



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.  
*Patricia P. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse           §       AGREED  
License Number 541417 and                   §  
Vocational Nurse License Number 81006   §  
issued to SYLVIA E. RUSSELL               §       ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Bo produced evidence indicating that SYLVIA E. RUSSELL, hereinafter referred to as Respondent, Registered Nurse License Number 541417 and Vocational Nurse License Number 81006, may have violated Section 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on January 3, 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 represented by Joanalys B. Smith, Attorney at Law. In attendance were Mary Beth Thomas, PhD, RN, Director of Nursing, Executive Director's Designee; Sheri Crosby, JD, SPHR, Board Member; Nikki Hopkins, Assistant General Counsel; Melinda Hester, Doctorate in Nursing Practice, RN, Lead Practice Consultant; Anthony L. Diggs, MSCJ, Director, Enforcement Division; 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 notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas. Respondent's license to practice vocational nursing in the State of Texas is in delinquent status.

4. Respondent received a Certificate in Vocational Nursing from Harris School of Vocational Nursing, Fort Worth, Texas, on February 5, 1979; and received Baccalaureate Degree in Nursing from Texas Christian University, Fort Worth, Texas, on May 8, 1987. Respondent was licensed to practice vocational nursing in the State of Texas on May 9, 1979; and was licensed to practice professional nursing in the State of Texas on August 24, 1987.

5. Respondent's nursing employment history includes:

5/79 - 12/90	Unknown	
1/91 - 3/92	Staff Nurse	HealthSouth Rehabilitation Hospital Fort Worth, Texas
4/92 - 7/93	Staff Nurse	Tarrant County Hospital District Fort Worth, Texas
3/93 - 5/94	Float Pool	Osteopathic Medical Center of Fort Worth Fort Worth, Texas
6/94 - 1/98	Unknown	
2/98 - 3/99	Case Manager	HealthSouth Rehabilitation Hospital Fort Worth, Texas
4/99 - 2/04	Unknown	
3/04 - 3/10	Staff Nurse	Universal Home Health Unknown
4/10 - 7/10	Staff Nurse	A&M Healthcare Garland, Texas
8/10 - 2/11	Program Nurse	A&M Healthcare Fort Worth, Texas
3/11 - Present	Staff Nurse	Versatile Care Saginaw, Texas
6/11 - Present	Director of Nursing	Crescent Senior Care Weatherford, Texas

6. On March 14, 2000, Respondent's license to practice professional nursing in the State of Texas was issued a Warning with Stipulations by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, Respondent's Agreement Statement, and the Order dated March 14, 2000, is attached and incorporated herein by reference.

7. At the time of the initial incident, Respondent was employed as a Program Nurse with A&M Healthcare, Fort Worth, Texas, and had been in this position for six (6) months.
8. On or about August 3, 2010 through January 24, 2011, while employed as a Program Nurse with A&M Healthcare, Fort Worth, Texas, Respondent caused/permitted the neglect of Resident C.C. in that Respondent failed to monitor and/or document the resident's weight, as required because of the resident's low weight at the time of admission. At the time Resident C.C. was admitted, she was eighteen (18) years old with profound mental retardation, cerebral palsy, and had been diagnosed at the age of two (2) with Rett Syndrome. Rett Syndrome is a disorder of the nervous system that leads to developmental reversals, especially in the areas of expressive language and hand use. A patient with this disorder can also experience seizures, breathing problems, change in development and usually cease growing around 1 - 3 years of age. Life expectancy to mid-20's but patients may survive to mid-40s. Death is often related to seizures, aspiration pneumonia, malnutrition and accidents. Resident C.C. had been removed from the home with her parents because of "starvation" and "sexual molestation" and been placed in a group home with a court appointed guardianship company responsible for the resident. Because of the Rett Syndrome, Resident C.C. remained small in stature and weighed approximately seventy seven (77) pounds on admission to the group home. However, during August 2010 through December 2010, at the age of twenty two (22), Resident C.C. began to lose weight. Weights were not documented on the Monthly Weight Flow Sheets, however, Respondent did document the weights on her Quarterly Health Status Review. This record shows a continuous weight loss and in December 2010, Resident C.C. weighed forty eight pounds. Efforts were made by Respondent and the physician to have a feeding tube placed but the guardianship company declined the request stating that the resident could eat, it just took her a while.

On January 24, 2011, a visit was made by the "court visitor", at the request of C.C.'s parents, because of their concern regarding the weight loss they observed on their scheduled visitation day. Resident C.C. was transferred to Harris Methodist Hospital and was found to weigh thirty nine (39) pounds. Resident remained in the hospital for approximately two (2) weeks during which time she ate and drank without difficulty and gained sixteen (16) pounds prior to her discharge. Subsequently, C.C. was removed from the group home and also from the guardianship company and placed in a foster home.

Respondent's conduct exposed the Resident unnecessarily to a risk of harm from delayed emergency medical interventions which were required to prevent further complications including the resident's demise.

9. In response to the incident on Finding of Fact Number Eight (8), Respondent states that during this time she was a "program nurse" with the primary duty to ensure that yearly and quarterly physical assessments were completed per HCS regulations. Respondent adds that she was also responsible for ensuring that all the consumers had the appropriate medications within the group home setting per physician orders.

Respondent states that in October 2010, C.C. had a documented weight of 74 pounds at the time she was forced to attend day-hab. C.C. continued to have medical assessments. However Respondent asserts that she spoke with the owner on numerous occasions about her growing concerns regarding C.C.'s physical decline over a three month period. "I had been assured that the court assigned guardian was well aware of my concerns but she never came to the facility for a group care-planning session. These appointments were court ordered in which the court appointed guardian was suppose to attend, Physicians refused to treat this consumer due to her fragile physical condition and the surgical interventions for multiple tendon release procedures and flexor hip contracture reduction procedure would be extremely detrimental to her health."

Respondent states that C.C.'s weight and appetite continued to fail as she attended day-hab. Respondent asserts that she and the physician attempted to put consumer in Hospice or have a feeding tube placed, however, the guardian refused stating that these suggestions were not an option. Respondent states that she asked the guardian to inform her supervisor of the serious situation. Respondent states that on or about December 14, 2010 a face-to-face meeting was held and after approximately one hour, the guardian informed Respondent and the owner that her supervisor had denied the feeding tube placement, refused a referral to Hospice and refused to make C.C. a Do Not Resuscitate.

Respondent asserts that C.C.'s weights were documented on the clinical notes, not only per protocol but at least monthly and the weights were reported to both physician and owner/program manager and also to the court appointed guardian.

Respondent states that the court appointed guardian and the "higher court powers" were the individuals that would not allow the physician or Respondent to proceed with a feeding tube. "Medically, both my hands and the physician's hands were tied by the courts."

In conclusion, Respondent states that "this company has changed ownership due to heavy investigations into unethical business practices. I resigned from that position because I felt as though the owner/program manager was placing my license in a dangerous situation and because she asked to destroy months worth of clinical information from many consumers' charts. I believe that I fully did everything within my scope of practice to deliver and provide the best nursing care possible for C.C."

#### 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)(B),(1)(M)&(3)(A) and 217.12(1)(A),(1)(B),(4)&(6)(C).

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 541417 and Vocational Nurse License Number 81006, heretofore issued to SYLVIA E. RUSSELL, 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 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>*

**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:**

(3) 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.

(4) 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.

(5) RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered 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 except that RESPONDENT may be employed with Crescent Senior Care, Weatherford, Texas, and Versatile Care, Saginaw, Texas, and be supervised by either a Registered Nurse and/or Physician, provided RESPONDENT meets stipulation three (3) through six (6) at each facility and works a minimum of sixty-four (64) hours a month. Should RESPONDENT'S employment with Crescent Senior Care or Versatile Care cease, then the terms of this stipulation remains in full force and effect. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(6) 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) months for one (1) year 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.



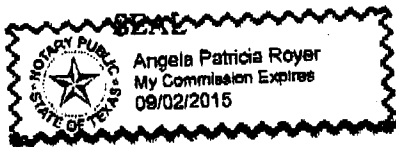
RESPONDENT'S CERTIFICATION

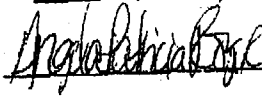
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid 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.

Signed this 8 day of Feb, 2012.

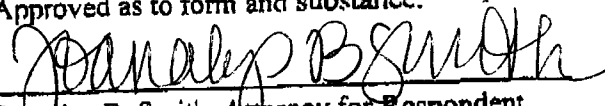
  
\_\_\_\_\_  
SYLVIA E. RUSSELL, Respondent

Sworn to and subscribed before me this 8 day of February, 2012.



  
\_\_\_\_\_  
Notary Public in and for the State of Texas

Approved as to form and substance.

  
\_\_\_\_\_  
Joannlys B. Smith, Attorney for Respondent

Signed this 9th day of February 2012

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 8th day of February, 2012, by SYLVIA E. RUSSELL, Registered Nurse License Number 541417 and Vocational Nurse License Number 81006, and said Order is final.

Effective this 20th day of March, 2012.



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

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

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In the Matter of License Number 541417    §     AGREED  
issued to SYLVIA E. RUSSELL            §     ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of SYLVIA E. RUSSELL, License Number 541417, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Article 4525(b)(9), Revised Civil Statutes of Texas, as amended. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on December 16, 1999, by Katherine A. Thomas, MN, RN, 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 representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in Texas.
4. Respondent received a Baccalaureate Degree in Nursing from Texas Christian University-Harris College of Nursing, Fort Worth, Texas in May 1987. Respondent was licensed to practice professional nursing in the State of Texas on August 24, 1987.

5. Respondent's professional employment history includes:

- |                 |  |
|-----------------|--|
| 5/87 to 12/90   | Unknown  |
| 1/91 to 3/92    | Staff Nurse (weekend)<br>HealthSouth Rehabilitation Hospital-Cityview<br>Fort Worth, Texas |
| 3/92 to 7/93    | Staff Nurse<br>Tarrant County Hospital District<br>Fort Worth, Texas                       |
| 3/93 to 5/94    | Pool RN<br>Osteopathic Medical Center of Texas<br>Fort Worth, Texas                        |
| 6/94 to 1/98    | Unknown  |
| 2/98 to 3/99    | RN-Case Manager<br>HealthSouth City View Rehabilitation Hospital<br>Fort Worth, Texas      |
| 4/99 to Present | Unknown  |

6. At the time of the incident, Respondent was employed as a Case Manager with HealthSouth City View Rehabilitation Hospital, Fort Worth, Texas, and had been in this position for thirteen (13) months.
7. Respondent, while employed with HealthSouth City View Rehabilitation Hospital, Fort Worth, Texas, on or about March 4, 1999, attempted to pass an unauthorized telephonic prescription for Duricef at Drug Emporium, Fort Worth, Texas. The patient whose name was used on the prescription was deceased. Respondent's conduct deceived the pharmacy and constitutes a violation of Chapter 483 (Dangerous Drugs) of the Health and Safety Code.

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 a violation of Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN. CODE §217.13(1) & (16).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 541417, heretofore issued to SYLVIA E. RUSSELL, including revocation of Respondent's professional license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a Warning with Stipulations, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-size license issued to Sylvia E. Russell, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing jurisprudence. 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 must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. 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 is to be taken in addition to any continuing education requirements the Board may have for relicensure.

(3) RESPONDENT SHALL pay a monetary fine in the amount of one hundred dollars (\$100.00). RESPONDENT SHALL pay this fine within forty-five days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners 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, RESPONDENT SHALL be issued an unencumbered license to practice professional nursing in the State of Texas.

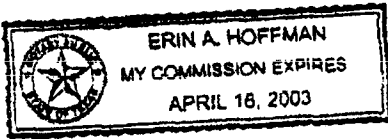
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RESPONDENT'S CERTIFICATION

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 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 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 1<sup>st</sup> day of Feb, 2000.



Sylvia E. Russell  
SYLVIA E. RUSSELL, Respondent

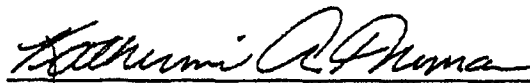
Sworn to and subscribed before me this 1<sup>st</sup> day of February, 2000.

SEAL

Erin A. Hoffman  
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 1<sup>st</sup> day of February, 2000, by SYLVIA E. RUSSELL, License Number 541417, and said Order is final.

Effective this 14<sup>th</sup> day of March, 2000.

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