



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 532926 §  
issued to FRANK B. CHENOWETH § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of FRANK B. CHENOWETH, Registered Nurse License Number 532926 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) and 301.453, 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 May 29, 2014, 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Baccalaureate Degree in Nursing from the University of Texas at Arlington, Arlington, Texas, on May 1, 1986. Respondent was licensed to practice professional nursing in the State of Texas on August 22, 1986.
5. Respondent's complete nursing employment history is unknown.
6. On or about January 30, 2014, Respondent was issued a Consent Order by the Oklahoma Board of Nursing wherein his license to practice registered nursing in the State of Oklahoma was REPRIMANDED WITH STIPULATIONS. A copy of the Consent Order dated January 30, 2014, is attached and incorporated 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 cause pursuant to Section 301.452(b)(8), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 532926, heretofore issued to FRANK B. CHENOWETH, 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 REPRIMAND 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/compliance>.*

(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/compliance>.*

**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:**

(3) 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.

(4) 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.

(5) 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.

(6) 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.

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RESPONDENT'S CERTIFICATION

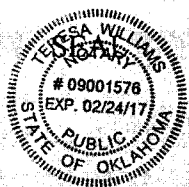
I understand that I have the right to legal counsel prior to signing this Agreed Order.

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 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 20<sup>th</sup> day of February, 2015

Frank B Chenoweth  
FRANK B. CHENOWETH, RESPONDENT

Sworn to and subscribed before me this 20<sup>th</sup> day of February, 2015.



Tereasa Williams  
Notary Public in and for the State of Oklahoma

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 20<sup>th</sup> day of February, 2015, by FRANK B. CHENOWETH, Registered Nurse License Number 532926, and said Order is final.

Effective this 16<sup>th</sup> day of April, 2015.



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

**BEFORE THE OKLAHOMA BOARD OF NURSING**

IN THE MATTER OF FRANK B. CHENOWETH, R.N.  
LICENSE NO. R0103518

**CONSENT ORDER**

This matter comes on for hearing before the Oklahoma Board of Nursing on the 30<sup>th</sup> day of January, 2014, at the Reed Conference Center, 5800 Will Rogers Road, Midwest City, Oklahoma, for disposition by Consent Order ("Order"), pursuant to 75 O.S. §309.E., and Frank B. Chenoweth R.N. ("Respondent") and Respondent's legal counsel, Jake Jones, having consented to the following Order being entered herein, the Board hereby makes and enters the following Order.

1. Respondent is Frank B. Chenoweth, R.N.
2. Respondent is licensed to practice registered nursing and is the holder of License No. R0103518 issued by the Oklahoma Board of Nursing ("Board").
3. A Complaint was filed by Lisa Griffiths, a Nurse Investigator, with the Board on September 18, 2013, with the following particulars:
  - a. On or about May 2, 2012, the Respondent while working as a Unit Supervisor on the 3 p.m. to 11 p.m. shift at the Claremore Veterans Center in Claremore, Oklahoma, failed to supervise the actions of a Certified Nurse Aide ("CNA"), while the CNA placed Resident P.M. in the Unit's whirlpool tub, with the medicine Chlorazine. Resident P.M. was placed in the whirlpool tub, without a working thermometer and in the Unit's bathing area where three other Residents were also being bathed and/or showered. Resident P.M. sustained second degree thermal injuries on fifty percent of his body and died<sup>1</sup> during the next shift, as more particularly described in Resident P.M.'s medical records and Medical Examiner Report, which is attached as Exhibit "A" to the Complaint and incorporated by reference as if set forth in full herein.

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<sup>1</sup> Resident P.M.'s Medical Examiner Report lists the probable cause of the accidental death as "Complications of Thermal Injuries."



4. Respondent's license to practice as a registered nurse in the State of Oklahoma remains in effect, and the Respondent is disciplined as follows:

5. Respondent shall, within **ninety (90) days** from the receipt of this Order, successfully complete a course on **Nursing Jurisprudence**. Respondent shall obtain Board approval of the course prior to enrollment. Home study courses, Internet and video programs will not be approved. In order for the course to be approved, the target audience must include licensed nurses. It must be a minimum of four (4) contact hours in length. The course must include an examination of the scope of nursing practice from the Oklahoma Nursing Practice Act and Rules of the Board, other laws, policies, and accreditation guidelines that govern the practice of nursing, the role of delegation and supervision, and an exploration of the ethical basis of nursing practice. Courses focusing on malpractice issues will not be accepted. The course description must 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 cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.

6. Respondent shall, within **one hundred eighty (180) days** from receipt of this Order, successfully complete a course in **The Roles and Responsibilities of the Registered Nurse in Long Term Care, to include all applicable state and federal regulations**. Respondent shall obtain Board approval of the course prior to enrollment. Courses that exclusively include home study courses, video programs, and Internet programs will not be approved. The target audience must include licensed nurses. The course must be a minimum of sixteen (16) contact hours in length. For approval the course content must include delegation, supervision, patient assessment, critical thinking, scope of practice of each discipline; and

responsibilities related to reporting incidents. The course description must 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 cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.

7. Within **sixty (60) days** from receipt of this Order, Respondent shall pay an **administrative penalty** to the Board in the amount of **\$500.00**. The administrative penalty shall be paid only by certified check, money order or cash.

8. The license to practice registered nursing held by the Respondent is hereby **reprimanded**.

9. Respondent shall comply in all respects with the Nursing Practice Act, 59 O.S. Sections 567.1, et seq., the Rules, OAC Title 485 Chapters 1 and 10 and Guidelines relating to nursing education, licensure and practice and this Order.

10. Any violations of the Oklahoma Nursing Practice Act by the Respondent, will require Respondent's appearance before the Board to **Show Cause** why Respondent's license should not be revoked or other such action taken as the Board deems necessary and proper.

11. In the event the Certified Mail delivery of Respondent's Order is unsuccessful a process server will be hired to obtain service of the Order. If the Respondent is served by a process server the Respondent agrees to reimburse the Board for the actual cost of the process server. The Respondent shall pay to the Board the actual cost of the process service **within sixty (60) days of service of the process served Order**. The process service fee shall be paid only by certified check, money order or cash to the Board.

12. Any failure to comply with submission of the administrative penalty, recovery costs, reimbursement of cost of process server, or written documentation by the due date, and proof of successful completion of educational courses, will result in a three (3) month suspension of license. If a license is suspended, all Board ordered classes, and evaluation(s) must be successfully completed and administrative penalty, recovery costs of the investigation and prosecution, and process server costs shall be paid prior to reinstatement of license. At the completion of the three month suspension, any application for reinstatement may be submitted for processing by Board Staff for approval in accordance with the agency approval process or for referral to the Board. If drug screens, probation, and/or supervised practice were ordered by the Board then the drug screens, probation and/or supervised practice will be extended at the time of reinstatement until such time as the Board's order is fully completed. An administrative penalty of \$500 for each violation of Respondent's Board Order shall be paid by certified check, money order, or cash prior to reinstatement pursuant to statute, 59 O.S. §567.8.J.1. and 2, and §485:10-11-2(d) of the Rules promulgated by the Board.

13. Respondent fully understands that this Order will in no way preclude additional proceedings by the Board against Respondent for acts or omissions not specifically made a part of this Order.

14. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this Order with the Board.

15. The parties agree that both parties have participated in the drafting of this Order and that no presumption or construction against any party as the drafter of the Order, shall apply or be applied in the event of a claim of ambiguity of the document or a provision thereof.

16. This Order is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of this Order. Furthermore, should this Order not be accepted by the Board, it is agreed that presentation to and consideration of this Order and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

17. This Order shall not be effective until the fully executed Order is received in the Board office and Respondent has received notice of the Order.

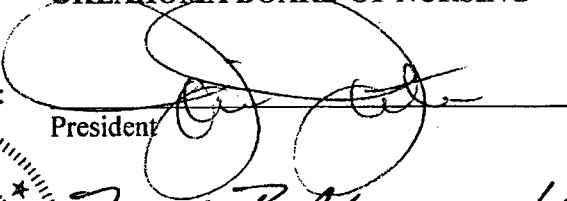
18. This Order constitutes disciplinary action by the Board and may be used in any subsequent hearings by the Board. In the event other misconduct is reported to the Board, this Order may be used as evidence against Respondent to establish a pattern of behavior and for the purpose of proving additional acts of misconduct.

IT IS SO ORDERED

OKLAHOMA BOARD OF NURSING

By:

President

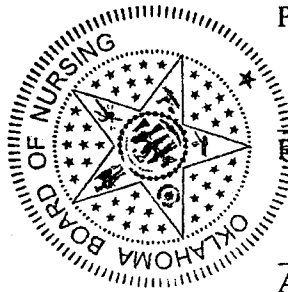


Respondent

*Frank B. Chenneth*



Attorney for Respondent OBA# 4767



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