



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 751429 §
issued to PAMELA KAYE PHAGAN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of PAMELA KAYE PHAGAN, Registered Nurse License Number 751429, 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)(8), 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 5, 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 an Associate Degree in Nursing from Southern University at Shreveport, Shreveport, Louisiana, on December 17, 2007. Respondent was licensed to practice professional nursing in the State of Texas on February 14, 2008.
5. Respondent's nursing employment history includes:

02/08 - 12/08	RN	Good Shepherd Medical Longview, Texas
11/08 - Present	Travel RN	Priority Medical Staffing Shreveport, Louisiana

Respondent's nursing employment history continued:

07/09 - 01/10	Travel RN	Alpha Medical Staffing Unknown
09/13 - Present	RN	Girling Home Health Longview, Texas

6. On or about October 14, 2014, Respondent's Louisiana registered nurse license was issued a Probated Suspension by the Louisiana State Board of Nursing, Baton Rouge, Louisiana. A copy of the Final Order dated October 14, 2014, is attached and incorporated, by reference, as part of this Order.
7. Regarding the conduct outlined in Finding of Fact Number Six (6), Respondent states that every action she took was for her patient's safety and no action could have changed the outcome.

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 cause pursuant to Section 301.452(b)(8), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 751429, heretofore issued to PAMELA KAYE PHAGAN, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 751429, previously issued to PAMELA KAYE PHAGAN, to practice nursing in Texas is hereby **SUSPENDED** with the suspension **STAYED** and Respondent is hereby placed on **PROBATION**, in accordance with the terms of this Order, for a minimum of two (2) years **AND** until Respondent fulfills the requirements 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. COMPLIANCE WITH LOUISIANA ORDER

RESPONDENT SHALL fully comply with all the terms and conditions of the Order of the Board issued to her on October 10, 2014, by the Louisiana Board of Nursing. RESPONDENT SHALL CAUSE the Louisiana Board of Nursing to submit reports at the end of each three (3) month quarterly period, on forms provided by the Texas Board, that RESPONDENT is in compliance with the Order of the Board, and RESPONDENT SHALL cause the Louisiana Board of Nursing to submit written verification of Respondent's successful completion of that Order.

IV. 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.*

V. **EMPLOYMENT REQUIREMENTS**

In order to complete the terms of this Order, RESPONDENT must work as a nurse, providing direct patient care in a licensed healthcare setting, for a minimum of sixty-four (64) hours per month for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as a nurse have elapsed. Any quarterly period without continuous employment with the same employer for all three (3) months will not count towards completion of this requirement. 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 period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of

this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.

- B. Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. Direct Supervision:** For the first year [four (4) quarters] 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). 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.
- D. Indirect Supervision:** For the remainder of the stipulation/probation 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.
- E. Nursing Performance Evaluations:** 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 and these reports shall be submitted by the supervising nurse to the office of

the Board at the end of each three (3) month quarterly period for eight (8) quarters [two (2) years] of employment as a nurse.

VI. FURTHER COMPLAINTS

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.

VII. 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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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 20 day of Jan, 2015.

Pamela Kaye Phagan
PAMELA KAYE PHAGAN, Respondent

Sworn to and subscribed before me this 20th day of Jan, 2015.

SEAL


Pattie H Burns

PATTIE H. BURNS, NOTARY PUBLIC
BOSSIER PARISH, LOUISIANA
NOTARY ID # 61201
MY COMMISSION IS FOR LIFE

Notary Public in and for the State of Louisiana

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 20th day of January, 2015, by PAMELA KAYE PHAGAN, Registered Nurse License Number 751429, and said Order is final.

Effective this 10th day of March, 2015.



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

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

IN THE MATTER OF:
PAMELA KAYE PHAGAN
392 SITTON DRIVE
WASKOM, TX 75692
RESPONDENT

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FINAL ORDER

The Louisiana State Board of Nursing, having set a hearing to determine whether cause exists under LA R.S. 37:911, et seq., to revoke or suspend or otherwise discipline the RN license of PAMELA KAYE PHAGAN ["Respondent"] held said hearing on October 14, 2014, pursuant to applicable Louisiana laws and regulations.

The hearing panel appointed by the Executive Director pursuant to La.R.S.37:922(A) was present. Lindsey Hunter, attorney, represented the Board and served as counsel to the Panel Chair. E. Wade Shows, attorney, served as prosecuting attorney for the Board. Respondent was not present and was not represented by counsel at this hearing.

Testimony and other evidence were received by the Board, and as a result thereof, the Board makes the following findings of fact and conclusion of law.

FINDINGS OF FACT

JURISDICTION

1. On June 15, 2012, Respondent was licensed by endorsement to practice as a Registered Nurse in Louisiana. On February 1, 2013, Respondent's RN license became delinquent.

HISTORY

2. On September 19, 2012, Board staff notified Respondent that eligibility to renew her nursing license for 2013 would be withheld until Respondent contacted Sallie Mae to make arrangements regarding repayment of her defaulted student loan.

LEGAL FILINGS AND NOTICES

3. On March 11, 2013, demand letter was mailed to Respondent's address of record by certified mail, return receipt requested; demand letter was returned to Board's office "unclaimed" on April 12, 2013.
4. On December 30, 2013, demand letter was mailed to Respondent's address of record by certified mail, return receipt requested, demand letter was returned to Board's office "unclaimed" on February 11, 2014.
5. On February 25, 2014, demand letter was mailed to Respondent's address of record by certified mail, return receipt requested; return receipt was signed by Respondent and dated February 27, 2014.
6. On April 2, 2014, demand letter was mailed to Respondent's address of record by certified mail, return receipt requested; demand letter was returned to Board's office "unclaimed" on April 29, 2014.
7. On July 29, 2014, Complaint was filed; On July 30, 2014, Complaint and notice of administrative hearing were mailed to Respondent's address of record by certified mail, return receipt requested; Complaint and notice of administrative hearing were returned to Board's office "unclaimed" on August 22, 2014.
8. On September 30, 2014, Board List of Exhibits and Witnesses was mailed to Respondent's address of record by certified mail, return receipt requested; return receipt was signed and dated October 7, 2014.

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

IN THE MATTER OF:
PAMELA KAYE PHAGAN
392 SITTON DRIVE
WASKOM, TX 75692
RESPONDENT

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FINAL ORDER

CURRENT CHARGES

9. On or about September 17, 2012, while employed as a Registered Nurse by Priority Medical Staffing at Christus Schumpert in Shreveport-Bossier, Louisiana Respondent failed to provide nursing care in accordance with legal standards of practice by failing to remain with Patient VS who was awaiting completion of a CT and had physician's order for transfer to ICU, failing to inform Radiology staff that the patient was in the hallway on a stretcher without supervision, and failing to inform Radiology staff of patient's condition.
 - At approximately 07:51, physician's order was written to transfer patient to ICU; however, prior to transferring patient to ICU Respondent transported patient to CT to complete CT of brain which had been ordered on September 16, 2012. At 07:30, Respondent completed patient's assessment as confused, slurred speech, paralysis, patient appears confused and will not cooperate; Oxygen at 2 liters/minute.
 - After 08:30 Respondent transported patient via stretcher to CT, Respondent failed to remain with patient and failed to inform Radiology staff that the patient was being left alone in the hallway and failed to inform staff of patient's condition or order to transfer to ICU.
At approximately 08:50 Radiology staff transported the patient into a Radiology room and noted that the patient was not responding. Patient went into cardiac arrest and had an unexpected death.
10. Respondent failed to cooperate with the Louisiana State Board of Nursing when Respondent failed to provide a written response related to the above listed incident at Family Nurse Partnership in Baton Rouge Louisiana, as requested by the following demand letters mailed to Respondent's address of record:
 - Demand letter dated March 11, 2013, mailed by certified mail, return receipt requested; demand letter was returned to Board's office "unclaimed" on April 12, 2013;
 - Demand letter dated December 30, 2013, mailed by certified mail, return receipt requested; demand letter was returned to Board's office "unclaimed" on February 11, 2014;
 - Demand letter dated February 25 2014, mailed by regular and certified mail, return receipt requested; return receipt was signed and dated February 27, 2014; and
 - Demand letter dated April 2, 2014, mailed by certified mail, return receipt requested; demand letter was returned to Board's office "unclaimed" on April 29, 2014.
11. On October 14, 2014, an administrative hearing was held. The Board reviewed documents, evidence and heard testimony. Board witness(es) appeared credible and truthful.

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

IN THE MATTER OF:
PAMELA KAYE PHAGAN
392 SITTON DRIVE
WASKOM, TX 75692
RESPONDENT

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FINAL ORDER

CONCLUSIONS OF LAW

1. That pursuant to LA R.S. 37:911 et seq., the Louisiana State Board of Nursing has jurisdiction over this matter.
2. That Respondent was properly notified of the charges and date of hearing.
3. That based on the foregoing Findings of Fact, Respondent did violate LA R.S. 37:921 as follows:
 - Respondent failed to practice nursing in accordance with the legal standards of nursing practice; L.A.C. 46:XLVII.3405 (a);
 - Respondent failed to utilize appropriate judgment; L.A.C. 46:XLVII.3405 (c);
 - Respondent failed to act, or negligently or willfully committed an act that adversely affects the physical or psychosocial welfare of the patient, including but not limited to, failing to practice in accordance with the Federal Centers for Disease Control recommendations for preventing transmission of human immunodeficiency virus (HIV), hepatitis B virus (HBV), and hepatitis C virus (HCV); L.A.C. 46:XLVII.3405 (k);
 - Respondent left a nursing assignment without properly notifying appropriate personnel; L.A.C. 46:XLVII.3405 (m);
 - Respondent failed to cooperate with the board by:
 - i. not furnishing in writing a full and complete explanation covering a matter requested by the board; and
 - ii. not providing information, documents/records, reports, evidence or any other requested items within the designated time period to the board office as requested by the board/board staff; L.A.C. 46:XLVII.3405 (s).
4. That the evidence presented constitutes sufficient cause pursuant to LA R.S. 37:921 to probate, suspend, revoke or otherwise discipline Respondent's license to practice as a Registered Nurse in Louisiana.

ORDER

In an open meeting of the Louisiana State Board of Nursing, on October 14, 2014, the following Order was rendered:

It is **ORDERED, ADJUDGED, AND DECREED** that the RN license of this Respondent is suspended, with a stay of the said suspension, and that the license is probated for a minimum of two (2) years, with the following stipulations:

1. ~~Prior to submitting an Application for Reinstatement by Registered Nurse, Respondent shall submit documentation confirming that she made arrangements with Sallie Mae to resolve the default of her student loan.~~
2. Prior to beginning or returning to work, inform all nursing employers of these disciplinary measures and of the probationary status of license. Respondent is responsible to submit a copy of all pages of this Order to each employer and nursing supervisor.

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

IN THE MATTER OF:
PAMELA KAYE PHAGAN
392 SITTON DRIVE
WASKOM, TX 75692
RESPONDENT

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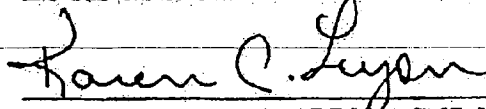
FINAL ORDER

3. Within 5 days, shall cause all employers to submit to the Board, signed Employer's Agreement from each employer.
4. Have all immediate nursing supervisors submit a performance evaluation report quarterly, commencing from the first date of employment. Quarterly reports are due on or before the first day of January, April, July and October.
5. Work in a restrictive environment as a member of a treatment team rather than alone or with a few employees. Additionally, not be employed in any unsupervised setting. Must be directly supervised by an on-site registered nurse. Not be employed in agency/pool/staffing, home health services, or nursing homes.
6. Immediately (within 72 hours) inform the Board in writing of any change in address.
7. Immediately inform the Board in writing of all places of employment. If employment changes, the Board shall be immediately (within 72 hours) notified in writing.
8. If unemployed, inform the Board in writing on a quarterly basis.
9. Shall engage in the practice of professional nursing in Louisiana for a minimum of twenty four (24) hours per week for a minimum of 12 consecutive months.
10. Within twelve (12) months, submit payment of \$750.00 to the Board as fine.
11. Within twelve (12) months, submit payment of \$300.00 as cost of hearing.
12. Within twelve (12) months, submit payment of \$418.25 as cost of legal fees.
13. By the first of each month, submit a monthly probation fee of twenty-five dollars (\$25.00) to the Board, beginning November 1, 2014.
14. Not have any misconduct, criminal violations or convictions, or violations of any health care regulations reported to the Board related to this or any other incidents.
15. Failure to comply with the above orders, receipt of an unfavorable report, or non-receipt of reports on or before the date due shall result in the immediate suspension of Respondent's license. This suspension can be imposed by action of the Executive Director subject to the discretionary review of the Board.

Reporting: This will be reported to the National Practitioners Data Bank (NPDB) as F6, Substandard or Inadequate Care and 23, Failure to Cooperate With Board Investigation.

NPDB Narrative: By Final Order, Respondent's RN license was suspended, with stay of said suspension, and probated for a minimum of two (2) years with stipulations after Respondent left a patient unattended without notifying the appropriate personnel and failed to cooperate with Board's investigation.

LOUISIANA STATE BOARD OF NURSING



Karen C. Lyon, PhD, APRN, ACNS, NEA
Executive Director