

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 Registered Nurse License Number 718296 § AGREED
& Vocational Nurse License Number 185783 §
issued to MICHELE EVELYN LUNDBERG § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of MICHELE EVELYN LUNDBERG, Registered Nurse License Number 718296, and Vocational Nurse License Number 185783, 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 approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on February 12, 2013.

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 licenses.
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 is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received Certificate in Vocational Nursing from Vernon Regional Junior College, Vernon, Texas on August 9, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on October 4, 2002. Respondent received an Associate Degree in Nursing from Vernon Regional Junior College, Vernon, Texas on May 14, 2005. Respondent was licensed to practice professional nursing in the State of Texas on July 5, 2005.

5. Respondent's nursing employment history includes:

11/02 - 11/05	Unknown	
12/05 - 05/07	RN	North Texas State Hospital - Wichita Falls Campus Wichita Falls, TX
07/07 - 01/09	RN	Texas Tech HSC/JV Allred Prison Iowa Park, TX
02/09 - 07/09	RN	American Hospice Wichita Falls, TX
12/09 - 08/11	RN	RGA Home Care Wichita Falls, TX
11/11 - 01/12	RN	Wichita Falls - Wichita County Public Health District Wichita Falls, TX
02/12 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Wichita Falls - Wichita County Public Health District, Wichita Falls, Texas, and had been in this position for approximately one (1) year and two (2) months.
7. On or about January 5, 2012, while employed as a Registered Nurse with Wichita Falls - Wichita County Public Health District, Wichita Falls, Texas, Respondent failed to respect Patient S.C.'s right to privacy by disclosing confidential medical information to an unauthorized third party. Respondent's conduct was a violation of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and was likely to injure the patient in that disclosing confidential information to any unauthorized individual could have resulted in psychological stressors to the patient.
8. In response to Finding of Fact Number Seven (7), Respondent states a patient presented to the clinic with bizarre behavior and possible psychiatric symptoms. Respondent states that she questioned whether the state reporting method communicated results to other state agencies that could be pertinent to treatment and/or outcome. Respondent states that her immediate supervisor and the DON were not available at the time, so she contacted the Health Information Manager at a previous employer of hers. Respondent states that she proposed the question as a hypothetical, but ultimately, knowing she did not have authorization to release the patient's confidential information, disclosed the patient's name

and diagnosis. Respondent states the call was placed from the office where there were no public access or exam rooms in the vicinity. Respondent states she was confused with whether this was an actual HIPAA violation, because in her experience, it was not uncommon to verify whether a person had received services from another provider.

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 22 TEX. ADMIN. CODE §217.11(1)(A)&(E) and 22 TEX. ADMIN. CODE §217.12(1)(A),(B)&(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 718296, and Vocational Nurse License Number 185783, heretofore issued to MICHELE EVELYN LUNDBERG, including revocation of Respondent's licenses 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, 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 licenses 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 "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>.*

(3) 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>.*

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

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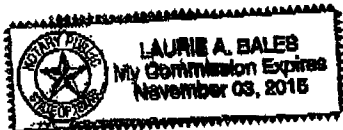
RESPONDENT'S CERTIFICATION

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

Signed this 4th day of April, 2013.
Michele Evelyn Lundberg
 MICHELE EVELYN LUNDBERG, Respondent

Sworn to and subscribed before me this 4 day of April, 2013.

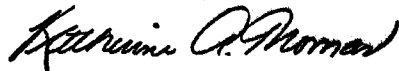
SEAL



Laurie A. Bales
 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 4th day of April, 2013, by MICHELE EVELYN LUNDBERG, Registered Nurse License Number 718296, and Vocational Nurse License Number 185783, and said Order is final.

Effective this 19th day of April, 2013.



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