



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.
Patricia A. Plummer
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Vocational Nurse License Number 114366 §
issued to TERRI SUE HAM § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of TERRI SUE HAM, Vocational Nurse License Number 114366, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Western Texas College, Snyder, Texas, on February 27, 1986. Respondent was licensed to practice vocational nursing in the State of Texas on May 22, 1986.
5. Respondent's employment history includes:

1986-1989	Staff Nurse	Methodist Hospital Lubbock, Texas
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Respondent's nursing employment history continued:

1989-1991	Staff Nurse	Great Plains Nursing Service Lubbock, Texas
1990-1991	Home Health Nurse	Community Action Home Health Levelland, Texas
1990-1991	Staff Nurse	D.M. Cogdell Memorial Hospital Snyder, Texas
5/1992-8/1992	Staff Nurse	Hamlin Memorial Hospital Hamlin, Texas
1992-1994	Staff Nurse	Abilene Regional Medical Center Abilene, Texas
1995-1996	Staff Nurse	Texas Neurological Associates Dallas, Texas
1996-2000	Staff Nurse	Olsten Health Services Staffing Dallas, Texas
2000-2004	Staff Nurse	East Dallas Health Center Dallas, Texas
4/2004-Present	Staff Nurse	Epic Medstaff Services Dallas, Inc. Dallas, Texas

6. At the time of the incident, Respondent was employed as a Staff Nurse with Epic Medstaff Services Dallas, Inc., Dallas, Texas, and had been in this position for seven (7) months.
7. The Formal Charges which are the basis of this disciplinary action were filed and sent to the Respondent on April 12, 2013. The Formal Charges are attached and incorporated herein.
8. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.

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)(G),(1)(H),(1)(M),(1)(T)&(2)(A) and 217.12(1)(B),(1)(E)&(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 114366, heretofore issued to TERRI SUE HAM, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational Nurse License Number 114366, heretofore issued to TERRI SUE HAM, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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.

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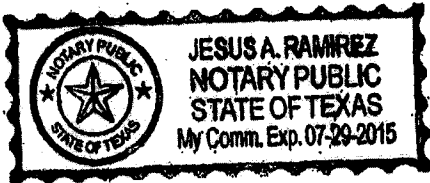
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RESPONDENT'S CERTIFICATION

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 becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 18 day of March, 2014.

T. Sue Ham
TERRI SUE HAM, Respondent



Sworn to and subscribed before me this 18th day of March, 2014.

SEAL

Jesus A. Ramirez
Notary Public in and for the State of TEXAS

Approved as to form and substance.

Wesley Johnson
Wes Johnson, Attorney for Respondent

Signed this 18th day of March, 2014.

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Vocational Nurse License Number 114366, previously issued to TERRI SUE HAM.

Effective this 18th day of March, 2014.



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

In the Matter of, § BEFORE THE TEXAS
Permanent Vocational Nurse §
License Number 114366 §
Issued to TERRI SUE HAM, §
Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TERRI SUE HAM, is a Vocational Nurse holding License Number 114366, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about November 19, 2006, and November 20, 2006, while employed as a staff nurse with Epic Medstaff Services Dallas, Inc. (EMSD), Dallas, Texas, Respondent accepted an assignment to provide nursing care to Patient PSB, a patient that was ventilator dependent and suffering from Lou Gehrig's Disease, despite the fact that she lacked the education or experience to provide safe and effective patient care. Respondent's conduct deprived the patient of qualified ventilator/respiratory nursing care required to maintain a patent airway and adequate oxygen saturation necessary to maintain life.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(B),(1)(H)&(1)(T), and 22 TEX. ADMIN. CODE §217.12(1)(B),(1)(E)&(4).

CHARGE II.

On or about November 19, 2006, and November 20, 2006, while employed as a staff nurse with Epic Medstaff Services Dallas, Inc. (EMSD), Dallas, Texas, Respondent failed to obtain instruction when implementing nursing procedures related to providing tracheostomy care and ventilator supported respirations to Patient PSB. Respondent's conduct deprived the patient of qualified ventilator/respiratory nursing care to maintain a patent airway and adequate oxygen saturation necessary to maintain life.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(B),(1)(G)&(1)(T), and 22 TEX. ADMIN. CODE §217.12(1)(B),(1)(E)&(4).

CHARGE III.

On or about November 19, 2006, and November 20, 2006, while employed as a staff nurse with Epic Medstaff Services Dallas, Inc. (EMSD), Dallas, Texas, Respondent failed to monitor, assess, and intervene in a timely manner when Patient PSB's breathing apparatus became dislodged. Respondent's conduct resulted in the patient experiencing inadequate oxygen saturation and death.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(B),(1)(M)&(2)(A), and 22 TEX. ADMIN. CODE §217.12(1)(B)&(4).

CHARGE IV.

On or about November 20, 2006, while employed as a staff nurse with Epic Medstaff Services Dallas, Inc. (EMSD), Dallas, Texas, Respondent failed to obtain Emergency Medical Services (911) in a timely manner and failed to maintain CPR until Emergency Medical Services arrived after Patient PSB's breathing apparatus became dislodged and the patient experienced respiratory failure and expired. Respondent's conduct deprived the patient of rapid deployment of emergency care, which may have prevented asphyxiation and death.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(B)&(1)(M), and 22 TEX. ADMIN. CODE §217.12(1)(B)&(4).

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NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

Filed this 12th day of April, 2013.

TEXAS BOARD OF NURSING



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