



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

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In the Matter of §  
Registered Nurse License Number 816103 §  
issued to MARDENE JANA E FOWLER §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 816103, issued to MARDENE JANA E FOWLER, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

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

FINDINGS OF FACT

1. Respondent's license to practice professional nursing in the State of Texas is currently in inactive status.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received an Associate Degree in Nursing from Darton College, Albany, Georgia, on July 30, 2009. Respondent was licensed to practice professional nursing in the State of Texas on March 13, 2012.

4. Respondent's nursing employment history includes:

8/09 - 6/09	Staff Nurse	Phoebe Putney Memorial Hospital Albany, Georgia
7/09 - 8/10	Unknown	

Respondent's nursing employment history continued:

9/10 - 12/11	Staff Nurse	WellStar Kennestone Hospital Marietta, Georgia
1/12 - 3/12	Staff Nurse	Hendrick Medical Center Abilene, Texas
4/12 - present	Unknown	

5. On January 23, 2014, Respondent was issued the sanction of a Warning with Stipulations through an Agreed Order by the Board. A copy of the Finding of Fact, Conclusions of Law and Order dated January 23, 2014, is attached and incorporated herein by reference as part of this Order.
6. On May 1, 2014, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas in lieu of comply with the Agreed Order issued to her on January 23, 2014. A copy of Respondent's notarized statement, dated April 28, 2014, is attached and incorporated herein by reference as part of this Order.

#### 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 §217.12(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1) and (10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 816103, heretofore issued to MARDENE JANAE FOWLER, 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, 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 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER


NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 816103, heretofore issued to MARDENE JANAE FOWLER, to practice nursing in the State of Texas, is/are accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title of registered nurse or the abbreviation "RN" or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered 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.

Effective this 1st day of May, 2014.

TEXAS BOARD OF NURSING

By:   
\_\_\_\_\_  
Katherine A. Thomas, MN, RN, FAAN  
Executive Director on behalf  
of said Board

In lieu of fulfilling the stipulations ordered against Texas RN License # 816103 before January 23, 2015, I voluntarily relinquish my right to practice nursing in the State of Texas or any other compact state. In the event that I should wish to practice nursing in the State of Texas at some point in the future, I will fulfill the stipulations at that time.

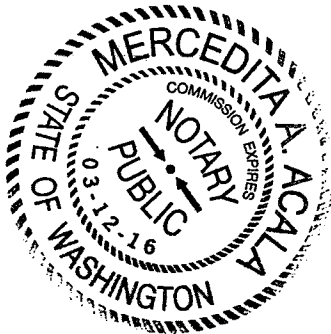
Signed this 28<sup>th</sup> day of April, 2014

Mardene Janae Fowler

MARDENE JANAE FOWLER

Sworn to and subscribed before me this 28<sup>th</sup> day of April, 2014

Mercedita A. Acala



Notary public in and for the State of Washington



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  
Registered Nurse License Number 816103 §  
issued to MARDENE JANA E FOWLER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MARDENE JANA E FOWLER, Registered Nurse License Number 816103, 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 informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on September 10, 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 holds a license to practice professional nursing in the State of Texas which is in inactive status.
4. Respondent received an Associate Degree in Nursing from Darton College, Albany, Georgia, on July 30, 2009. Respondent was licensed to practice professional nursing in the State of Texas on March 13, 2012.
5. Respondent's nursing employment history includes:
 

8/2009 - 6/2009	Registered Nurse	Phoebe Putney Memorial Hospital Albany, Georgia
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Respondent's nursing employment history continues:

7/2009 - 8/2010	Unkown	
9/2010 - 12/2011	Registered Nurse	WellStar Kennestone Hospital Marietta, Georgia
1/2012 - 3/2012	Registered Nurse	Hendrick Medical Center Abilene, Texas
04/2012 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Hendrick Medical Center, Abilene, Texas, and had been in this position for two (2) months.
7. On or about March 07, 2012, while employed as a Registered Nurse with Hendrick Medical Center, Abilene, Texas, Respondent failed to administer Magnesium Sulfate 2mg intravenously (IV) and Neupogen 480mg subcutaneously for Patient Medication Record Number 0473411 as ordered by the physician. The patient did not experience any acute harm. Respondent's conduct was likely to injure the patient from ineffective treatment including low calcium, low potassium, muscle cramps, irregular heart beats and inability to fight infections.
8. On or about March 07, 2012, while employed as a Registered Nurse with Hendrick Medical Center, Abilene, Texas, Respondent delayed administration of blood for Patient Medical Record Number 0473411 as ordered by the physician at 7:10 pm. Respondent hung the first unit of blood at 3:45 am. Respondent's conduct was likely to injure the patient from delay of treatment of his disease processes including anemia, low blood pressure, hypothermia, respiratory distress, multi-system failure and death.
9. On or about March 10, 2012, while employed as a Registered Nurse with Hendrick Medical Center, Abilene, Texas, Respondent administered Dilaudid 2mg IV, Restoril 30mg PO and Ativan 1mg PO to Patient Medical Record 0473411 and failed to document a follow up pain assessment or a response to the pain medication administered. Respondent's conduct resulted in an incomplete medical record which was likely to injure the patients in that subsequent care givers would rely on her documentation to further medicate the patient.
10. On or about March 17, 2012, while employed as a Registered Nurse with Hendrick Medical Center, Abilene, Texas, Respondent administered Dilaudid 0.5mg four times to Patient Medical Record Number 0562488 without a current physician's order. The patient did not experience any acute harm. Respondent's conduct was likely to injure the patient in that the administration of Dilaudid without a physician's order could result in the patient suffering from adverse reactions including respiratory depression, coma, low heart rate, low blood pressure, cardiac arrest and death.

11. On or about March 25, 2012, while employed as a Registered Nurse with Hendrick Medical Center, Abilene, Texas, Respondent failed to appropriately intervene for Patient E. B. when the patient requested that an infiltrated intravenous (IV) line be discontinued. Respondent's conduct exposed the patient unnecessarily to a risk of harm from medical complications including edema and pain to the IV site.
12. In response to the incidents in Findings of Fact Numbers Seven (7) through Eleven (11), Respondent admits to not administering the Magnesium Sulfate and Neupogen. Regarding blood transfusion, Respondent admits to a delay in processing the order. Regarding administration of Dilaudid, Respondent states that she was able to obtain the Dilaudid dose because the order was still showing as active within the pharmacy order system. Referring the infiltrated IV, Respondent states that the charge nurse offered to remove the infiltrated IV and forgot to do it.

### 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)(C),(1)(D),(1)(M)&(3)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C)&(4).
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 816103, heretofore issued to MARDENE JANAE FOWLER, 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 WARNING WITH STIPULATIONS, 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 a course in medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. 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>*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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 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, 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 ONE (1) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) 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:**

(5) 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.

(6) 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.

(7) 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.

(8) 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 one (1) year(s) 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 may be eligible for nurse licensure compact privileges, if any.

RESPONDENT'S CERTIFICATION

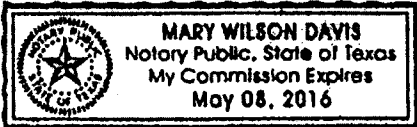
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to 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 14<sup>th</sup> day of Nov., 2013.

Mardene Fowler, RN  
MARDENE JANA E FOWLER, RESPONDENT

Sworn to and subscribed before me this 14<sup>th</sup> day of November, 2013.

SEAL



Mary Wilson-Davis  
Notary Public in and for the State of Texas

Approved as to form and substance.

A. Clay Graham  
A. CLAY GRAHAM, Attorney for Respondent

Signed this 20<sup>th</sup> day of Novembs., 2013.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 14<sup>th</sup> day of November, 2013, by MARDENE JANAE FOWLER, Registered Nurse License Number 816103, and said Order is final.

Effective this 23rd day of January, 2014.



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