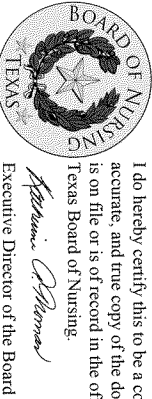


BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Vocational Nurse License Number 203341 §
issued to MICHELLE LORRAINE GLEASON § ORDER



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.

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of MICHELLE LORRAINE GLEASON, Vocational Nurse License Number 203341, 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 June 10, 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 current status.
4. Respondent received a Certificate in Vocational Nursing from Concord Career Institute, Arlington, Texas, on January 14, 2006. Respondent was licensed to practice vocational nursing in the State of Texas on March 7, 2006.
5. Respondent's nursing employment history includes:
3/2006 - 7/2006 LVN The Right Step Drug & Rehabilitation Eules, Texas

Respondent's nursing employment history continued:

8/2006 - 11/2006	LVN	Ashford Hall Nursing and Rehabilitation Irving, Texas
12/2006 - 3/2007	LVN	Trinity Mission of Burleson Burleson, Texas
4/2007 - 6/2007	LVN	ProStaff Staffing Agency Irving, Texas
7/2007 - 12/2010	LVN	Huguley Nursing and Rehabilitation Burleson, Texas
1/2011 - 8/2011	LVN	Courtyards of Ft. Worth Ft. Worth, Texas
9/2011 - 10/2013	LVN	Encompass Home Health Ft. Worth, Texas
11/2013 - 6/2014	LVN	Harbor Lakes Nursing Grandbury, Texas
7/2014 - Present	LVN	Southwest Nursing and Rehab Ft. Worth, Texas
8/2014 - 5/2015	LVN	Harmony School of Innovation Ft. Worth, Texas

6. At the time of the incident in Finding of Fact Number Eight (8), Respondent was employed as a Licensed Vocational Nurse (LVN) with Harmony School of Innovation, Ft. Worth, Texas, and had been in that position for four (4) months.
7. On or about August 2014, through May 2015, while employed as a Licensed Vocational Nurse with Harmony School of Innovation, Ft. Worth, Texas, Respondent exceeded her scope of practice by providing care to students without the supervision of a registered nurse, as required. Respondent's conduct exposed the students to a risk of harm from nursing care provided without adequate nursing oversight.
8. On or about November 11, 2014, while employed as a Licensed Vocational Nurse with Harmony School of Innovation, Ft. Worth, Texas, Respondent failed to adequately assess Student Number 5219325795, who presented to the clinic with complaints of shortness of breath, and failed to completely document regarding the visit in the student's medical record.

Respondent's conduct resulted in an incomplete medical record, and was likely to injure the student from clinical care decisions formulated based upon incomplete assessment information.

9. On or about November 11, 2014, while employed as a Licensed Vocational Nurse with Harmony School of Innovation, Ft. Worth, Texas, Respondent failed to administer Albuterol to the aforementioned Student Number 5219325795, as ordered for shortness of breath and asthma. Additionally, Respondent failed to collaborate with the physician and the student's parents regarding the Albuterol order and availability. Subsequently, the student was sent back to class without administration of Albuterol for asthma symptoms, and required medical treatment by the physician. Respondent's conduct was likely to injure the student in that failure to administer medications as ordered by the physician could have resulted in non-efficacious treatment of the student's respiratory condition.
10. In response to the incidents in Findings of Fact Numbers Seven (7), through Number Nine (9), Respondent states that student presented to the office complaining of shortness of breath, but upon assessment, the student was not demonstrating any difficulty with breathing. Respondent states that when she looked at the student's medication that was brought to school, it had expired on 9/2014, so she provided the student with a new Administration of Medication Form to take home for the parents to complete as well as requested new medication be provided. Respondent states that she sent student back to class after being in office 10-15 minutes for observation with instructions to return if the student had any further symptoms. Respondent states that the student never returned during the school day.

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)(D),(1)(M),(1)(P)&(2)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 203341, heretofore issued to MICHELLE LORRAINE GLEASON.
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 **WARNING WITH STIPULATIONS** 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. **A Board-approved course in physical assessment** with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include physical assessment of all body systems. The clinical component SHALL include physical assessment of live patients in a clinical setting; Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.
- C. **A Board-approved course in nursing documentation** that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. Home study courses and video programs will not be approved.
- D. **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. 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 four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) 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. **Indirect Supervision:** 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.
- D. **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 four (4) quarters [one (1) year] of employment as a nurse.

V. 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.

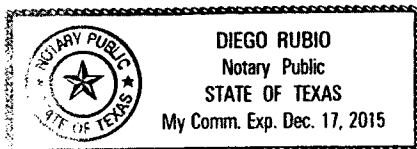
Signed this 10 day of July, 2015.

Michelle Lorraine Gleason
MICHELLE LORRAINE GLEASON, Respondent

Sworn to and subscribed before me this 10 day of July, 2015.

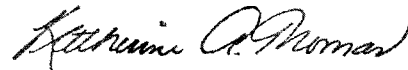
SEAL

Diego Rubio
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 10th day of July, 2015, by MICHELLE LORRAINE GLEASON, Vocational Nurse License Number 203341, and said Order is final.

Effective this 11th day of August, 2015.



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