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*William J. Thomas*  
Executive Director of the Board

## BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Advanced Practice Registered	§	AGREED
Nurse License Number AP117496	§	
& Registered Nurse License Number 677695	§	
issued to JESSICA ANNE RADLEY	§	ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that JESSICA ANNE RADLEY, Advanced Practice Registered Nurse License Number AP117496 and Registered Nurse License Number 677695, hereinafter referred to as Respondent, may be subject to discipline pursuant to Sections 301.452(b)(10)&(13) and 301.453, Texas Occupations Code.

An informal conference was conducted on November 3, 2015, in accordance with Section 301.464, Texas Occupations Code. Respondent appeared in person. Respondent was represented by Janice M. Byington, Attorney at Law.

### 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. Respondent's license to practice as an advanced practice registered nurse in the State of Texas is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from The University of Texas Medical Branch at Galveston, Galveston, Texas, on April 27, 2001, and received a Master's Degree in Nursing from Texas Women's University, Houston, Texas, on May 16, 2008. Respondent was licensed to practice professional nursing in the State of Texas on June 12, 2001 and was licensed to practice advanced practice nursing in the role of Family Nurse

Practitioner with prescription authorization in the State of Texas on December 8, 2008.

5. Respondent's nursing employment history includes:

2001 - 2004	Registered Nurse	The Woman's Hospital of Texas Houston, Texas
2004 - 2009	Registered Nurse	Kelsey Seybold Fort Bend Medical & Diagnostic Center Sugar Land, Texas
01/2009 - 09/2010	Family Nurse Practitioner	Lavaca Family Health Clinic Hallettsville, Texas
10/2010 - 03/2011	Family Nurse Practitioner	Rice Medical Associates Eagle Lake, Texas
04/2011 - Present	Family Nurse Practitioner	Four Oaks Medical Clinic Columbus, Texas

6. On or about April 8, 2011, through November 3, 2013, while employed as a Family Nurse Practitioner at Four Oaks Medical Clinic, Columbus, Texas, Respondent failed to have and maintain protocols or other written authorizations to provide medical aspects of patient care that met the requirements of the Texas Board of Nursing. Such protocols must be reviewed and signed at least annually by both the Advanced Practice Registered Nurse and the supervising physician. Respondent's conduct was likely to injure patients from medical care provided without adequate physician supervision.
7. At the time of the incident in Finding of Fact Eight (8), Respondent was employed as a Family Nurse Practitioner with Four Oaks Medical Clinic, Columbus, Texas, and had been in that position for three (3) years.
8. On or about April 30, 2014, while employed as a Family Nurse Practitioner at Four Oaks Medical Clinic, Columbus, Texas, Respondent failed to appropriately communicate an order to nursing home staff that Resident E.B. should be immediately transferred to the Emergency Room to receive intravenous antibiotic therapy for a Urinary Tract Infection (UTI) resistant to oral antibiotics. Respondent was aware that the resident was significantly symptomatic of a UTI and that oral Cipro was not effective in treating the UTI. Instead of ordering for transfer to the Emergency Room, Respondent ordered Pyridium, a medication used to treat the painful symptoms of a UTI, but not the UTI itself, and instructed the nursing home staff that if symptoms worsened or did not improve, the patient should go to the Emergency Room. Respondent's conduct resulted in a delay of care and treatment of the patient's UTI.

9. In response to Finding of Fact Six (6), Respondent reports that she did follow written protocols but she cannot find the documentation to support she followed the requirements of the Board to have written agreements signed by herself and the delegating physician. In response to the incident in Finding of Fact Eight (8), Respondent acknowledges that she should have told the nursing home staff to have the patient transferred to the Emergency Room right away. Respondent states that, looking back, there was a communication gap between herself and the nursing home. Respondent reports she 'knew the only thing that would treat the patient was IV antibiotics,' but she was not clear to the nursing home staff in her order. She said by writing "take pyridium... report her condition in 2 days... If symptoms worsen or do not improve she should go to ER..." that left room for interpretation and she should have had them send the patient to the ER right then. Respondent reports that she has made modifications to her practice since the incidents.

### 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)(M),(4)(A)&(4)(B) 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 Advanced Practice Registered Nurse License Number AP117496 and Registered Nurse License Number 677695, heretofore issued to JESSICA ANNE RADLEY.
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 courses within one (1) year of the effective date of this Order, unless otherwise specifically indicated:

- A. A 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 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.
- D. The course "Professional Accountability ...," 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](http://www.bon.texas.gov/compliance).*

#### IV. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as an advanced practice registered nurse in the State of Texas, 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 an advanced practice registered nurse have elapsed. Any quarterly period without continuous employment as an advanced practice registered nurse 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 advanced practice registered nurse (APRN) license will not apply to this period and will not count towards completion of this requirement. Further, Respondent may not work as a registered nurse (RN) or a vocational nurse (LVN) license, as applicable, while under the terms of this Order.

- A. **Notifying Present and Future Employers, Practice Sites and Credentialing Agencies:** RESPONDENT SHALL notify each present employer, practice site and/or credentialing agency in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all

Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer, practice site and/or credentialing agency in nursing within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers, practice sites and/or credentialing agencies in nursing and present a complete copy of this Order, including all attachments, if any, to each future employer, practice site and/or credentialing agency in nursing prior to accepting an offer of employment and/or assignment.

- B. Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer, practice site and/or credentialing agency in nursing to submit the Board's "Notification of Employment" form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer, practice site and/or credentialing agency in nursing to submit the Board's "Notification of Employment" form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.
- C. Monitored Practice:** RESPONDENT'S advanced practice registered nursing must be monitored by a Physician or an Advanced Practice Registered Nurse in the same advanced role and population focus area as Respondent who has been approved by the Board. RESPONDENT MUST, within ten (10) days of entry of this Order or within (10) days of employment as an advanced practice registered nurse, provide to the Board a list of three (3) Advanced Practice Registered Nurses and/or three (3) Physicians from which the Board shall select an approved monitor. For each Advanced Practice Registered Nurse and Physician, the list must include name, license number or social security number, educational background and professional employment history. Monitoring shall commence no later than thirty (30) days following the date of Respondent's receipt of the name of the approved monitor selected by the Board. The monitor will offer guidance, advice and assistance to the RESPONDENT as necessary to ensure that deficiencies such as those set forth in this Order do not reoccur. RESPONDENT SHALL meet with the monitor at least twice a month, at least one (1) hour duration each. Meetings may be longer and more frequent if the monitor determines necessary. Multiple employers are prohibited.
- D. Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each supervising Advanced Practice Registered Nurse or Physician 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 Advanced Practice Registered Nurse or Physician who supervises the RESPONDENT and these reports shall be submitted by the

supervising Advanced Practice Registered Nurse or Physician 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.

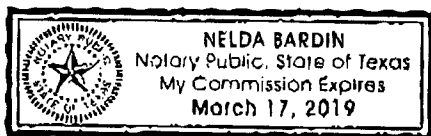
Signed this 11 day of December, 2015.

Jessica Anne Radley

JESSICA ANNE RADLEY, Respondent

Sworn to and subscribed before me this 11<sup>th</sup> day of December, 2015.

SEAL



Nelda Bardin

Notary Public in and for the State of Texas

Approved as to form and substance.

Janice M. Byington

Janice M. Byington, Attorney for Respondent

Signed this 16<sup>th</sup> day of DECEMBER, 2015.



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on 11th day of December, 2015, by JESSICA ANNE RADLEY, Advanced Practice Registered Nurse License Number AP117496 and Registered Nurse License Number 677695, and said Order is final.

Effective this 21st day of January, 2016.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas", is written over a horizontal line.

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