



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 Registered Nurse § AGREED  
License Number 738088 §  
issued to JAMES RYAN LEWALLEN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JAMES RYAN LEWALLEN, Registered Nurse License Number 738088, 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on January 29, 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 representation by counsel, 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 an Associate Degree in Nursing from Imperial Valley College, Imperial, California on May 31, 2003. Respondent was licensed to practice professional nursing in the State of Texas on February 6, 2007.
5. Respondent's nursing employment history includes:
 

5/2003 - 8/2005	Charge Nurse	Pioneers Memorial Medical Clinic
	Emergency Department	Brawley, California

Respondent's nursing employment history continued:

9/2005	Unknown	
10/2005 - 12/2006	Relief Resource Coordinator	Yuma Regional Medical Center Yuma, Arizona
12/2006 - 7/2007	Rapid Response Nurse MICU	Memorial Hermann Hospital Houston, Texas
7/2007 - 7/2008	Staff Nurse Emergency Department	Yuma Regional Hospital Yuma, Arizona
8/2008 - present	Case Manager Emergency Department	Bayshore Medical Center Pasadena, Texas

6. At the time of the initial incident, Respondent was employed as a staff nurse with Bayshore Medical Center/Pasadena Bayshore Hospital, Pasadena, Texas, and had been in this position for three (3) months.
7. On or about November 9, 2008, while employed as a staff nurse with Bayshore Medical Center/Pasadena Bayshore Hospital, Inc., Pasadena, Texas, Respondent failed to document a nursing assessment when receiving Patient KD at change of shift and after completion of respiratory treatment. Respondent's conduct deprived subsequent caregivers of essential information on which to base their ongoing medical care.
8. Respondent denies the allegation stating that he was assigned to be triage and the float nurse and he went to assist with triage because there were EMS crews and patient waiting to be seen. According to Respondent, he states he provided rapid triage and then returned to check on KD and the nurse he was precepting Respondent states the patient was lying on the bed, with the mother sitting across from her and the patient's oxygen saturation was in the high 60's. Respondent claims he immediately called the ER physician and placed an oxygen mask on the patient. Respondent states that when Dr. M slapped the bottom of the patient's feet, the patient began a strong cry and the oxygen saturation increase to the low 90's and the physician left the room. Respondent states the patient began to desaturate again and he stimulated Patient KD and notified Dr. M, who then decided to intubate the patient. Respondent concludes that it was then that the decision was made to transfer the patient to Texas Children's Hospital.

9. On or about November 9, 2008, while employed as a staff nurse with Bayshore Medical Center/Pasadena Bayshore Hospital, Inc., Pasadena, Texas, Respondent failed to monitor Patient KD in a timely manner and recognize a change in Patient KD's condition and intervene appropriately. Subsequently, Patient KD was discovered with a low oxygen saturation level and required intubation. Respondent's conduct may have deprived the patient of early detection of signs and symptoms requiring medical intervention.
10. Respondent denies the allegation stating he saw the patient was in the process of finishing the breathing treatments and patient did not appear to be in distress. According to Respondent, the mother was sitting with the child. Additionally, Respondent states he instructed the nurse on duty with him to let him know if there were any changes in condition.

#### 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)(B),(1)(D)(i)&(1)(M) and 22 TEX. ADMIN. CODE §217.12(1)(B)&(4).
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 738088, heretofore issued to JAMES RYAN LEWALLEN, 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 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,

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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.texas.gov/disciplinaryaction/stipscourses.html>*

(2) 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.texas.gov/disciplinaryaction/stipscourses.html>*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order successfully

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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.texas.gov/disciplinaryaction/stipscourses.html>.

(4) 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, that upon full compliance with the terms of this Order,

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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 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 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.

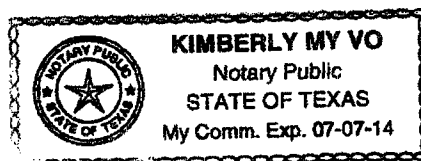
Signed this 28 day of 2, 2012.

[Signature]  
JAMES RYAN LEWALLEN, Respondent

Sworn to and subscribed before me this 28<sup>th</sup> day of February, 2012.

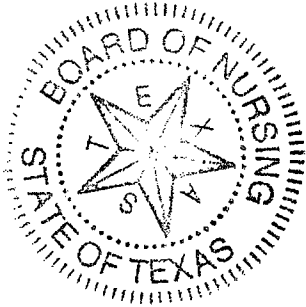
SEAL

[Signature]  
Notary Public in and for the State of 7/7/2014





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 28th day of February, 2012, by JAMES RYAN LEWALLEN, Registered Nurse License Number 738088, and said Order is final.



Effective this 8th day of March, 2012.

*Katherine A. Thomas*

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