

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED
Registered Nurse License Number 454179	§	
issued to CATHERINE JEAN DYKE	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CATHERINE JEAN DYKE, Registered Nurse License Number 454179, 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 October 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 a Baccalaureate Degree in Nursing from Arkansas State University, Jonesboro, Arkansas, on August 1, 1975. Respondent was licensed to practice professional nursing in the State of Texas on September 4, 1980.
5. Respondent's nursing employment history includes:

10/80 - 10/94	RN	Parkland Memorial Hospital
		Dallas, Texas

11/94 - 07/99	RN	Bakersfield Memorial Hospital Bakersfield, California
08/99 - 08/01	RN	McCuistion Regional Medical Center Paris, Texas
09/01 - 04/02	RN	Christus St. Joseph's Health System Paris, Texas
05/02	Unknown	
06/02 - 05/06	RN	Baylor Medical Center at Plano Plano, Texas
06/06 - 06/07	RN	North Baptist Hospital San Antonio, Texas
07/07 - 12/07	Unknown	
01/08 - Present	RN	Texas Health Presbyterian Hospital Plano, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Texas Health Presbyterian Hospital, Plano, Texas, and had been in that position for three (3) years.
7. On or about January 5, 2011, while employed as a Registered Nurse with Texas Health Presbyterian Hospital, Plano, Texas, Respondent violated the boundaries of the nurse/client relationship, in that she exchanged email addresses with the parents of a patient to email them photographs of the patient from her personal cell phone. Respondent's conduct was likely to injure the patient in that it could have resulted in confusion between the needs of the nurse and those of the patient.
8. On or about January 5, 2011, while employed as a Registered Nurse with Texas Health Presbyterian Hospital, Plano, Texas, Respondent disclosed confidential health information, in that she took photographs of a patient on her personal cell phone and distributed them via email. Respondent's conduct exposed the patient unnecessarily to a risk of harm from use, accessing or disclosure of confidential medical information without written authorization and constitutes a violation of HIPAA (The Health Insurance Portability and Accountability Act).
9. On or about November 20, 2013, while employed as a Registered Nurse with Texas Health Presbyterian Hospital, Plano, Texas, Respondent violated the boundaries of the nurse/client relationship, in that she exchanged phone numbers with the parents of a patient and went on

to text and call them. Respondent's conduct was likely to injure the patient in that it could have resulted in confusion between the needs of the nurse and those of the patient.

10. On or about November 20, 2013, while employed as a Registered Nurse with Texas Health Presbyterian Hospital, Plano, Texas, Respondent inappropriately accessed the Angel Eye camera to observe a patient while she was not on duty and without authorization. Respondent's conduct exposed the patient unnecessarily to a risk of harm from use, accessing or disclosure of confidential medical information without written authorization and constitutes a violation of HIPAA (The Health Insurance Portability and Accountability Act).
11. On or about June 14, 2015, and June 27, 2015, while employed as a Registered Nurse with Texas Health Presbyterian Hospital, Plano, Texas, Respondent failed to wear Personal Protective Equipment (PPE) when she was with a Methicillin-resistant Staphylococcus aureus (MRSA) positive patient. Respondent's conduct was likely to injure the patients and staff in that it created an unsafe environment and may have unnecessarily exposed the patients and staff to harm.
12. On or about June 25, 2015, while employed as a Registered Nurse with Texas Health Presbyterian Hospital, Plano, Texas, Respondent violated the boundaries of the nurse/client relationship, in that she exchanged phone numbers with the parents of a patient. Additionally, the parents of the patient texted Respondent at home to express care concerns, and Respondent called the facility to challenge the care decisions of staff. Respondent's conduct was likely to injure the patient in that it could have resulted in confusion between the needs of the nurse and those of the patient.
13. On or about June 25, 2015, while employed as a Registered Nurse with Texas Health Presbyterian Hospital, Plano, Texas, Respondent disclosed confidential health information, in that she took photographs of a patient on her personal cell phone and distributed them via text message. Respondent's conduct exposed the patient unnecessarily to a risk of harm from use, accessing or disclosure of confidential medical information without written authorization and constitutes a violation of HIPAA (The Health Insurance Portability and Accountability Act).
14. On or about June 27, 2015, while employed as a Registered Nurse with Texas Health Presbyterian Hospital, Plano, Texas, Respondent violated the boundaries of the nurse/client relationship, in that she presented to the NICU on her day off, and when asked why she was not wearing her Personal Protective Equipment (PPE), Respondent stated it was because she was acting as family. Respondent's conduct was likely to injure the patient in that it could have resulted in confusion between the needs of the nurse and those of the patient.
15. In response to Findings of Fact Numbers Seven (7) through Fourteen (14), Respondent states it was common practice for night shift nurses to email pictures to the parents of NICU patients. Respondent states she was involved in the Angel Eye pilot program, and at the time

she accessed the equipment at home, there was no policy in place. Respondent states it is not a violation of hospital policy or violation of boundaries to visit parents in the NICU on an off day. Respondent admits she did not put on any protective wear when she was with the MRSA positive patient, but states another nurse was in and out of the room and never asked Respondent to do so. Respondent states it wasn't until she took a photograph of herself with the patient, that she noticed she was not wearing a gown. Respondent states she was not on duty when she took a picture of her holding the patient.

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)(E), (1)(J), (1)(M) & (1)(P) and 22 TEX. ADMIN. CODE §217.12(1)(A), (1)(B), (1)(C), (4) & (6)(D).
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 454179, heretofore issued to CATHERINE JEAN DYKE.
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 **REMEDIAL EDUCATION** 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.
- C. The course **"Professional Boundaries in Nursing,"** a 3.0 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. 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 4 day of March, 2016.

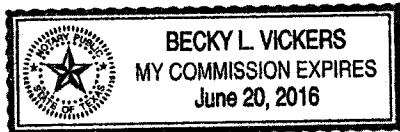
Catherine Jean Dyke, RN
CATHERINE JEAN DYKE, Respondent

Sworn to and subscribed before me this 4 day of March, 2016.

SEAL

Rebecca L. Vickers

Notary Public in and for the State of TX



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 4th day of March, 20 16, by CATHERINE JEAN DYKE, Registered Nurse License Number 454179, and said Order is final.

Effective this 7th day of April, 20 16.

A handwritten signature in cursive script, reading "Katherine A. Thomas".

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