



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 536629	§	
issued to SHIRLEY JEAN ELLER	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SHIRLEY JEAN ELLER, Registered Nurse License Number 536629, 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 notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on December 3, 2014.

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 notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Diploma in Nursing from Orlando Regional Medical Center, Orlando, Florida, on April 1, 1972. Respondent was licensed to practice professional nursing in the State of Florida on October 13, 1972, and was licensed to practice professional nursing in the State of Texas on January 27, 1987.
5. Respondent's nursing employment history includes:

10/1972 - 1979

Unknown

Respondent's nursing employment history continued:

1980 - 8/1986	Nurse Manager	American Medical International Hospital Orlando, Florida
8/1986 -1988	Staff Nurse	Institute for Immunological Disorders Houston, Texas
1988 - 9/1990	Endoscopy Assistant Nurse Manager	Twelve Oaks Medical Center Houston, Texas
9/1990 - 7/1993	Endoscopy Coordinator	St. Luke's Episcopal Hospital Houston, Texas
7/1993 - 9/2000	Cardiovascular Outpatient	St. Luke's Episcopal Hospital Houston, Texas
9/2000 - 11/2002	Nurse Manager	Houston Northwest Medical Center Houston, Texas
12/2002 - 5/2003		Unknown
6/2003 - 5/2012	Unit Supervisor	Conroe Regional Medical Center Conroe, Texas
6/2012 - 7/2012		Unknown
8/2012 - 10/2012	Hospice Case Manager	Sunset Hospice Houston, Texas
10/2012 - Present	Staff Nurse	St. Luke's Hospital at The Vintage Houston, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Unit Supervisor with Conroe Regional Medical Center, Conroe, Texas, and had been in that position for eight (8) years and eleven (11) months.
7. On or about May 5, 2012, while employed with Conroe Regional Medical Center, Conroe, Texas, Respondent failed to ensure that the Staff RN assigned to Patient LL implemented a "stat" chest computed tomography (CT) scan and immediately called the physician when an electrocardiogram (ECG) indicated the patient was experiencing an acute myocardial infarction. Unbeknownst to Respondent, the CT scan was delayed several hours when the Staff RN was unable to initiate the intravenous (IV) access needed for the CT scan to be completed. Once the physician was notified, the patient was transferred to the Intensive

Care Unit and underwent cardiac catheterization shortly thereafter. The patient subsequently deteriorated and was transferred to another facility for possible heart transplant. Respondent's conduct may have contributed to a delayed diagnosis and treatment of the patient's cardiac condition.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that the Staff RN did not notify her of the delayed CT scan and Respondent assumed the Staff RN had implemented the CT scan and notified the physician. According to Respondent, a nurse from the Emergency Department alerted her to the delay in getting IV access, so Respondent stepped in immediately at that point to assist with IV access and get the CT scan completed. Respondent further states that she had made the unit director aware of concerns about staffing several weeks prior to the incident and specifically voiced concerns that having two (2) Graduate Nurses scheduled on the same shift could possibly lead to an adverse patient event. Respondent indicates that despite her concerns, nothing had been done by the facility regarding the staffing. Additionally, on the shift in which the incident happened, instead of having two (2) care technicians and a secretary, there was only one (1) care technician, and consequently, all of the secretarial duties and half of the care technician duties also became her responsibility.

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),(1)(U)&(3)(A) and 217.12(1)(B)&(1)(F).
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 536629, heretofore issued to SHIRLEY JEAN ELLER.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **REMEDIAL EDUCATION** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to 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.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) within one (1) year of the effective date of this Order, unless otherwise specifically indicated:

- A. A Board-approved course in Texas nursing jurisprudence and ethics that 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. Home study courses and video programs will not be approved.
- B. 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/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

IV. RESTORATION OF UNENCUMBERED LICENSE(S)

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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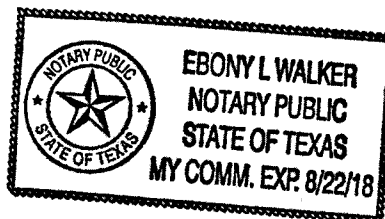
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RESPONDENT'S CERTIFICATION

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

Signed this 5 day of January, 2018.
Shirley Jean Eller
SHIRLEY JEAN ELLER, Respondent

Sworn to and subscribed before me this 5 day of January, 2018.
SEAL Ebony L Walker
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 5th day of January, 2015, by SHIRLEY JEAN ELLER, Registered Nurse License Number 536629, and said Order is final.

Effective this 7th day of January, 2015.

A handwritten signature in cursive script, reading "Katherine A. Thomas".

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