



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
Vocational Nurse License Number 229837	§	
issued to ASHLEY WYBLE TOWNSEND	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ASHLEY WYBLE TOWNSEND, Vocational Nurse License Number 229837, 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),(12)&(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 23, 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 McLennan Community College, Waco, Texas, on August 13, 2010. Respondent was licensed to practice vocational nursing in the State of Texas on September 7, 2010.
5. Respondent's vocational nursing employment history includes:

09/10 - 01/11	LVN	St. Catherine's Center (LTC)
		Waco, Texas

Respondent's vocational nursing employment history continued:

01/11 - 04/11	LVN	First Choice Children's Home Health Temple, Texas
02/11 - 04/11	LVN	Lakeway Home Health Temple, Texas
04/11 - 06/12	LVN	Scott & White Center for Rehabilitative Medicine Waco, Texas
06/12 - 08/13	LVN	Family Health Center Waco, Texas
08/13 - 06/14	LVN	CSL Plasma Center Waco, Texas
06/14 - 04/15	LVN	Senior Care Center Waco, Texas
03/15 - 06/15	LVN	Interim Healthcare Waco, Texas
07/15 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Interim Healthcare, Waco, Texas, and had been in that position for three (3) months.
7. On or about June 25, 2015, while employed as a private duty Licensed Vocational Nurse with Interim Healthcare, Waco, Texas, Respondent inappropriately adjusted the low heart rate alarm setting on the pulse oximeter of Patient Number 673-52-1013, from 84 beats per minute (BPM) to 70 BPM, without a physician's order. Respondent's conduct unnecessarily exposed the patient to risk of harm from undetected complications.
8. On or about June 25, 2015, while employed as a private duty Licensed Vocational Nurse with Interim Healthcare, Waco, Texas, Respondent lacked fitness to practice nursing in that she was observed sleeping while on duty. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
9. In response to Finding of Fact Numbers Seven (7) and Eight (8), Respondent states this was the first time she had worked an overnight shift while at this facility. Respondent states she

got a telephone report from the previous shift LVN and was informed that the patient was on a type of ventilator that she had never operated so it was requested that Respondent meet her at the home to review. Respondent states the LVN went over the vent with her and told her that the patient's heart rate drops while sleeping, typically into the 70's. Respondent states that from 2230 to 0100, the patient's low heart rate alarm had to be silenced every few minutes. Respondent further states that between midnight to 0100, the patient's oxygen saturation was in the 50's, and because the alarm had been silenced from a high 70's heart rate, there was no audible alarm. Respondent states that the pulse ox monitor had an "override" function over the alarm settings so she changed the low-pulse alarm to 70 and released the "override" on the pulse ox alarm. Respondent states her intention was to press the button again once the child woke up. Respondent states that at 0530, while sitting in front of the patient's crib, she dozed off and woke up to the patient's father standing in the doorway. Respondent states she cannot say how long she was sleeping, but feels it was less than 5 minutes. Respondent states she apologized to the parents and per the father's request, she immediately moved the child to the living room for mother to resume care and then Respondent left the home. Respondent states she forgot to hit the button to release the alarm override before she left.

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),(B)&(P) and 217.12(1)(A),(1)(B),(1)(E),(4)&(5).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10),(12)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 229837, heretofore issued to ASHLEY WYBLE TOWNSEND.
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

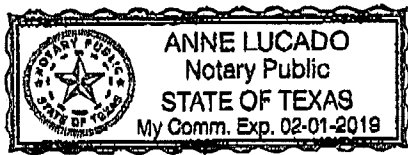
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said 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 26 day of January, 2016.
Ashley Townsend
ASHLEY WYBLE TOWNSEND, Respondent

Sworn to and subscribed before me this 26th day of January, 2016.

SEAL

Anne Lucado
Notary Public in and for the State of TX



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 26th day of January, 2016, by ASHLEY WYBLE TOWNSEND, Vocational Nurse License Number 229837, and said Order is final.

Effective this 8th day of March, 2016.



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