



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 611708 §
issued to IONA JEAN BARIN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of IONA JEAN BARIN, Registered Nurse License Number 611708, 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 December 2, 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 Texas Invalid status.
4. Respondent received a Baccalaureate Degree in Nursing from Western Carolina University, Cullowhee, North Carolina, on May 1, 1993. Respondent was licensed to practice professional nursing in the State of North Carolina on September 15, 1993, and was licensed to practice professional nursing in the State of Texas on December 19, 1994.

5. Respondent's nursing employment history includes:

9/1993 - 3/1995	Staff Nurse	William Beaumont Army Medical Center El Paso, Texas
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Respondent's nursing employment history continued:

3/1995 - 8/1999	Staff Nurse	El Paso Independent School District El Paso, Texas
8/1999 - 7/2001	Staff Nurse	VNA Healthcare Santa Ana, California
7/2001 - 1/2002	Staff Nurse	Veteran's Affairs Medical Center Asheville, North Carolina
2/2002 - 4/2002	Unknown	
5/2002 - 3/2005	Case Manager	CorVel Corporation San Bernadino, California
3/2005 - 12/2005	Staff Nurse	Banner PHO Mesa, Arizona
1/2006 - 9/2006	Director of Nursing	VNA Healthcare El Paso, Texas
9/2006 - 6/2008	Staff Nurse	El Paso Independent School District El Paso, Texas
7/2008 - 8/2008	Unknown	
8/2008 - 1/2009	Case Manager	CorVel Corporation Phoenix, Arizona
2/2009 - 5/2009	Staff Nurse	Western Medical Center Santa Ana, California
6/2009 - 7/2009	Unknown	
7/2009 - 8/2010	Clinical Supervisor	Kaiser Permanente Orange County, California
8/2010 - 6/2012	Case Manager	TriStar/Genex Services Southern California

Respondent's nursing employment history continued:

7/2012 - 11/2012	Unknown	
12/2012 - 8/2013	Case Manager	Daybreak Community Services Temple, Texas
9/2013 - Unknown	Case Manager	Baylor Scott and White Memorial Hospital Temple, Texas
7/1/2014 - 4/2015	Director of Nursing	Central Counties Services Temple, Texas
5/2015 - Present	Unknown	

6. At the time of the incident, Respondent was employed as the Director of Nursing with Central Counties Services, Temple, Texas, and had been in that position for nine (9) months.
7. On or about April 21, 2015, while employed as the Director of Nursing with Central Counties Services, Temple, Texas, Respondent failed to assess Consumer Number 513014 and notify the physician when unlicensed staff called to report that the consumer was experiencing respiratory distress despite having had four (4) scheduled Albuterol treatments administered. Instead, Respondent directed the unlicensed staff to administer additional Albuterol. Respondent's conduct was likely to injure the patient by depriving the physician of vital information that would be required to institute timely medical interventions to stabilize the patient's condition.
8. In response to the incidents in Finding of Fact Number Seven (7), Respondent states the Consumer had just moved into the group home and that during the week she made multiple visits to assess the consumer and was in contact with unlicensed staff to verify that staff understood discharge instructions from the ER, which included Albuterol treatments. Respondent states the consumer made a 2nd trip to the ER on April 21st and she assessed him and his discharge orders on April 22nd. Respondent states she dedicated many hours to this consumer over the course of that week and never refused to assess him for respiratory distress and that due to the distance, staff had been instructed to send him to the ER multiple times that week. In addition, Respondent states this employer had history of running through nurses and that there were too many non-nurses making nursing decisions at the expense of the individuals being served.

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),(1)(P)&(3)(A) and 22 TEX. ADMIN. CODE §217.12 (1)(A),(1)(B),(1)(D)&(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 611708, heretofore issued to IONA JEAN BARIN.
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. **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 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 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

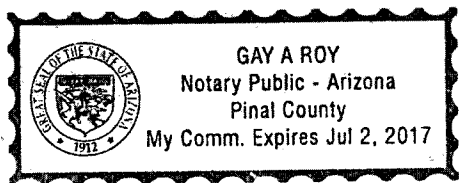
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said 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 7 day of Jan, 20 16.

Iona Jean Barin
IONA JEAN BARIN, Respondent

Sworn to and subscribed before me this 7th day of January, 20 16.


SEAL



Gay A Roy
Notary Public in and for the State of Arizona

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 7th day of January, 2016, by IONA JEAN BARIN, Registered Nurse License Number 611708, and said Order is final.

Effective this 9th day of February, 2016.



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