

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 244914 §
& Vocational Nurse License Number 66370 §
issued to VICKI RAE FOWLER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of VICKI RAE FOWLER, Registered Nurse License Number 244914 and Vocational Nurse License Number 66370, 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 March 18, 2015.

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 vocational nurse in the State of Texas is in delinquent status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Odessa College of Vocational Nursing, Odessa, Texas, on July 25, 1975, and received a Baccalaureate Degree in Nursing from West Texas State University, Canyon, Texas, on May 1, 1978. Respondent was licensed to practice vocational nursing in the State of Texas on November 23, 1975, and was licensed to practice professional nursing in the State of Texas on September 1, 1978.



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

5. Respondent's nursing employment history includes:

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|------------------|-------------|---|
| 1975-1989 | | Unknown |
| 1990 - 1996 | Staff Nurse | Physician's Visiting Nurse Service Conroe, Texas |
| 1996 - 1998 | Staff Nurse | Americare Home Health Austin, Texas |
| 1998 - 2001 | Staff Nurse | Becklund Home Health Austin, Texas |
| 2001 - 2002 | Staff Nurse | Girling Health Care Austin, Texas |
| 2002 - 2003 | Staff Nurse | Accumend Home Health Austin, Texas |
| 10/2003 - 1/2013 | Staff Nurse | Hospice Austin Austin, Texas |
| 2/2013-Present | | Unknown |

6. At the time of the incident, Respondent was employed as a Staff Nurse with Hospice Austin, Austin, Texas, and had been in that position for nine (9) years and (2) two months.
7. On or about December 19, 2012, while employed as a Staff Nurse with Hospice Austin, Austin, Texas, Respondent failed to protect confidential patient information when she permitted her significant other to type an entry into the electronic medical record of Patient Number 1722213. Respondent's conduct exposed the patient unnecessarily to a risk of harm from use, accessing or disclosure of his confidential medical information without his written authorization and constitutes a violation of HIPAA (The Health Insurance Portability and Accountability Act).
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that the day started at seven (7) in the morning and ended at eleven thirty (11:30) at night, and she was exhausted and unable to type adequately anymore. Respondent states she was not thinking clearly, and when her significant other offered to type her last paragraph, she let him. Respondent states this was the only time this has happened and is sorry for this lapse in judgement.

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)(E) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(1)(C).
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 244914 and Vocational Nurse License Number 66370, heretofore issued to VICKI RAE FOWLER.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

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.
- C. **The course "Patient Privacy,"** a 5.4 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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RESPONDENT'S CERTIFICATION

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

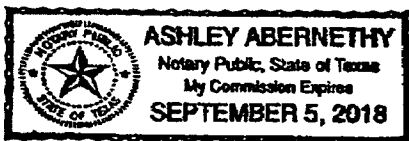
I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when 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 17th day of April, 2015.

Vicki Rae Fowler
VICKI RAE FOWLER, Respondent

Sworn to and subscribed before me this 17th day of April, 2015.

SEAL



Ashley Abernethy
Notary Public in and for the State of TEXAS

Approved as to form and substance.

Taralynn R. Mackay
Taralynn Mackay, Attorney for Respondent

Signed this 22nd day of April, 2015

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 17th day of April, 2015, by VICKI RAE FOWLER, Registered Nurse License Number 244914 and Vocational Nurse License Number 66370, and said Order is final.

Effective this 18th day of May, 2015.



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