



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or its 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 659697 §
& Vocational Nurse License Number 119939 §
issued to JANICE HOPKINS § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JANICE HOPKINS, Registered Nurse License Number 659697 and Vocational Nurse License Number 119939, 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 May 13, 2016.

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 delinquent status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing on September 27, 1985, in Louisiana, and received an Associate Degree in Nursing from San Jacinto College, Houston, Texas, on May 1, 1998. Respondent was licensed to practice vocational nursing in the State of Texas on January 29, 1988, and was licensed to practice professional nursing in the State of Texas on May 11, 1999.

5. Respondent's nursing employment history includes:

1/1988 - 4/2000	Unknown	
5/2000 - 4/2011	Staff Nurse	Courtyard Residence and Rehabilitation Houston, Texas
5/2011 - 7/2013	Unknown	
8/2013 - 3/2014	Staff Nurse	La Hacienda Nursing and Rehabilitation Center Houston, Texas
9/2014 - Present	Director of Nursing (DON)	The Lakes of Texas City, formerly known as Bay Oaks Health Care Center Texas City, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as the Director of Nursing (DON) with Bay Oaks Health Care Center, Texas City, Texas, and had been in that position for two (2) months.
7. On or about November 24, 2014, through April 30, 2015, while employed as the DON with Bay Oaks Health Care Center, Texas City, Texas, Respondent failed to intervene and contact the physician or Medical Director to ensure that Resident WS, who is diabetic, received treatment for his consistently elevated blood glucose levels, after being informed by the Assistant Director of Nursing (ADON) that the Physician Assistant (PA) was unresponsive regarding his high blood glucose. The resident had orders to check his blood glucose readings four (4) times a day, but had no insulin ordered to treat his progressively increasing blood glucose readings ranging from 144-552 mg/dl. Long term high glucose levels can be damaging to the nerves, organs, and tissue. Respondent's conduct was likely to injure the resident from ineffective treatment and deprived the resident's physician the opportunity to institute timely medical interventions.
8. On or about November 24, 2014, through April 30, 2015, while employed as the DON with Bay Oaks Health Care Center, Texas City, Texas, Respondent failed to intervene to ensure that Resident WS was seen by the physician, PA, or Nurse Practitioner (NP) for a history and physical as well as subsequent visits. A resident's medical care is based upon an in-person examination to include a history and physical with a Provider, and follow up visits to adjust the medical care as needed. Resident WS was not seen by a Provider during his five (5) month stay. Respondent's conduct was likely to injure the resident from lack of appropriate medical care and treatment of disease processes.

9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that after being informed that there was difficulty in getting in touch with the PA for the physician, the nurses were told to call the physician. Respondent relates that the nurses are aware that if the attending physician, PA, or NP doesn't return calls, the Medical Director is to be called. Respondent indicates that it wasn't brought to her attention that the Medical Director wasn't contacted after she gave the instructions. Respondent states that on admission, the admitting nurse secured orders and spoke with the PA to verify orders, and at that time, he only ordered for blood sugars to be done before meals and at bedtime, but no insulin was ordered. Respondent adds that the PA was made aware of the resident's elevated blood sugars and gave no order to cover. Respondent states that it is the practice of the facility to let the physician, PA, or NP know when a patient arrives by calling them to secure orders for the new resident, and the nurse did this in both cases upon admission, and readmission. Respondent indicates that once the Providers have been notified that the resident is in the facility, they are aware that they have thirty (30) days to see the new resident. Respondent adds that the physician or the PA had signed orders for this resident every month that he was in the facility as well as Medicare re-certifications and telephone orders.

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)(D),(1)(M),(1)(P)&(3)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(2),(4)&(6)(C).
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 659697 and Vocational Nurse License Number 119939, heretofore issued to JANICE HOPKINS, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
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 **REPRIMAND 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 "Detecting and Preventing Abuse and Neglect ...,"** a 5.0 contact hour workshop presented in various locations by the Texas Department of Aging and Disability Services.
- 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.

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 clinical healthcare setting, for a minimum of sixty-four (64) hours per month for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) 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. Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL be directly 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. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on 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. Indirect Supervision:** For the remainder of the stipulation/probation period, 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.
- E. 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 eight (8) quarters [two (2) years] of employment as a nurse.

V. RESTORATION OF UNENCUMBERED LICENSE(S)

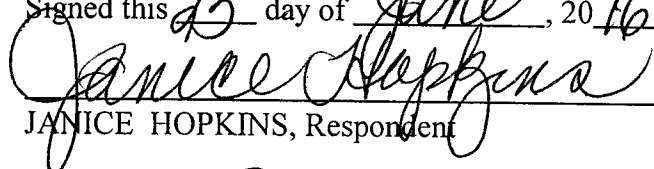
Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

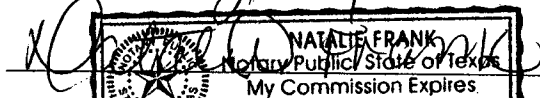
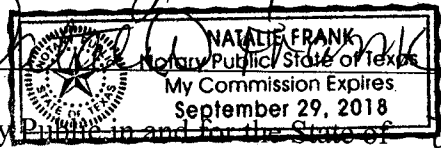
RESPONDENT'S CERTIFICATION

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 23 day of June, 2016.

JANICE HOPKINS, Respondent

Sworn to and subscribed before me this 22 day of July, 2016.

SEAL



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 23rd day of June, 2016, by JANICE HOPKINS, Registered Nurse License Number 659697 and Vocational Nurse License Number 119939, and said Order is final.

Effective this 13th day of September 2016.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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