



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 776020 §
& Vocational Nurse License Number 197817 §
issued to ROSALINE WAHOME § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ROSALINE WAHOME, Registered Nurse License Number 776020 and Vocational Nurse License Number 197817, 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 informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on April 23, 2013, 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 informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional and vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Concord Career Institute, Extended Health, Arlington, Texas, on January 8, 2005; and an Associate Degree in Nursing from Vernon Regional Junior College, Vernon, Texas, on June 22, 2009. Respondent was licensed to practice vocational nursing in the State of Texas on March 1, 2005. Respondent was licensed to practice professional nursing in the State of Texas on October 1, 2009.

5. Respondent's nursing employment history includes:

1/2005 - 2007	Charge Nurse	Marine Creek Health & Rehab Center Fort Worth, Texas
2/2006 - 7/2007	Charge Nurse	Woodridge Nursing & Rehabilitation Grapevine, Texas
5/2007 - 7/2007	Home Health Nurse	Interim Home Health Dallas, Texas
8/2007 - 8/2011	Home Health Nurse	Maximum Healthcare Services Dallas, Texas
4/2011 - Present	Staff Nurse	Kindred Hospital of Arlington Arlington, Texas

6. At the time of the initial incident, Respondent was employed as a home health nurse with Maximum Healthcare Services, Dallas, Texas, and had been in this position for four (4) years.

7. On or about July 18, 2011, through August 4, 2011, while employed with Maxim Healthcare Services, Dallas, Texas, Respondent submitted Nursing Flow Sheets and Time Sheets which indicated her arrival at 7:00 a.m. to the home of Patient Medical Record Number 528109086. Respondent was employed with Kindred Hospital of Arlington during this time period and her shift at the hospital was 7:00p.m. - 7:00a.m. In addition, on August 3, 2011, and August 4, 2011, a staff member was present at the home of the patient until 8:15a.m., and Respondent had not arrived prior to 8:15a.m. Respondent's conduct resulted in an inaccurate medical record and was likely to deceive subsequent care givers who relied on her documentation while providing care to the patient. In addition, Respondent's conduct was likely to defraud the agency of payment for hours she did not work.

8. On or about July 18, 2011, through August 4, 2011, while employed with Maxim Healthcare Services, Dallas, Texas, Respondent submitted Time Sheets for payment of her nursing care for Patient Medical Record Number 528109086, in which she documented that she worked from 7:00 a.m. to 7:00 p.m. Respondent was employed with Kindred Hospital of Arlington, during this time period, and her shift was at the hospital was from 7:00 p.m. - 7:00 a.m., as follows:

Date	In Punch at Kindred	Out Punch at Kindred	Hours worked for Maxim	Total Hours worked
7/18/11- 7/19/11	6:44PM 1:31AM	1:01AM 7:22AM	7:00AM - 7:00PM	24
7/19/11- 7/20/11	6:46PM 12:30AM	12:00AM 7:13AM	7:00AM - 7:00PM	24

7/20/11- 7/21/11	6:38PM 4:02AM	3:28AM 7:10AM	7:00AM - 7:00PM	24 72 hrs in 3 days with no sleep
7/25/11			7:00AM-7:00PM	12
7/25/11- 7/26/11	6:45PM 2:17AM	1:47AM 7:31AM	7:00AM - 7:00PM	24
7/26/11- 7/27/11	6:44PM 11:05PM	10:35PM 7:04AM	7:00AM - 7:00PM	24
7/27/11- 7/28/11	6:48PM 12:30AM	12:00AM 7:15AM	7:00AM - 7:00PM	24 84 hrs in 3 days with no sleep
7/31/11			7:00AM - 7:00PM	12
8/1/11- 8/2/11	6:52PM 2:56AM	2:26AM 7:21AM	7:00AM - 7:00PM	24
8/2/11- 8/3/11	6:41PM 2:45AM	2:15AM 7:13AM	7:00AM - 7:00PM (8:15AM-7:00PM)	24
8/3/11- 8/4/11	6:39PM 3:38AM	3:08AM 7:14AM	7:00AM - 7:00PM (8:15AM-7:00PM)	24 84 hrs in 3 days with no sleep

Respondent's conduct was likely to defraud the agency of payment for hours she did not work.

9. On or about July 18, 2011, through August 4, 2011, while employed with Maxim Healthcare Services, Dallas, Texas, and while employed with Kindred Hospital of Arlington, Arlington, Texas, Respondent lacked fitness to practice professional nursing in that she disclosed to her supervisor that she was working up to eighty-four (84) hours with no break or sleep. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in the patient's condition, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
10. In response to Findings of Fact Numbers Seven (7) through Nine (9), Respondent's Attorney states that on August 3, 2011, and August 4, 2011, Respondent arrived at the patient's home at 7:20 a.m. for her scheduled shift. There was no staff member present. Respondent submitted time sheets for payment for nursing care given from 7:20 a.m. arrival as scheduled. Regarding lack of fitness, Respondent's Attorney states that Maxim knew that Respondent had been working with Kindred Hospital of Arlington since May 2011.

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)(D),(1)(P)&(1)(T) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(D),(4),(5),(6)(A),(6)(G)&(6)(H).
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 776020 and Vocational Nurse License Number 197817, heretofore issued to ROSALINE WAHOME, 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 a REPRIMAND WITH STIPULATIONS 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 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 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 pay a monetary fine in the amount of one thousand dollars (\$1,000.00). RESPONDENT SHALL pay this fine within ninety (90) 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:

(4) 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.

(5) 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.

(6) 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.

(7) 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 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 2nd day of May, 2013

Rosaline Wahome

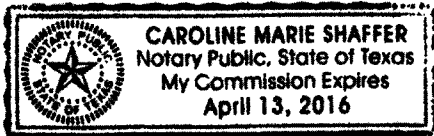
ROSALINE WAHOME, RESPONDENT

Sworn to and subscribed before me this 2nd day of May, 2013.

Caroline Marie Shaffer

Notary Public in and for the State of Texas

SEAL



Approved as to form and substance.

Dr. Shezad Malik

DR. SHEZAD MALIK, Attorney for Respondent

Signed this 23 day of MAY, 2013.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 22nd day of May, 2013, by ROSALINE WAHOME, Registered Nurse License Number 776020 and Vocational Nurse License Number 197817, and said Order is final.

Effective this 11th day of June, 2013.



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