

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of
Vocational Nurse License Number 36355
issued to JULIA NELSON SWAIN

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§

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 36355, issued to JULIA NELSON SWAIN, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

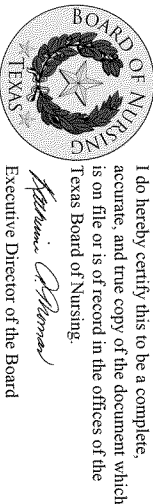
Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice vocational nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Certificate of Vocational Nursing from Howard College, Big Spring, Texas, on December 5, 1967. Respondent was licensed to practice vocational nursing in the State of Texas in March 25, 1967.
4. Respondent's nursing employment history includes:

3/1967-1978	Unknown	
1979 - 1997	LVN	South Park Hospital Lubbock, Texas
2/1998 - 10/2009	LVN	Covenant Healthcare System Lubbock, Texas



Respondent's nursing employment history continued:

11/2009 - 9/2010 Unknown

10/2010 - 8/2015 LVN NorthStar Surgical Center
Lubbock, Texas

9/2015-Present Unknown

5. On or about July 15, 2014, while employed as a Licensed Vocational Nurse at NorthStar Surgical Center, Lubbock, Texas, Respondent failed to timely intervene for the nausea and pain experienced by Patient Number 80862. Respondent did not notify the physician nor did she administer pain & nausea medication until one (1) hour after patient's original complaint. Respondent's conduct was likely to injure the patient from a delay in treatment for the pain and nausea experienced.
6. On or about July 15, 2014, while employed as a Licensed Vocational Nurse at NorthStar Surgical Center, Lubbock, Texas, Respondent failed to retrieve emergency equipment in a timely manner for the aforementioned Patient Number 80862 and failed to initiate cardiopulmonary resuscitation (CPR) when the patient was found unresponsive. Subsequently, another staff nurse provided CPR and the patient ultimately expired. Respondent's conduct was likely to injure the patient in that improper resuscitation and emergency care techniques may result in ineffective lifesaving treatment, possibly resulting in death.
7. On August 19, 2015, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated August 18, 2015, is attached and incorporated herein 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 to prove violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(D),(1)(M)&(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 36355, heretofore issued to JULIA NELSON SWAIN, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER


NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 36355, heretofore issued to JULIA NELSON SWAIN, to practice nursing in the State of Texas, is/are accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title of Licensed Vocational Nurse or the abbreviation LVN or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license/s is/are surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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.

Effective this 25th day of August, 2015.

TEXAS BOARD OF NURSING

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

JULIA SWAIN

8602 FLINT AVE

LUBBOCK, TEXAS 79423

806-745-6134

TEXAS BOARD OF NURSING

333 GUADALUPE, STE.3-460

AUSTIN, TEXAS 778701

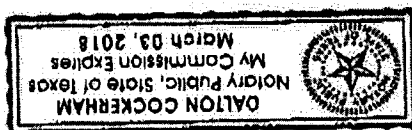
ATTENTION: ADRINA EKERY

I AM RESPONDING AS ASKED WITH A STATEMENT FOR A SURRENDER OF LICENCE
NUMBER 36355.

AS OF AUGUST 10, 2015 I SURRENDERD MY LICENCE TO PRACTICE NURSING WITH
LICENCE NUMBER 36355.


JULIA SWAIN

Signed August 18, 2015

Sworn to and subscribed before me this 18th day of August, 2015



Notary Public in and for the State of Texas