

BEFORE THE TEXAS BOARD OF NURSING

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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

In the Matter of Vocational Nurse § AGREED  
License Number 55092 §  
issued to ANNIE MARY I. JONES § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of ANNIE MARY I. JONES, Vocational Nurse License Number 55 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 March 23, 2009, 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 proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Mississippi Gulf Coast Junior College, Perkinston, Mississippi, on September 8, 1972. Respondent was licensed to practice vocational nursing in the State of Texas on April 18, 1973.
5. Respondent's vocational nursing employment history includes:  
  
1972 - 4/89                      Unknown

Respondent's vocational nursing employment history continued:

5/89 - 6/07	Staff Nurse	The Care Group Houston, Texas
5/04 - 3/07	Staff Nurse	Gentiva Houston, Texas
6/07	Staff Nurse	PSA Houston, Texas
7/07 - 1/09	Staff Nurse	CN Healthcare, Inc. Stafford, Texas
2/09 - Present	Unknown	

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse with CN Healthcare, Inc., Stafford, Texas, and had been in this position for one (1) year and six (6) months.
7. On or about January 23, 2009, while employed as a Staff Nurse with CN Healthcare, Inc., Stafford, Texas, Respondent failed to assess, evaluate and intervene in a timely manner when Patient Medical Record Number 527354703, a twenty three (23) month old female with multiple diagnoses secondary to a premature birth, suffered a cardiac arrest after the tracheostomy tube became dislodged. Respondent documented that the patient "pulled at the trach" multiple times throughout the day; however, Respondent decided to leave the patient alone while she prepared food in the kitchen approximately fifty (50) feet away from the bedroom where the patient was located. Respondent discovered the patient unconscious approximately one (1) hour later with the tracheostomy tube on the bed beside the patient. Respondent states that she reinserted the tracheostomy tube, "blew" in the patient's trach and mouth, "patted" the patient's chest, then called 911, which resulted in responses by Pearland Emergency Medical Staff (EMS) and the Pearland Police. The Pearland Police were the first to arrive and initiated Cardiopulmonary Resuscitation (CPR). Subsequently, when the EMS arrived, the patient was moved to the floor and CPR was continued by the EMS personnel. After approximately thirty (30) minutes of CPR, the patient was transferred to Texas Children's Hospital, Houston, Texas, where the patient was pronounced deceased by the emergency room staff. Respondent's conduct may have contributed to the patient's demise.
8. On or about January 23, 2009, while employed as a Staff Nurse with CN Healthcare, Inc., Stafford, Texas, Respondent failed to know, recognize, and maintain professional boundaries of the nurse-client relationship in that she accepted care of the aforementioned Patient Medical Record Number 527354703 in her personal residence, instead of in the patient's home. Furthermore, Respondent identified herself as the patient's nurse and also the patient's godmother to the emergency personnel assisting with the care. Respondent's conduct was likely to injure the patient in that boundary violations can cause delayed distress for the patient and/or the patient's family which may not be recognized by the patient and/or the patient's family until harmful consequences occur.

9. On or about January 23, 2009, while employed as a Staff Nurse with CN Healthcare, Inc., Stafford, Texas, Respondent failed to timely collaborate with other health care team members in a timely manner when she did not report the incident and/or the death of the aforementioned Patient Medical Record Number 527354703 to the appropriate agency staff until approximately fifteen (15) hours after the incident. Respondent's conduct deceived her employer.
10. In response to the incident in Finding of Fact Number Seven (7), Respondent states that the patient was asleep when the mother dropped her off at Respondent's home at approximately 6:50 am. Respondent explains that this was the first time that the patient had been brought to her home. Respondent goes on to explain that the patient woke up about 8:30 am, "played around all day occasionally pulling on her trach. Day uneventful." Respondent adds that the patient took a nap at 4:10 pm and woke at 5:30 pm, "sat in bed watching TV and pulling on oxygen at times." "While sitting on bed I went to kitchen to prepare her food. Come back to check she was lying with eyes \_\_\_\_\_ (word left out) with trach out. Try to insert trach in and it went in. Patient was not breathing. 911 called and told me to start CPR and did what she instructed until ambulance arrived and EMT took over. Ambulance left my house at 6:30 pm for the hospital."

#### 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 violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(A), (1)(B), (1)(D), (1)(M), (1)(P) & (2)(A) and 217.12(1)(A), (1)(B), (4) & (6)(D) .
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational License Number 55092, heretofore issued to ANNIE MARY I. JONES, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Vocational Nurse License Number 55092, previously issued to ANNIE MARY JONES, to practice vocational nursing in Texas is hereby SUSPENDED with the suspension STAYED and Respondent is hereby placed on PROBATION for two (2) years with the following agreed terms of probation:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this order the Respondent may not work outside the State of Texas pursuant to a multistate licensure 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.

(1) 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.

(2) RESPONDENT SHALL deliver the wallet-sized license issued to ANNIE MARY I. JONES, to the office of the Texas Board of Nursing within ten (10) days of the date of this Order.

(3) RESPONDENT SHALL, within one (1) year of the suspension being stayed, 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.state.tx.us/disciplinaryaction/stipscourses.html>.

(4) RESPONDENT SHALL, within one (1) year of the suspension being stayed, 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.state.tx.us/disciplinaryaction/stipscourses.html>.

(5) RESPONDENT SHALL, within one (1) year of the suspension being stayed, 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. *Information regarding this workshop may be found at the following web address:*  
<http://www.learningext.com/products/generalce/critical/ctabout.asp>.

(6) RESPONDENT SHALL, within sixty (60) days of the suspension being stayed, successfully complete a course in Basic Cardiopulmonary Life Support for Healthcare Providers. RESPONDENT SHALL obtain Board approval of the course and instructor 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 course shall be a minimum of eight (8) contact hours in length. The course's content shall include: Adult, Infant, and Child 1- and 2-Rescuer CPR; Adult, Infant, and Child Foreign Body Airway Obstruction for both responsive and unresponsive victims; and Adult Automated External Defibrillation. In order to receive credit for completion of this workshop, RESPONDENT SHALL obtain the Verification of Course Completion form from the Board's website, <ftp://www.bon.state.tx.us/i17.pdf>, and SHALL SUBMIT the Verification of Course Completion form to the Board's office, to the attention of Monitoring, after having the form completed and signed by the course instructor. RESPONDENT SHALL also submit a front and back copy of the course completion card along with the Verification of Course Completion form. 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.

**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 PROBATION CONDITIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY 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 VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:**

(7) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the probation conditions on RESPONDENT's license. 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 probation conditions on RESPONDENT's license. 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.

(8) 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.

(9) For the first year of employment as a Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse or a Licensed Vocational Nurse. Direct supervision requires another professional or vocational nurse 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.

(10) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse or 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.

(11) 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 Registered Nurse or Licensed Vocational 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 and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

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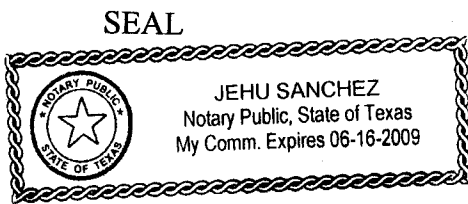
RESPONDENT'S CERTIFICATION

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 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 to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 22 day of April, 2009.

Annie Mary I. Jones  
ANNIE MARY I. JONES, Respondent

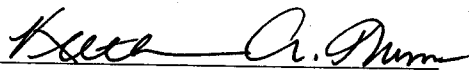
Sworn to and subscribed before me this 22 day of April, 2009.



Jehu Sanchez  
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 22nd day of April, 2009, by ANNIE MARY I. JONES, Vocational Nurse License Number 55092, and said Order is final.

Effective this 9th day of June, 2009.

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