



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

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In the Matter of § AGREED  
Vocational Nurse License Number 200926 §  
issued to JULIA ANN COLE § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of JULIA ANN COLE, Vocational Nurse License Number 200926, 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 December 19, 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 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 Nursing from Tyler Junior College, Jacksonville, Texas, on August 4, 2005. Respondent was licensed to practice vocational nursing in the State of Texas on October 11, 2005.
5. Respondent's nursing employment history includes:

9/2005 - 11/2005	LVN Med Nurse	OakBrook Nursing Home Whitehouse, Texas
11/2005 - 3/2006	Telemetry/Medical Surgical Nurse	ETMC Tyler, Texas

Respondent's nursing employment history continued:

1/2008 - 5/2008	Home Health Nurse	Pedi Home Health Tyler, Texas
5/2008 - 5/2009	Staff Nurse	Capstone Staffing Tyler, Texas
3/2009 - 5/2009	Not Employed in Nursing	
11/2008 - 5/2009	Substitute Nurse	Whitehouse ISD Whitehouse, Texas
5/2009 - 5/2010	Staff Nurse	NETPHD Public Health Department Tyler, Texas
6/2009 - 9/2010	Home Health Nurse	Heritage Home Health Tyler, Texas
6/2011 - 5/2012	Home Health Nurse	Bethany Home Health Tyler, Texas
5/2012 - 8/2012	Home Health Nurse	Heritage Home Health Tyler, Texas
9/2012 - Present	Home Health Nurse	At Home Health Care Tyler, Texas

6. At the time of the initial incident, Respondent was employed as a home health nurse with Heritage Home Health, Tyler, Texas, and had been in this position for three (3) months.
7. On or about August 17, 2012, while employed with Heritage Home Health, Tyler, Texas, Respondent arrived to perform a skilled nursing visit, as assigned and ordered by the physician, for Patient JR. However, when she arrived at the patient's home, she performed the assessment and a venipuncture (blood draw) on the spouse of the Patient JR, instead of Patient JR. Respondent's conduct exposed the patient's spouse unnecessarily to a risk of harm from bruising, swelling or infection.
8. On or about August 17, 2012, while employed with Heritage Home Health, Tyler, Texas, Respondent failed to report to her supervisor and Patient JR's physician that she had performed a venipuncture and assessment on the patient's spouse instead of the patient. Respondent's conduct deprived the supervisor and the patient's physician of information which would be required to institute timely interventions.

9. In response to Finding of Fact Numbers Seven (7) and Eight (8), Respondent states she had never seen Patient JR before. Respondent states she used an alcohol swab to the site and after the incident she told the LVN Scheduler what had happened and the LVN said that she would report it to the Director of Nursing. Respondent returned to the patient's home and performed the blood draw on the correct patient.
10. Formal Charges were filed on October 24, 2013.
11. Formal Charges were mailed to Respondent on October 25, 2013.

### 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)(D),(1)(M),(1)(P)&(2)(A) and 22 TEX. ADMIN. CODE §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 200926, heretofore issued to JULIA ANN COLE, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

### ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of a 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 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 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>*

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 may be eligible for nurse licensure compact privileges, if any.

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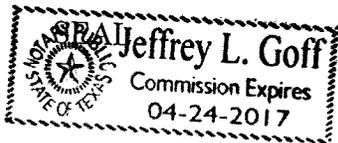
RESPONDENT'S CERTIFICATION

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 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 license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 13 day of January, 2014.

Julia Ann Cole  
JULIA ANN COLE, Respondent

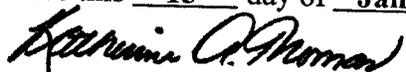
Sworn to and subscribed before me this 13<sup>th</sup> day of JANUARY, 2014.



[Signature]  
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 13<sup>th</sup> day of January, 2014, by JULIA ANN COLE, Vocational Nurse License Number 200926, and said Order is final.

Effective this 15<sup>th</sup> day of January, 2014.



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