

IN THE MATTER OF PERMANENT

PERMANENT REGISTERED NURSE
LICENSE NUMBER 741064

ISSUED TO ELAINE MARIE O'CONNELL,
RESPONDENT

§ BEFORE THE TEXAS
§
§ BOARD OF NURSING
§
§ ELIGIBILITY AND
§
§ DISCIPLINARY COMMITTEE
§
§



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 Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: ELAINE MARIE O'CONNELL
2201 TAILBURTON COURT
LITTLE ELM, TX 75068

ELAINE MARIE O'CONNELL
902 W. EL DORADO PWY APT 12102
LITTLE ELM, TX 75068

During open meeting held in Austin, Texas, on **June 16, 2015**, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas

Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 741064, previously issued to ELAINE MARIE O'CONNELL, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 16th day of June, 2015.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed November 5, 2014.

d17r(2014.12.05)

Re: Permanent Registered Nurse License Number 741064
Issued to ELAINE MARIE O'CONNELL
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of June, 2015, a true and correct copy of the foregoing
DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

ELAINE MARIE O'CONNELL
2201 TAILBURTON COURT
LITTLE ELM, TX 75068

Via USPS First Class Mail

ELAINE MARIE O'CONNELL
902 W. EL DORADO PWY APT 12102
LITTLE ELM, TX 75068

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of	§	BEFORE THE TEXAS
Permanent Registered Nurse	§	
License Number 741064	§	
Issued to ELAINE MARIE O'CONNELL,	§	
Respondent	§	BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, ELAINE MARIE O'CONNELL, is a Registered Nurse holding License Number 741064, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about May 20, 2012, while employed as the School Nurse with the Dallas Independent School District, Dallas, Texas, and assigned to Tom C. Gooch Elementary School, Dallas, Texas, Respondent caused physical pain to Student ID Number 4033109, a special needs child, during a catheterization. Respondent's conduct exposed the patient unnecessarily to a risk of experiencing emotional and/or physical harm, including injury to the urethra.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C)&(1)(M), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(6)(C).

CHARGE II.

During the 2011 - 2012 school year, while employed as the School Nurse for Dallas Independent School District, and assigned to Tom C. Gooch Elementary School, Dallas, Texas, Respondent failed to protect confidential health information belonging to the students by taking students' files home. Respondent admitted that she took some students' files home to practice documenting on the new computer system. Respondent's conduct exposed the students unnecessarily to a risk of harm from disclosure of their confidential health information without written authorization and constitutes a violation of HIPAA (The Health Insurance Portability and Accountability Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation 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).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas

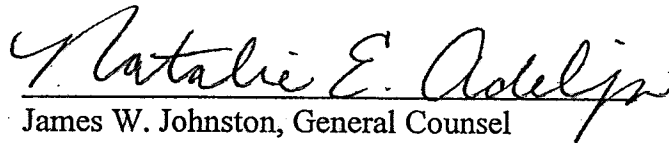
pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

Filed this 5th day of November, 2014.

TEXAS BOARD OF NURSING



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