

Executive Director of the Board

## BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of   §      AGREED  
Vocational Nurse License Number 61002                 §  
issued to JESSIE MARIE SMITH SWEET                 §      ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of JESSIE MARIE SMITH SWEET, Vocational Nurse License Number 61002, 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 April 26, 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 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 Henderson County Junior College, Palestine, Texas on August 29, 1972. Respondent was licensed to practice vocational nursing in the State of Texas on August 24, 1974.
5. Respondent's nursing employment history includes:

5/1974 - 6/1980      Licensed Vocational Nurse      Memorial Hospital  
Palestine, Texas

Respondent's nursing employment history continued:

7/1980 - 1/1991	Licensed Vocational Nurse	Park Place Nursing Palestine, Texas
1/1991 - 12/1996	Licensed Vocational Nurse	MIPVNS Homecare Palestine, Texas
3/1997 - 4/1996	Licensed Vocational Nurse	ETMC Homecare Grapeland Grapeland, Texas
5/1998 - 6/2011	Licensed Vocational Nurse	The University of Texas Medical Branch Correctional Managed Care (UTMB-CMC) Galveston, Texas, assigned to Texas Department of Criminal Justice (TDCJ) Michael Unit Tennessee Colony, Texas
9/2012 - Present	Licensed Vocational Nurse	Goodwill Healthcare Services Dallas, Texas

6. On or about September 16, 1997, Respondent's license to practice vocational nursing in the State of Texas was "Severely Reprimanded" through an Agreed Board Order by the Board of Vocational Nurse Examiners. A copy of the Agreed Board Order, dated September 16, 1997, is attached and incorporated herein by reference as part of this Order.
7. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with UTMB-CMC, Galveston, Texas, and assigned to TDCJ Michael Unit, Tennessee Colony, Texas, and had been in this position for thirteen (13) years and one (1) month.
8. On or about June 3, 2011, while employed with The University of Texas Medical Branch - Correctional Managed Care, Galveston, Texas, and assigned to Texas Department of Criminal Justice Michael Unit, Tennessee Colony, Texas, Respondent failed to provide appropriate cardiopulmonary resuscitation to Patient TDCJ 1426283, a hanging victim, including that Respondent failed to place the cervical stabilization collar on the patient, failed to provide rescue breaths, and failed to ensure that the Automated External Defibrillator was connected upon arrival at the patient's cell and while being transported from the cell to the facility's emergency room. Once the patient arrived in the facility's emergency room, cardiopulmonary resuscitation was provided by other staff members; however, the patient was pronounced deceased after 20 minutes of attempted resuscitation. Respondent's conduct deprived Patient TDCJ 1426283 of resuscitation, which may have contributed to the patient's demise.

9. In response to the incidents in Finding of Fact Number Seven (7), Respondent states she over heard the officer's radio that medical was needed for a inmate hanging in Building 12 F Pod. Respondent states that they grabbed the stretcher, jump box, and defibrillator, and ran to Building 12 F Pod. Respondent states that an officer was on the floor administering cardiopulmonary resuscitation (CPR) when they arrived. Respondent states Inmate TDCJ 1426283 did not have a heartbeat, pulse, or respirations, that the pupils were fixed and the skin was warm to cold. Respondent states that she applied the automated external defibrillator (AED) and Inmate TDCJ 1426283 was shocked twice with no results. Respondent states that the officers were still doing CPR, and she stated that they needed to send Inmate TDCJ 1426283 to medical ASAP. Respondent states that Inmate TDCJ 1426283 was placed on backboard and someone unplugged the AED machine. Respondent states the officers ran down the stairs with the patient, placed the inmate on the stretcher and ran off before they could reconnect the AED and apply the ambu bag. Respondent states that the heart monitor and oxygen were reconnected and care was taken over by the provider who was in the emergency room.
10. Formal Charges were filed on September 6, 2012.
11. Charges were mailed to Respondent on September 6, 2012.

#### 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)(M)&(2) and 217.12(1)(A),(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 61002, heretofore issued to JESSIE MARIE SMITH SWEET, 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 Vocational Nurse License Number 61002, previously issued to JESSIE MARIE SMITH SWEET, to practice nursing in Texas is/are hereby SUSPENDED for a period of

two (2) years 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, 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 the 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.

(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, within one (1) year of the 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>.

(3) RESPONDENT SHALL, within one (1) year of the entry of this Order, 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.texas.gov/disciplinaryaction/stipscourses.html>.

(4) RESPONDENT SHALL, within one (1) year of the 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, within sixty (60) days of the entry of this Order, 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 four and one half (4 ½) 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, <http://www.bon.texas.gov/disciplinaryaction/pdfs/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) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (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 probation conditions 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

probation conditions 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.

(9) For the remainder of the probationary 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) year(s) 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(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

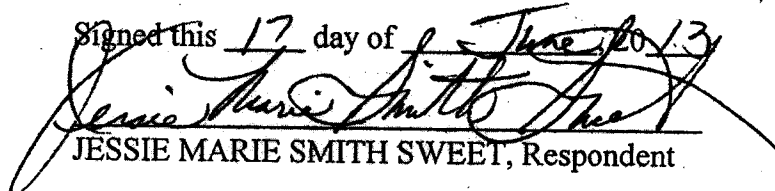
IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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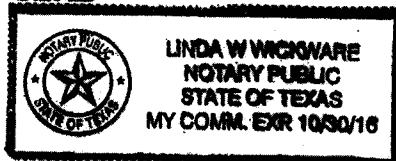
RESPONDENT'S CERTIFICATION


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 17 day of June, 2013  
  
JESSIE MARIE SMITH SWEET, Respondent

Sworn to and subscribed before me this 17th day of June, 2013.

SEAL



  
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 17th day of June, 2013, by JESSIE MARIE SMITH SWEET, Vocational Nurse License Number 61002, and said Order is final.

Effective this 18th day of July, 2013.

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

00061002

BOARD OF VOCATIONAL NURSE EXAMINERS

VS.

JESSIE MARIE SWEET

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STATE OF TEXAS

COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of vocational nurse license number 061002 held by JESSIE MARIE SWEET, hereinafter called Respondent.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Respondent of its intent to take disciplinary action with respect to said license held by Respondent, as a result of a complaint and subsequent investigation. Said investigation produced evidence indicating that Respondent has engaged in unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public, in violation of Article 4528c, Section 10 (a) (9), Revised Civil Statutes of Texas, in the following manner:

I.

a. Respondent's license to practice vocational nursing in the state of Texas expired on or about August 31, 1995, and became delinquent on or after September 1, 1995.

b. On or about February 10, 1997, Respondent submitted an application for licensure renewal to the Board office. Said application was to renew Respondent's, delinquent license.

AGREED BOARD ORDER

RE: JESSIE MARIE SWEET, LVN #061002

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II.

a. Respondent was employed as a Licensed Vocational Nurse at Medical Innovations in Palestine, Texas, to include the dates from March 8, 1991, through about December 23, 1996.

b. While so employed with said facility, Respondent practiced vocational nursing while her vocational nursing license remained in a delinquent status.

By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the matters previously set out in this Order with respect to the above mentioned investigation. By Respondent's signature on this Order, Respondent acknowledges that they have read and understood this Order and have approved it for consideration by the Board.

By their notarized signature on this Order, Respondent does hereby waive the right to a formal Complaint, Notice of Hearing and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED that license number 061002, heretofore issued to JESSIE MARIE SWEET, to practice vocational nursing in the State of Texas be, and the same is hereby SEVERELY REPRIMANDED.

00061002

## AGREED BOARD ORDER

RE: JESSIE MARIE SWEET, LVN #061002

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IT IS ALSO ORDERED that JESSIE MARIE SWEET, pay an administrative fine in the amount of \$250.00, in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners, within thirty (30) days of the date of the Board's endorsement of this Order. Said fee shall be sent to the Board office, addressed to the "Board Accountant".

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.

Dated this the 18th day of July, 1997.

Jessie Marie Sweet  
Signature of Respondent

P.O. Box 3126 Pk. Dep.  
Current Address

Pdestine Depo 75802  
City, State and Zip

903 1 723 2268  
Area Code and Telephone Number

The State of Texas

County of ANDERSON

Before me, the undersigned authority, on this day personally appeared JESSIE MARIE SWEET, who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

JUL 25 1997

00061002

AGREED BOARD ORDER

RE: JESSIE MARIE SWEET, LVN #061002

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SWORN TO AND SUBSCRIBED before me on this the 18<sup>th</sup> day of July, 1992.

R C Emanuel

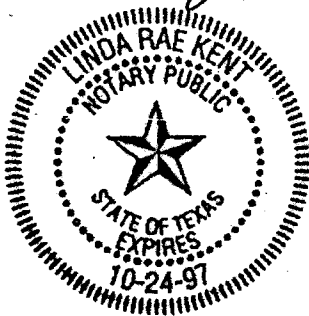
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

My Commission Expires 3-24-98

Marjorie A Bronk, R.N.

Marjorie A. Bronk, R.N.  
Agent for the Board of  
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 31<sup>st</sup> day of July, 1997.



Linda Rae Kent  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

00061002

AGREED BOARD ORDER

RE: JESSIE MARIE SWEET, LVN #061002

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ENDORSEMENT OF THE BOARD  
To The Agreed Board Order  
in the matter of Vocational Nurse  
License No. 061002  
Issued to Jessie Marie Sweet

At its regularly called session, on the 16th day of September 1997, came on to be considered the indicated Agreed Board Order pertaining to Jessie Marie Sweet. The Board having reviewed the contents of said Order, the Order should be, and is hereby, endorsed as an Order of the Board and made an official act of the Board of Vocational Nurse Examiners for the State of Texas.

Said Order is rendered on this the 16th day of September 1997.

*Gillian K. Edson*

*Opal M. Robinson*

*Janet Word-Young*

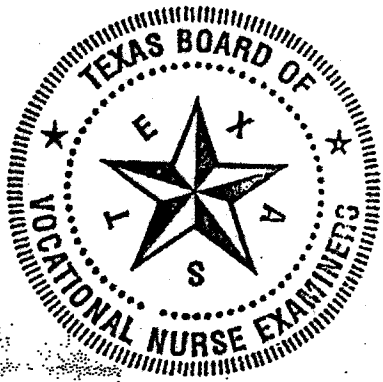
*Vergie F. Perez*

*Carla M. Croan*

*Betty Sims*

*[Signature]*

*Melba Lee-Gray, LVN*





00061002

AGREED BOARD ORDER

RE: JESSIE MARIE SWEET, LVN #061002

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CERTIFICATE OF SERVICE

I hereby certify that on the 19<sup>th</sup> day of September, 1997,  
a true and correct copy of the foregoing Order was served by placement in the  
U.S. Mail, first class, and addressed to the following person(s):

Jessie Marie Sweet  
PO Box 3126  
Palestine, TX 75802

Marjorie A. Bronk, R.N.  
Marjorie A. Bronk, R.N.  
Executive Director  
Agent for the Board of Vocational Nurse Examiners