



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

In the Matter of § AGREED
Registered Nurse License Number 847782 §
issued to LORAYNE SUSAN DURHAM § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LORAYNE SUSAN DURHAM, Registered Nurse License Number 847782, 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 July 20, 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 professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from Ocean County College, Toms River, New Jersey, on May 1, 1997. Respondent was licensed to practice professional nursing in the State of New Jersey on July 8, 1997, and was licensed to practice professional nursing in the State of Texas on December 11, 2013.
5. Respondent's nursing employment history includes:

7/1997 - 2/1998	Unknown
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Respondent's nursing employment history continued:

3/1998 - 12/2004	Staff Nurse	Community Medical Center Hospital Tom's River, New Jersey
1/2001 - 10/2004	Staff Nurse	Southern Ocean Hospital Manahawkin, New Jersey
11/2004 - 1/2005	Staff Nurse	Progressive Nursing Staffers Unknown
2/2005 - 12/2008	Staff Nurse	Springhill Regional Hospital Springhill, Florida
1/2009-4/2009	Unknown	
5/2009 - 11/2011	Private Duty Nurse	Self Employed
1/2012-4/2012	Unknown	
5/2012 - 6/2013	Staff Nurse	Yakima Memorial Hospital Yakima, Washington
7/2013 - 8/2013	Unknown	
9/2013 - 12/2013	Staff Nurse	Trusted Nurse Staffing Aberdeen, Washington
1/2014 - 6/2014	Staff Nurse	Supplemental Healthcare Houston, Texas
6/2014 - 11/2014	Staff Nurse	Medical Staffing Options Westerville, Ohio
11/2014 - Present	Staff Nurse	St. Joseph's Medical Center Houston, Texas

6. On or about November 27, 2013, Respondent was issued a CORRECTIVE ACTION by the Board. A copy of the Corrective Action, including the Findings of Fact, Conclusions of Law, and Corrective Action dated November 27, 2013, is attached and incorporated herein by reference as part of this Order.

7. At the time of the initial incident, Respondent was employed as a Staff Nurse with Medical Staffing Options, Westerville, Ohio, and on assignment at Houston Northwest Medical Center, Houston, Texas, and had been in that position for four (4) months.
8. On or about October 25, 2014, while employed as a Staff Nurse with Medical Staffing Options, Westerville, Ohio, and on assignment at Houston Northwest Medical Center, Houston, Texas, Respondent failed to notify the physician and adequately assess Patient Number 01055854's uterine contractions, while infusing Pitocin, after the Internal Uterine Pressure Catheter (IUPC) failed to trace the patient's contractions. The fetal heart rate was monitored via external monitor as appropriate, however, the uterine contraction tracing is important to adequately monitor for fetal heart rate decelerations, and the external contraction monitor was not placed until approximately one hour had lapsed. Subsequently, the uterine contraction tracing revealed variable decelerations and a cesarean section was performed. Respondent's conduct deprived the physician of the opportunity to make timely interventions and was likely to injure the patient's fetus from complications of undetected fetal distress including possible demise.
9. On or about October 25, 2014, while employed as a Staff Nurse with Medical Staffing Options, Westerville, Ohio, and on assignment at Houston Northwest Medical Center, Houston, Texas, Respondent failed to completely and accurately document in the medical record the series of incidents regarding the labor of the aforementioned Patient Number 010558542. Respondent's conduct created an inaccurate medical record and was likely to harm the patient in that other care givers would rely on her documentation to provide further care.
10. In response to the incidents in Finding of Fact Number Eight (8), Respondent states that she noticed right away the IUPC was not recording a tracing of contractions, therefore she trouble shot the IUPC. When she noticed the catheter had fallen out, she immediately placed the patient on an external monitor. Respondent states the process took about an hour and that during that time she was manually palpating the patient's belly, watching the patient, and otherwise monitoring her contractions. Respondent also states she did not reduce the Pitocin because the patient was receiving appropriate safe doses and did not show signs of contractions or adverse reactions. In addition, Respondent states that after she had placed the external monitor on the patient, she right away noticed the variable decelerations and told her Charge Nurse she would be informing the physician right away.
11. On or about October 11, 2014, Respondent completed a course in Nursing Jurisprudence and Ethics, which would have been a requirement 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)(C),(1)(D),(1)(M),(1)(P)&(3)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C)&(4).
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 847782, heretofore issued to LORAYNE SUSAN DURHAM.
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 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.
- B. **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.
- C. **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. **Incident Reporting:** RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.
- 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 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 5 day of Sept., 2015
Lorayne Susan Durham
LORAYNE SUSAN DURHAM, Respondent

Sworn to and subscribed before me this 5 day of Sept., 2015.

Chy Cut
Notary Public in and for the State of TEXAS



Approved as to form and substance.
Jose Almaraz
Jose Almaraz, Attorney for Respondent

Signed this 14 day of September, 2015

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 5th day of September, 2015, by LORAYNE SUSAN DURHAM, Registered Nurse License Number 847782, and said Order is final.

Effective this 22nd day of October, 2015.



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	ELIGIBILITY
LORAYNE SUSAN DURHAM,	§	
a/k/a LORAYNE SHUMSKI,	§	
PETITIONER for Eligibility for Licensure	§	CORRECTIVE ACTION

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of the Endorsement Application, which has been processed as a Petition for Declaratory Order pursuant to 22 Tex. Admin. Code §217.5(f) and §213.30, and the supporting documents filed by LORAYNE SUSAN DURHAM, a/k/a LORAYNE SHUMSKI, hereinafter referred to as Petitioner, together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that PETITIONER ineligible for licensure pursuant to Sections 301.452(b)(2)&(10) and 301.453, Texas Occupations Code.

PETITIONER waived representation by counsel and agreed to the entry of this Corrective Action approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on October 25, 2013.

FINDINGS OF FACT

1. On or about March 28, 2013, PETITIONER submitted an Endorsement Application requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(f) and §213.30.
2. PETITIONER waived representation by counsel and agreed to the entry of this Corrective Action.
3. Petitioner received an Associate Degree in Professional Nursing from the Ocean County College, Toms' River, New Jersey, on May 1, 1997.

4. PETITIONER completed the Endorsement Application and answered "No" to the question which reads: *"For any criminal offense, including those pending appeal, have you:*
- A. *been convicted of a misdemeanor?*
 - B. *been convicted of a felony?*
 - C. *pled nolo contendere, no contest, or guilty?*
 - D. *received deferred adjudication?*
 - E. *been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?*
 - F. *been sentenced to serve jail or prison time? court-ordered confinement?*
 - G. *been granted pre-trial diversion?*
 - H. *been arrested or have any pending criminal charges?*
 - I. *been cited or charged with any violation of the law?*
 - J. *been subject of a court-martial; Article 15 violation, or received any form of military judgment/punishment/action?"*

5. PETITIONER failed to truthfully disclose the following criminal history, to wit:

On or about February 6, 2008, Petitioner was arrested by the Hernando County Sheriff's Office, Hernando, Florida, for VIOLATION OF DOMESTIC VIOLENCE INJUNCTION, a misdemeanor offense. On or about April 17, 2008, Petitioner entered into an agreement in the County Court of the Fifth Judicial Circuit, Hernando County, Florida, under Cause No. 2008-MM-000382-DV to participate in the Hernando County Pre-Trial Intervention Program for a period of twelve (12) months, beginning April 17, 2008. On or about November 7, 2008, Cause No. 2008-MM-000382-DV was dismissed in the County Court of the Fifth Judicial Circuit, Hernando County, Florida, after Petitioner successfully completed the Pre-Trial Intervention Program.

6. There is no evidence of any subsequent criminal conduct.
7. The above action constitutes grounds for corrective action pursuant to Section 301.652, Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.32(2)(D).
8. The Board has jurisdiction over this matter pursuant to Sections 301.453 and 301.651 *et seq.*, Texas Occupations Code.
9. Petitioner has sworn that, with the exception of matters disclosed in connection with the Endorsement Application, her past behavior conforms to the Board's professional character requirements at 22 TEX. ADMIN. CODE §213.27.
10. Petitioner presented no evidence of behavior which is inconsistent with good professional character.
11. The Executive Director considered evidence of Petitioner's past behavior in light of the character factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character.

12. The Executive Director considered evidence of Petitioner's past criminal conduct in light of the considerations and criteria provided in 22 TEX. ADMIN. CODE §§213.28 & 213.33, and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
13. Licensure of PETITIONER poses no direct threat to the health and safety of patients or the public provided PETITIONER complies with the conditions outlined in this Corrective Action.
14. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of PETITIONER'S disclosures.
15. PETITIONER has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.
16. PETITIONER shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Sections 301.452 and 301.453, Texas Occupations Code.
2. On or about March 28, 2013, PETITIONER submitted an Endorsement Application requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(f) and §213.30.
3. Petitioner's history reflects conduct which may constitute grounds for denial of a license under Section 301.452(b)(2)&(10), Texas Occupations Code.
4. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
5. The Board may resolve violations of and potential ineligibility for licensure under the Nursing Practice Act and the Board's Rules and Regulations Relating to Nurse Education, Licensure and Practice with Corrective Action pursuant to Section 301.651 *et seq.*, Texas Occupations Code.
6. The Board may license an individual who has been previously convicted, adjudged guilty by a court, pled guilty or pled nolo contendere to any crime whether or not a sentence was imposed upon consideration of the factors set out in 22 TEX. ADMIN. CODE §213.28 and evaluating the direct relationship to nursing according to 22 TEX. ADMIN. CODE §213.28 and, if applicable, Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code.
7. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.

8. This Corrective Action is conditioned upon the accuracy and completeness of PETITIONER'S disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to Revocation of Petitioner's license(s).

CORRECTIVE ACTION

IT IS THEREFORE AGREED that the application of LORAYNE SUSAN DURHAM, PETITIONER, is hereby GRANTED, and, until successfully completed, all licenses issued to PETITIONER shall be subject to the following CORRECTIVE ACTION:

PETITIONER SHALL obtain and read the Texas Nursing Practice Act, and the Rules and Regulations Relating to Nurse Education, Licensure and Practice.

PETITIONER 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.*

Upon payment of the necessary fees, PETITIONER SHALL be issued an appropriate license to practice nursing in the State of Texas.

(1) PETITIONER SHALL, within one (1) year of licensure, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER 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. PETITIONER 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 PETITIONER'S successful completion

of the course. This course shall be taken in addition to any other courses stipulated in this Corrective Action, 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/disciplinaryaction/stipscourses.html>.

(2) PETITIONER SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). PETITIONER SHALL pay this fine within forty-five (45) days of licensure. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Corrective Action, this matter shall be closed and this Corrective Action shall remain confidential. However, should PETITIONER fail to successfully complete the terms of this Corrective Action, this matter shall be terminated immediately and shall be treated as a disciplinary proceeding under Subchapter J, Texas Occupations Code. Further, should PETITIONER commit a subsequent violation of the Nursing Practice Act or Board Rules, this Corrective Action shall be treated as prior disciplinary action.

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PETITIONER'S CERTIFICATE

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past criminal conduct and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, as disclosed in my Temporary License/Endorsement Application has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction such as conditional discharge, deferred adjudication or disposition with no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 401.452 and 301.453, as well as Chapter 53, Section 53.001 *et seq.*, of the Texas Occupations Code and 22 TEX. ADMIN. CODE 213.27, 213.28, 213.29, and 213.30, which are incorporated by reference as a part of this Corrective Action. I agree with all terms of this Corrective Action. I assume the Board of any other grounds for denial of licensure prior to accepting any permit to practice from the Texas Board of Nursing.

I understand that if I fail to successfully comply with all terms and conditions of this Corrective Action, 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.

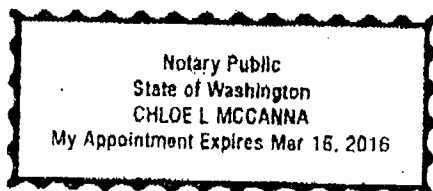
I understand that I can be represented by an attorney in this matter. I waive representation and request that the Executive Director of the Texas Board of Nursing enter this Corrective Action.

Signed this 27th day of November, 2013.

Lorayne Susan Durham
LORAYNE SUSAN DURHAM, a/k/a LORAYNE SHUMSKI, PETITIONER

Sworn to and subscribed before me this 27th day of November, 2013.

SEAL



Chloë L. McCanna
Notary Public in and for the State of Washington

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the
Texas Board of Nursing does hereby ratify and adopt the Corrective Action that was signed on the
27th day of November, 2013, by LORAYNE SUSAN DURHAM,
a/k/a LORAYNE SHUMSKI, Petitioner for Eligibility for Licensure.

Effective this 3rd day of December, 2013.



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