



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

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In the Matter of § AGREED  
Registered Nurse License Number 566271 §  
issued to JENNIFER DIANE HOWELL § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JENNIFER DIANE HOWELL, Registered Nurse License Number 566271, 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 current status.
4. Respondent received a Diploma in Nursing from Durham College of Applied Arts and Technology, Oshawa, Ontario, Canada, on December 15, 1985. Respondent was licensed to practice professional nursing in Canada on April 12, 1986, and was licensed to practice professional nursing in the State of Texas on December 17, 1990.
5. Respondent's nursing employment history includes:

4/1986 - 8/1988	Staff Nurse	Oshawa General Hospital Oshawa, Ontario, Canada
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Respondent's nursing employment continued:

8/1988 - 2/1989	Staff Nurse	Whitby Psychiatric Hospital Whitby, Ontario, Canada
4/1989 - 7/1989	Staff Nurse	St. Joseph's Hospital Peterborough, Ontario, Canada
8/1989 - 12/1990	Staff Nurse	Oshawa General Hospital Oshawa, Ontario, Canada
2/1991 - 9/1994	Staff Nurse	The Methodist Hospital System Houston, Texas
10/1994 - 1/1995	Unknown	
2/1995 - 1/1998	Field RN	Methodist Home Care Kerrville, Texas
2/1998 - 10/1998	Unknown	
11/1998 - 8/1999	Staff Nurse	Lakeland Regional Hospital Springfield, Missouri
8/1999 - 8/2000	Staff Nurse	Cox Medical Center South Springfield, Missouri
8/2000 - 1/2003	Staff Nurse	Carriage Park Preventative Health Care Rogersville, Missouri
1/2003 - 3/2008	Staff Nurse	Cox Medical Center South Springfield, Missouri
3/2008 - 6/2010	Dialysis Nurse	Ozarks Dialysis Services Springfield, Missouri
7/2010	Unknown	
8/2010 - 12/2011	Dialysis Nurse	Wellbound Home Dialysis, a division of Satellite Dialysis Austin, Texas

Respondent's nursing employment continued:

1/2012 - 9/2013	RN field nurse	Epic HealthServices Austin, Texas
10/2013 - 3/2013	Unknown	
4/2013 - 4/2015	Staff RN	Encompass Home Health Pediatric Services Austin, Texas
4/2015 - Present	Pediatric Supervisor	Encompass Home Health Pediatric Services Temple, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Pediatric Supervisor with Encompass Home Health Pediatric Services, Temple, Texas, and had been in that position for four (4) months.
7. On or about August 1, 2015, while employed as a Pediatric Supervisor with Encompass Home Health Pediatric Services, Temple, Texas, and the case manager for Patient CS, Respondent received a text message from the Intake Coordinator On-Call LVN that Patient CS, a four year old child, had an allergic reaction to bubble bath, with red and peeling skin, after a bath given by the Private Duty Field LVN, and Respondent failed to call the Private Duty Field LVN, to obtain firsthand the condition of the patient, ask follow-up questions, and make an assessment regarding the appropriate next steps. The Private Duty Field LVN was instead receiving telephone advice from the Intake Coordinator On-Call LVN, and this resulted in a delay of transport to the hospital. Approximately two (2) hours after Patient CS was given a bath by the Private Duty Field LVN, he was transported via ambulance to Scott & White Hospital, Temple, Texas, and treated for 2<sup>nd</sup> and 3<sup>rd</sup> degree burns involving 30-39% of his body surfaces. Respondent's conduct was likely to injure the patient by prolonging the time that the patient was in pain from a delay in timely medical interventions needed to treat the patient's burns, and increased the risk of skin infection.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that as the case manager for Patient CS, she received a text message from the Intake Coordinator On-Call LVN indicating that the patient had experienced an allergic reaction with red and peeling skin. Respondent states that upon receipt of the first text message, she became engaged and assisted the Intake Coordinator On-Call LVN, assuring her that she was available and willing to help, and that it was never a "bother" to be included in such a conversation regardless if she was the On-Call nurse or not. Respondent states that the circumstances as presented to her were minimized to the point where a phone call didn't seem to be warranted. She understood the patient was experiencing a mild allergic reaction to the bubble bath, and it appeared to her that the patient's condition was stable and under control. Respondent states that the patient's Mother had seen photos sent by the Private Duty

Field LVN, was on her way home, and didn't want her son taken to the hospital. Respondent states that she didn't receive any further communication regarding the patient's condition, and she was unaware that his condition had continued to worsen until she got a follow-up text at about 1:30 pm indicating that the patient was going to the hospital. Respondent states that she went to the hospital to check on the patient and was told for the first time that the patient suffered what the doctor believed at the time to be immersion burns. Respondent recognizes in hindsight that the most appropriate course of action on receiving the text messages from the Intake Coordinator On-Call LVN would have been to call the Private Duty Field LVN in order to hear firsthand the condition of the patient, ask follow-up questions, and make an assessment regarding the appropriate next steps. Respondent states that if she had of called the Private Duty Field LVN, she might have possibly gotten the patient to the hospital more quickly.

#### 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)&(3)(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 Registered Nurse License Number 566271, heretofore issued to JENNIFER DIANE HOWELL.
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](http://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. **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.

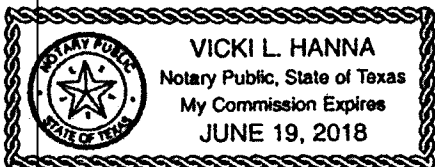
Signed this 25<sup>th</sup> day of January, 2016.

Jennifer Diane Howell  
JENNIFER DIANE HOWELL, Respondent

Sworn to and subscribed before me this 25<sup>th</sup> day of January, 2016.

SEAL

Vicki L. Hanna  
Notary Public in and for the State of Texas



Approved as to form and substance.

Megan A. Hudgens  
Megan A. Hudgens, Attorney for Respondent

Signed this 25<sup>th</sup> day of January, 2016.



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 25<sup>th</sup> day of January, 2016, by JENNIFER DIANE HOWELL, Registered Nurse License Number 566271, and said Order is final.

Effective this 8<sup>th</sup> day of March, 2016.



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