COUTURE, 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 REPRIMAND WITH STIPULATIONS 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 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 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>.

(3) RESPONDENT SHALL pay a monetary fine in the amount of five hundred (\$500.00) dollars. RESPONDENT SHALL pay this fine within 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, 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 YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE

EXTENDED UNTIL SUCH TWENTY-FOUR 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:

(4) 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.

(5) 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.

(6) 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.

(7) 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) year(s) 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(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

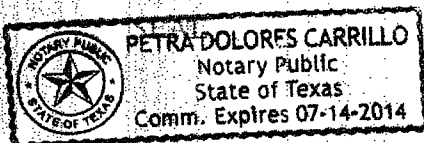
I understand that I have the right to legal counsel prior to signing this Agreed Order.

I 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 action, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 12 day of July, 2012

Lynn Marie Couture
LYNN MARIE COUTURE, Respondent

Sworn to and subscribed before me this 12th day of JULY, 2012.



PDC

Notary Public in and for the State of TEXAS

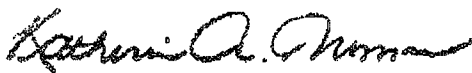
Approved as to form and substance.

Jeffrey A. Grass
Jeffrey A. Grass, Attorney for Respondent

Signed this 12th day of July, 2012

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 12th day of July, 2012, by LYNN MARIE COUTURE, Registered Nurse License Number 586879, and said Order is final.

Effective this 14th day of August, 2012.



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

