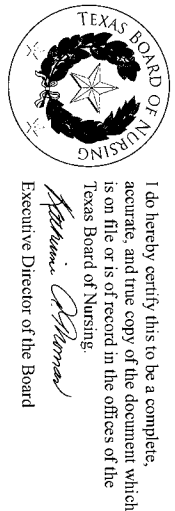


IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 552528  
ISSUED TO  
JANET ARLENE MATTHEWS

§  
§  
§  
§  
§  
§  
§

BEFORE THE ELIGIBILITY  
AND DISCIPLINARY  
COMMITTEE  
OF THE TEXAS  
BOARD OF NURSING



**ORDER OF THE BOARD**

TO: Janet Arlene Matthews  
3682 Silverstone CT, NE  
Salem, Oregon 97305

During open meeting held in Austin, Texas, on February 14, 2012, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the

proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 552528, previously issued to JANET ARLENE MATTHEWS, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice professional nursing in the State of Texas.

Entered this 14<sup>th</sup> day of February, 2012.

TEXAS BOARD OF NURSING



BY:

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KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed October 27, 2011.

Re: Permanent Certificate Number 552528  
Issued to Janet Arlene Matthews  
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 16<sup>th</sup> day of February, 2012, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Janet Arlene Matthews  
3682 Silverstone CT, NE  
Salem, Oregon 97305

BY:



KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License	§	BEFORE THE TEXAS
Number 552528, Issued to	§	
JANET ARLENE MATTHEWS, Respondent	§	BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JANET ARLENE MATTHEWS, is a Registered Nurse holding license number 552528, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

#### CHARGE I.

On or about April 14, 2004, Respondent received a Final Order by Default from the Board of Nursing of the State of Oregon wherein Respondent's certification to practice as a Family Nurse Practitioner in the State of Oregon was Suspended for failure to properly assess, prescribe and provide appropriate treatment. A copy of the Final Order by Default issued by the Board of Nursing of the State of Oregon dated April 14, 2004 is attached and incorporated by reference as a part of this charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

#### CHARGE II.

On or about February 16, 2011, Respondent received a Final Order from the Board of Nursing of the State of Oregon wherein Respondent's license to practice professional nursing and certification to practice as a Family Nurse Practitioner in the State of Oregon was issued a Reprimand with Conditions for failure to document care provided to a patient, failing to provide care to two scheduled patients, and for leaving before Respondent's shift had ended without informing clinic staff. A copy of the Final Order issued by the Board of Nursing of the State of Oregon dated February 16, 2011 is attached and incorporated by reference as a part of this charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).


NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.texas.gov/disciplinaryaction/discp-matrix.html](http://www.bon.texas.gov/disciplinaryaction/discp-matrix.html).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Final Order by Default issued by the Board of Nursing of the State of Oregon dated April 14, 2004 and Final Order issued by the Board of Nursing of the State of Oregon dated February 16, 2011.

Filed this 27<sup>th</sup> day of October, 2011.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Jena Abel, Assistant General Counsel  
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel  
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel  
State Bar No. 24052269

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-6824  
F: (512) 305-8101 or (512)305-7401

Attachments: Final Order by Default issued by the Board of Nursing of the State of Oregon dated April 14, 2004 and Final Order issued by the Board of Nursing of the State of Oregon dated February 16, 2011.

D/2011.09.23

**BEFORE THE BOARD OF NURSING  
OF THE STATE OF OREGON**

In the Matter of

Janet Matthews, FNP

Certificate No. 200150137

)  
)  
)  
)  
)

**FINAL ORDER  
BY DEFAULT**

**Case No. 02-377**

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This matter was considered at a regular meeting of the Board in Portland, Oregon on April 14, 2004. The certificate holder, Janet Matthews, did not appear personally. On March 16, 2004 a Notice stating that the Board intended to suspend the Family Nurse Practitioner certificate of Janet Matthews was sent to the certificate holder by certified mail to her address of record. This Notice alleged that the certificate holder failed to properly assess, prescribe and provide appropriate treatment for her patient. The Notice further granted to the certificate holder an opportunity for hearing, if requested within 20 days of the mailing of the Notice. No such request for hearing has been received by the Board. The Notice designated the Board's file on this matter as the record for purposes of default.

**FINDINGS OF FACT**

Based on the evidence submitted through Notice and the agency file in this case, the Board finds the following:

- 1.1 That Janet Matthews is a Family Nurse Practitioner in the state of Oregon (certificate now expired), first becoming Family Nurse Practitioner on October 18, 2001.
- 1.2 That between March 8, 2002 and April 23, 2002 Janet Matthews prescribed Wellbutrin for smoking cessation to a patient with Bipolar Manic Depressive illness. During that time period she never collected a comprehensive health history from that patient and did not ask questions to assess whether or not the patient had a mental health history.
- 1.3 That Janet Matthews did not discontinue the Wellbutrin after the patient acknowledged his Bipolar disorder when he presented for his last visit with rapid speech and flight of ideas. Wellbutrin is an inappropriate medication for an individual diagnosed with Bipolar Manic Depressive illness.
- 1.4 That Janet Matthews treated this same male patient for a urinary tract infection. She prescribed three days of antibiotics rather than the community standard of seven days of antibiotic prescription. There is no evidence that she followed up on the urinary tract infection at the next and final visit with the patient.

- 1.5 That Janet Matthews did not request a hearing within the allotted 20 days.

II  
CONCLUSIONS OF LAW

- 2.1 That the Oregon State Board of Nursing has jurisdiction over the subject matter of this proceeding and over the Family Nurse Practitioner certificate of Janet Matthews.
- 2.2 That Janet Matthews is in default on the Notice because she did not timely request a hearing and the Board may enter a Final Order pursuant to ORS 183.415.
- 2.3 That the certificate holder's failure to properly assess, prescribe and provide appropriate treatment for her patient is grounds for disciplinary action against the Family Nurse Practitioner certificate of Janet Matthews pursuant to ORS 678.111 (1) (f) (g), (2) and OAR 851-045-0015 (1) (b), (3) (b), (4) (b), OAR 851-050-0005 (4) (a), and OAR 851-050-0155 (2) (d).

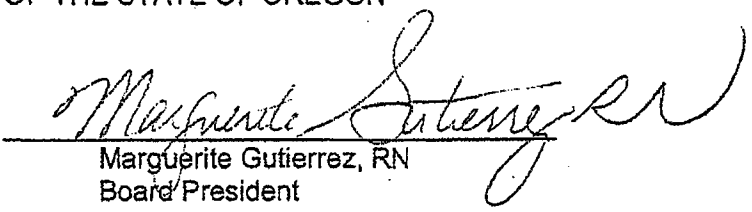
III  
ORDER

Based on the foregoing Findings of Fact, Conclusions of Law, and the Board being fully advised in the premises; it is hereby;

ORDERED that the Family Nurse Practitioner certificate of Janet Matthews is suspended.

If Ms. Matthews wishes to request reinstatement of her Family Nurse Practitioner certificate, she will appear before the Board to make such a request. She must first complete two courses of study. One course must be on Psychopharmacology and the other on Urinary Tract Infections in Men. The continuing education or academic courses must be interactive, at the level of the Nurse Practitioner, must each provide a minimum of five hours of continuing education credit and must be approved in advance by the Board. She shall write a three to four page paper on each class, presenting an outline of the course, the information she has learned, and how it will impact her practice. She shall provide proof of successful completion of the courses (report, certificate of completion, transcript, etc.).

FOR THE BOARD OF NURSING  
OF THE STATE OF OREGON

  
Marguerite Gutierrez, RN  
Board President

4/15/04

BEFORE THE BOARD OF NURSING  
FOR THE STATE OF OREGON

In the Matter of	)	NOTICE OF PROPOSED
Janet Matthews, FNP	)	SUSPENSION OF
	)	FAMILY NURSE
	)	PRACTITIONER CERTIFICATE
	)	
Certificate No. 200150137	)	
	)	Case No. 02-377

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To: Janet Matthews, FNP

The Oregon State Board of Nursing proposes to suspend your certificate as a Family Nurse Practitioner on the following grounds:

-I-

Between March 8, 2002 and April 23, 2002 you prescribed Wellbutrin for smoking cessation to a patient with Bipolar Manic Depressive illness. During that time period you never collected a comprehensive health history from that patient and you did not ask questions to assess whether or not the patient had a mental health history. You did not discontinue the Wellbutrin after the patient acknowledged his Bipolar disorder when he presented for his last visit with rapid speech and flight of ideas. Wellbutrin is an inappropriate medication for an individual diagnosed with Bipolar Manic Depressive illness.

-II-

You treated this same male patient for a urinary tract infection. You prescribed three days of antibiotics rather than the community standard of seven days of antibiotic prescription. There is no evidence that you followed up on the urinary tract infection at the next and final visit with the patient.

The failure to properly assess, prescribe and provide appropriate treatment for your patient constitute violations of the provisions of ORS 678.111 (1) (f) (g), (2) and OAR 851-045-0015 (1) (b), (3) (b), (4) (b), OAR 851-050-0005 (4) (a), and OAR 851-050-0155 (2) (d) and provide as follows:

ORS 678.111

(1) Issuance of the certificate to practice nursing, whether by examination or by indorsement, of any person may be refused or the certificate may be revoked or suspended or the licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the board may impose or may be issued a limited license or may be



reprimanded or censured by the board, for any of the following causes:

- (f) Conduct derogatory to the standards of nursing.
- (g) Violation of any provision of ORS 678.010 to 678.445 or rules adopted thereunder.

(2) A certificate of special competence may be denied or suspended or revoked for the reasons stated in subsection (1) of this section.

#### OAR 851-045-0015

Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public, may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to, the following:

- (1) Conduct related to the client's safety and integrity:
  - (b) Failing to take action to preserve or promote the client's safety based on nursing assessment and judgment.
- (3) Conduct related to communication:
  - (b) Incomplete recordkeeping regarding client care; including but not limited to failure to document care given or other information important to the client's care or documentation which is inconsistent with the care given.
- (4) Conduct related to achieving and maintaining clinical competency:
  - (b) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.

#### OAR 851-050-0005

- (4) Within his or her specialty, the nurse practitioner is responsible for managing health problems encountered by the client and is accountable for health outcomes. This process includes:
  - (a) Assessment

#### OAR 851-050-0155

- (2) The abuse of the prescriptive or dispensing authority constitutes conduct derogatory to nursing standards and is defined as:
  - (d) Prescribing, dispensing, administering, or distributing drugs in an unsafe or unlawful manner or without adequate instructions to the client according to acceptable and prevailing standards or practice

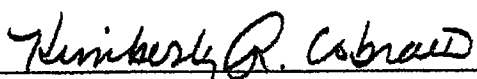
### -III-

The foregoing are grounds for suspension of your Family Nurse Practitioner certificate in the State of Oregon. You are eligible to appear before the Board and request that your suspension be ended when you have completed the following:

You must complete two courses of study. One course must be on Psychopharmacology and the other on Urinary Tract Infections in Men. The continuing education or academic courses must be interactive, at the level of the Nurse Practitioner, must each provide a minimum of five hours of continuing education credit and must be approved in advance by the Board. You shall write a three to four page paper on each class, presenting an outline of the course, the information you have learned, and how it will impact your practice. You shall provide proof of successful completion of the courses (report, certificate of completion, transcript, etc.).

Dated this 16<sup>th</sup> day of March 2004.

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

  
\_\_\_\_\_  
Kimberly R. Cobrain  
Program Executive  
Compliance, Investigation and Practice

ATTACHMENT: NOTICE OF HEARING RIGHTS AND EXHIBIT A

BEFORE THE BOARD OF NURSING  
OF THE STATE OF OREGON

In the Matter of	)	
	)	FINAL ORDER
Janet Matthews, RN, FNP	)	
	)	
License No. 200940766RN	)	Case No: 11-027

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The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses, and Nurse Practitioners in the State of Oregon. Janet Matthews (Licensee) is a Registered Nurse and Family Nurse Practitioner in the State of Oregon.

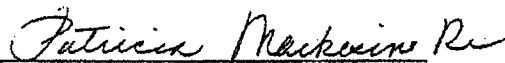
This Matter was considered by the Board on February 16, 2011. Licensee did not appear personally. The issue for the Board was whether to approve the Stipulation for Reprimand with Conditions signed by Licensee on January 14, 2011 and so dispense with this Matter pursuant to ORS 183.417(3).

Upon review of the Stipulation and the agency file in this Matter, the Board finds that reasonable factual and legal grounds exist to support approval of the Stipulation. It is hereby

**ORDERED** that the Stipulation signed by Licensee on January 14, 2011 be approved and by this reference incorporated herein, and it is further

**ORDERED** that the Board adopt the Stipulation and that the Registered Nurse License and Family Nurse Practitioner certificate, of Janet Matthews be reprimanded as set forth in the Stipulation.

DATED this 16 day of February 2011.



Patricia Markesino, RN  
Board President

BEFORE THE BOARD OF NURSING  
OF THE STATE OF OREGON

In the Matter of	)	STIPULATION FOR REPRIMAND OF
	)	REGISTERED NURSE LICENSE
Janet Matthews, RN, FNP	)	AND NURSE PRACTITIONER
	)	CERTIFICATE WITH CONDITIONS
License No. 0770388807RN	)	
	)	Case No. 11-027
Certificate No, 200150137NP	)	

The Oregon State Board of Nursing, (Board) is the agency responsible for licensing and regulating Registered Nurses in the State of Oregon. Janet Matthews, hereinafter referred to as "Licensee," is a Registered Nurse (RN) and Family Nurse Practitioner (FNP) in the State of Oregon. Licensee graduated from University of Louisville Nursing program, with a Bachelors Degree in Nursing in May 1991. Licensee received her NP Certificate by application in Oregon on October 18, 2001.

On July 22, 2010, Licensee was reported to the Board for failing to document care provided to a patient, for failing to provide care to two scheduled patients, and for leaving before her shift had ended without informing clinic staff on June 8, 2010, while working at Liberty Street Clinic. Both patients were seen on the same day by another provider at the clinic. Additionally, it was reported that Licensee had failed to disclose previous disciplinary action on her credentialing application. The Board opened an investigation into the matter.

Licensee acknowledged that she had resigned from her position as a FNP at Liberty Street Clinic without notice on June 8, 2010. She confirmed that when she left the facility, she did not notify clinic staff of her departure, or ensure that she had completed care for all of her scheduled patients. Licensee stated that at the time, she believed she was working within the provisions of her employment contract, which stated that either party were was to terminate the employment relationship at any time with or without notice or cause. She stated that before she left, she believed that she had completed all patient documentation and had seen all scheduled patients for the day.

Licensee acknowledged that she did not confirm that all scheduled patients had been seen prior to her departure. She expressed remorse for her actions, and recognized that her behavior did not meet the expectations of a nurse practitioner, or the standards of nursing, and was an inappropriate reaction to an employer/employee dispute. She stated that in the future she would make certain that all patients were seen, and care documented, prior to leaving any assignment.

Licensee stated that she had not intentionally omitted disciplinary information from her original credentialing application, but had been confused by the question and how it related to the circumstances of the previous disciplinary action. She further stated that she had provided a corrected version of her credentialing application to the appropriate personnel, as well as a letter of explanation, regarding the disciplinary action against her license when it was

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JAN 18 2011

to by Licensee:

That the Registered Nurse License and Nurse Practitioner certificate of Janet Matthews shall be Reprimanded with the following conditions:

1. That Ms. Matthews shall complete a course on Professional Accountability.
2. That Ms. Matthews shall not violate the Nurse Practice Act (ORS 678.111) or any of the administrative rules adopted thereunder.
3. That Ms. Matthews shall be financially responsible for any costs she may incur as a result of compliance with the terms and conditions of this Stipulation.
4. That Ms. Matthews shall provide proof of successful completion of the class to the Board no later than April 15, 2011.

Ms. Matthews understands that in the event she engages in future conduct resulting in violations of law or violations of the terms and conditions of this Stipulation, the Board may take further disciplinary action against her, up to and including revocation of her nursing license and/or nurse practitioner certificate.

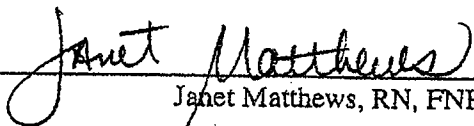
Ms. Matthews understands that this Stipulation will be submitted to the Board for approval, and that it is subject to its confirmation.

Ms. Matthews understands that, by entering into this Stipulation, she waives the right to an administrative hearing under ORS 183.310 to 183.550.

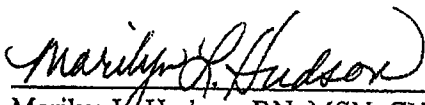
Ms. Matthews understands that this Stipulation is a public record.

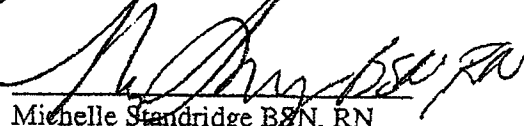
Ms. Matthews, by her signature below, attests that she has read and understands this Stipulation and agrees to abide by each and every one of its terms and conditions. Ms. Matthews further attests that no promises, representations, duress, or coercion have been used to induce her to sign this Stipulation.

Dated this 14 day of January, 2011

  
Janet Matthews, RN, FNP

FOR THE BOARD OF NURSING OF THE STATE OF OREGON

  
Marilyn L. Hudson, RN, MSN, CNS, FRE  
Investigation Manager  
Investigation Department

  
Michelle Standridge BSN, RN  
Nurse Investigator  
Investigation Department

RECEIVED

JAN 18 2011