



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 § AGREED
Registered Nurse License Number 545001 §
& Vocational Nurse License Number 84124 §
issued to THELMA J. WENDEL § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of THELMA J. WENDEL, Registered Nurse License Number 545001, and Vocational Nurse License Number 84124, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to 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 July 16, 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. Respondent's vocational license is currently in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Hill County Memorial Hospital, Fredericksburg, Texas, on August 20, 1979. Respondent was licensed to practice vocational nursing in the State of Texas on October 16, 1979. Respondent received a Diploma in Nursing from Baptist Health System, San Antonio, Texas, on December 1, 1987. Respondent was licensed to practice professional nursing in the State of Texas on March 29, 1988.

5. Respondent's nursing employment history includes:

1979-1982	Staff LVN Hill Country Memorial Hospital Fredericksburg, Texas
1981-1982	Staff LVN Brown's Nursing Home Fredericksburg, Texas
1982-1987	Staff LVN Hill Country Memorial Hospital Fredericksburg, Texas
1988-1989	Staff RN Hill Country Memorial Hospital Fredericksburg, Texas
1989-1992	Staff RN St. Luke's Lutheran Hospital San Antonio, Texas
1992-1993	Staff Nurse Knopp Nursing Home Fredericksburg, Texas
1993-1994	Staff Nurse St. Luke's Lutheran Hospital San Antonio, Texas
1995-1998	Staff Nurse St. Luke's Lutheran Hospital San Antonio, Texas
1998-1999	Nurse Manager Mariner Healthcare San Antonio, Texas
1999-2011	Staff Nurse Christus Santa Rosa Healthcare San Antonio, Texas
2012 - present	Unknown

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Registered Nurse with CHRISTUS Santa Rosa, San Antonio, Texas, and had been in this position for approximately ten (10) years.
7. On or about November 24, 2010, while employed as a Registered Nurse with CHRISTUS, Santa Rosa, San Antonio, Texas, Respondent violated facility policy and Patient Medical Record Number AG0024153842's privacy in that she accessed his electronic medical records at least fourteen (14) times without his written consent or a professional "need to know" basis. Respondent's action is a violation of the Health Insurance Portability and Accountability Act (HIPAA) rules.
8. In response to Finding of Fact Number Seven (7), Respondent states that Patient Medical Record Number AG0024153842 was her brother who had specifically selected CHRISTUS Santa Rosa Hospital since Respondent worked there. Respondent adds that she worked in the Patient Intake Center (PIC) and she was the person who completed the admission process for Patient Medical Record Number AG0024153842 as part of her duties. Respondent adds that her position required that she access patient records at different times as needed.

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(s) of 22 TEX. ADMIN. CODE §217.11(1)(A)&(1)(E). and 22 TEX. ADMIN. CODE §217.12(1)(C).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 545001, and Vocational Nurse License Number 84124, heretofore issued to THELMA J. WENDEL, 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 a REMEDIAL EDUCATION 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 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 the course "Patient Privacy," a 5.4 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 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 two hundred fifty (\$250) dollars. RESPONDENT SHALL pay this fine within forty five (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, 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 waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) 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 17 day of Aug, 2012.

Thelma J. Wendel

 THELMA J. WENDEL, Respondent

Sworn to and subscribed before me this 17 day of August, 2012.

SEAL

Keith Meyer

Notary Public in and for the State of Texas



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 17th day of August, 2012, by THELMA J. WENDEL, Registered Nurse License Number 545001 and Vocational Nurse License Number 84124, and said Order is final.



Effective this 17th day of August, 2012.

Katherine A. Thomas

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