



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.

*William C. Thomas*  
Executive Director of the Board

Executive Director of the Board

## BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED
Registered Nurse License Number 509488	§	
issued to LESLIE L. EVERETT	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LESLIE L. EVERETT, Registered Nurse License Number 509488, 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) and 301.453, Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on September 30, 2012, 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 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 a Baccalaureate Degree in Nursing from the University of Texas, Arlington, Texas on May 6, 1983. Respondent was licensed to practice professional nursing in the State of Texas on August 30, 1983.
5. Respondent's nursing employment history includes:  

8/1983 - 2/1984	Unknown
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Respondent's nursing employment history continued:

3/1984 - 12/1984	Staff Nurse	Texas Children's Hospital Houston, Texas
12/1984 - 11/2010	Staff Nurse	Children's Medical Center of Dallas Dallas, Texas
12/2010 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Children's Medical Center of Dallas, Dallas, Texas, and had been in this position for twenty-five (25) years and eleven (11) months.
7. On or about November 9, 2010, while employed with Children's Medical Center, Dallas, Texas, Respondent exceeded her scope of practice as a registered nurse and chemically cauterized a G-button site for Patients MR#3148290 and MR#3061221, without a physician's order. Respondent lacked the educational preparation, experience, and knowledge to treat this patient's condition without a physician's intervention and expertise, which placed the patient at risk of harm.
8. On or about November 10, 2010, while employed with Children's Medical Center, Dallas, Texas, Respondent exceeded her scope of practice as a registered nurse and administered Lidocaine viscous 2% and replaced Patient MR#1562129's G-button without a physician's order. Additionally, Respondent failed to notify the physician that the patient's replaced G-button had broken. Respondent lacked the educational preparation, experience and knowledge to diagnose and treat the patient's condition without the physician's intervention and expertise, which placed the patient at risk of harm. Additionally, Respondent's conduct deprived the physician of the opportunity to provide medical intervention to stabilize the patient's condition.
9. On or about November 11, 2010, while employed with Children's Medical Center, Dallas, Texas, Respondent exceeded her scope of practice as a registered nurse and replaced Patient MR# 3061433's G-button, applied peristomal candidal rash with nystatin powder/zinc cream, and used hurricaine spray and 2% lidocaine to lubricate the tube prior to placement, without a physician's order. Respondent lacked the educational preparation, experience, and knowledge to diagnose and treat the patient's condition without the physician's intervention and expertise, which placed the patient at risk of harm.

10. On or about November 11, 2010, while employed with Children's Medical Center, Dallas, Texas, Respondent exceeded her scope of practice as a registered nurse and diagnosed Patient MR# 1296653 with "contact dermatitis" and changed said patient's pouch type without a physician consult or order. Respondent lacked the educational preparation, experience, and knowledge to diagnose and treat the patient's condition without the physician's intervention and expertise, which placed the patient at risk of harm.
11. On or about November 11, 2010, while employed with Children's Medical Center, Dallas, Texas, Respondent misappropriated Pedia-Lax 2-11 chewable Tablets, Fluori-Methane Spray, 4% Lidocaine Hydrochloride, 1% Xylocaine MPF, and Hurricane Topical Anesthetic Spray. Those items were found in her personal locker. Respondent's conduct was likely to defraud the facility and the patients thereof of the cost of the medications.
12. On or about November 11, 2010, while employed with Children's Medical Center, Dallas, Texas, Respondent misappropriated blank prescription pads containing Drug Enforcement Agency (DEA) numbers assigned to physicians. Those items were found in Respondent's personal locker. Respondent's conduct was a violation of Chapter 481 of the Health and Safety Code (Texas Controlled Substance Act).
13. In response to Finding of Fact Number Seven (7), Respondent explains that these patients were scheduled to be seen by her for treatment of hyper-granulation tissue at a G-button site and states that the order for the medication was placed after the fact but on the same day by the NP or PA covering her in the clinic. Respondent admits that the PA or NP were not present to assess the patient but claims that she did request via email that the order be placed. In response to Finding of Fact Number Eight (8), Respondent states that she was under the impression that orders had been entered by the PA in advance and admits that she did see the patient and changed out a G-button by using 2% Lidocaine to lubricate the tube as was their practice. Respondent adds that the button did tear at the skin level with removal so she notified the PA via email and completed an incident report. In response to Finding of Fact Number Nine (9), Respondent states that these patients were seen by her for treatment of hypergranulation tissue and asserts that she did request that the order be placed by the PA or NP via an email. In response to Finding of Fact Number Ten (10), Respondent states that she often changed a patient's pouch without a physician's order so she could assess the peristomal skin. Respondent states that contact dermatitis is a common finding in assessing the peristomal skin and asserts that she is not using the phrase as a diagnosis, but merely as a descriptor to explain that the skin inflammation had occurred from contact with some chemical or irritating substance. In response to Findings of Fact Numbers Eleven (11) and Twelve (12), Respondent states she shared an office with a couple of different Surgical NPs and adds that the NP that oriented her passed on her office/desk and supply cabinets that contained a supply of ostomy pouches, dressings, etc., that had been given to her by supply representatives. Respondent states that the Pedialax chewable tablets were sent in the mail and admits that she may have accidentally placed the fluorimethane spray in her lab coat. Respondent denies knowledge of the 4% Lidocaine but states that the 1% Lidocaine may have been inadvertently left in her lab coat as well. Respondent states that the Hurricane

spray was placed in the drawer because there was no place to dispose of this. Respondent asserts that the prescription pads were used in the surgery clinic by the NPs in the past and adds that there was also an exam room down the hall that was often used by one of the NP's to see patients. Respondent vehemently denies that she ever used or signed any of these prescriptions.

#### 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)(B),(1)(G),(1)(T) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)(1)(E),(3),(4)(6)(G)&(8).
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 509488, heretofore issued to LESLIE L. EVERETT, 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 REPRIMAND WITH STIPULATIONS & 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 a course in medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. 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 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>.

(5) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). 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, 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 (2) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) 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:**

(6) 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.

(7) 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.

(8) For the first year of employment as a Nurse under this Order, RESPONDENT SHALL be directly 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. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The 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. RESPONDENT may remain employed as a Certified Wound, Ostomy and Continence Nurse at Texas Health Presbyterian Hospital without direct supervision; however, should RESPONDENT leave this employment, she must comply with the direct supervision requirement as stated above.

(9) For the remainder of the stipulation period, 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.

(10) 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) years 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

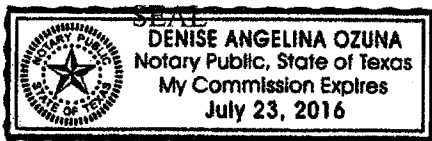
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that 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 13 day of Nov, 2012

Leslie L. Everett, R.N. CWO

LESLIE L. EVERETT, RESPONDENT

Sworn to and subscribed before me this 13<sup>th</sup> day of November, 2012



Denise Angelina Ozuna

Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 13th day of November, 2012, by LESLIE L. EVERETT, Registered Nurse License Number 509488, and said Order is final.

Effective this 18th day of December, 2012.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas", is written over a horizontal line.

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