



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 241745 §
issued to DEBRA L. RUSTER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DEBRA L. RUSTER, Registered Nurse License Number 241745, 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)(8), 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 September 28, 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 professional nurse in the State of Texas is in current status.
4. Respondent received a Diploma in Nursing from Mary Meek School- Hendrick Memorial, Abilene, Texas, on July 1, 1977. Respondent was licensed to practice professional nursing in the State of Texas on March 21, 1978.
5. Respondent's complete professional nursing employment history is unknown.

6. On or about August 10, 2016, Respondent's license to practice professional nursing in the State of Oklahoma was issued a REPRIMAND by the Oklahoma Board of Nursing. A copy of the Stipulations, Settlement, and Order, dated August 10, 2016, is attached and incorporated, by reference, as a part of this Order.

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 cause pursuant to Section 301.452(b)(8), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 241745, heretofore issued to DEBRA L RUSTER.
4. 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.

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 9th day of January, 2017.

Debra L. Ruster
DEBRA L. RUSTER, Respondent

Sworn to and subscribed before me this 9th day of January, 2017.

SEAL



Healy Jones
Notary Public in and for the State of Oklahoma

RECEIVED 1/11/17 10:00 AM

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 9th day of January, 20 17, by DEBRA L. RUSTER, Registered Nurse License Number 241745, and said Order is final.

Effective this 13th day of January, 20 17.



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

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF DEBRA LYNN OLSON RUSTER, R.N.
LICENSE NO. R0033508

STIPULATIONS, SETTLEMENT AND ORDER

This matter comes on before the Informal Disposition Panel ("Panel") of the Oklahoma Board of Nursing ("Board") on the 5th day of July, 2016 in the Conference Room of the Board Office, 2901 North Classen Boulevard, Suite 105, Oklahoma City, Oklahoma.

Michele Reading, R.N., a Nurse Investigator with the Board, appears in person, and Debra Lynn Olson Ruster, R.N., (hereinafter, "Respondent") having waived notice voluntarily elected not to appear neither in person nor by counsel, John Wiggins, Esq. before the Panel on this date, without objection by Board staff. Respondent, Respondent's counsel, John Wiggins, Esq. and the Nurse Investigator participated in an investigative conference on May 4, 2016, and subsequently consented to this Stipulations, Settlement and Order ("Order"). The Respondent and her counsel agree that she has received timely Notice of the agreed Stipulations, Settlement and Order to be presented to the Informal Disposition Panel and to the Board.

The Board of Nursing has jurisdiction of this matter and authority to discipline Respondent through 59 O.S. §§567.2 and 567.8 and OAC 485:10-11.

STIPULATIONS

Respondent and the Panel hereby stipulate and agree to the following joint stipulations and proposed Order of the Board incorporating these stipulations and agreements in the above-styled matter.

1. Respondent is licensed to practice registered nursing in the State of Oklahoma and is the holder of License No. R0033508 issued by the Oklahoma Board of Nursing.

2. On or about February 7, 2012, the Respondent, while working as a registered nurse at Central Oklahoma Ambulatory Surgery Center in Oklahoma City, Oklahoma, failed to ensure that a physician order¹ for Radiesse² Volumizing Filler 1.5cc was documented in Patient #1's medical record.

3. Respondent's conduct violates the Oklahoma Nursing Practice Act, 59 O.S. §§567.1, *et seq.*, specifically, §§567.8 A.1.b.2.3.B.3.7. and Board Rules, OAC 485:10-11-1.(a)(b)(2)(3)(H).

4. No formal Complaint has been filed as of the date of these stipulations charging Respondent with violations of the Oklahoma Nursing Practice Act. Respondent understands that Respondent has a right to require that a formal Complaint be filed and the right to a formal hearing before the Board at which time Respondent could confront the witnesses against Respondent, cross-examine those witnesses, and present evidence in Respondent's own behalf. Respondent understands that by signing and agreeing to this Order Respondent is waiving those rights.

¹ Patient #1 had a consult with the plastic surgeon where she consented for treatment. The plastic surgeon provided a letter to the Board stating "I thereafter orally ordered and authorized the Respondent to perform the injection." This statement for a verbal order of Radiesse Volumizing Filler, 1.5 cc was never documented by the Respondent in the medical record of Patient #1.

² Radiesse injectable implant is a sterile, non-pyrogenic, semi-solid, cohesive implant indicated for subdermal implantation for the correction of moderate to severe facial wrinkles and folds, such as nasolabial folds.

5. This Order is executed by the Respondent for the purpose of avoiding further administrative action with respect to this matter. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of this Order. Furthermore, should this Order not be accepted by the Board, it is agreed that presentation to and consideration of this Order and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

6. Respondent fully understands and agrees that this Order will in no way preclude additional proceedings by the Board against Respondent for acts or omissions not specifically made a part of this Order.

7. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this joint stipulation of facts, conclusions of law and imposition of discipline, and the Order of the Board incorporating said stipulations.

8. It is expressly understood that this Order is subject to approval of the Board and has no force and effect until approved and Ordered by the Board.

9. This Order constitutes formal disciplinary action.

STIPULATED DISPOSITION AND ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that Respondent's license to practice registered nursing in the State of Oklahoma remains in effect, and that Respondent is disciplined as follows:

1. Respondent shall, within **ninety (90) days** before or after the receipt of this Order, successfully complete a course on **Nursing Jurisprudence**. Respondent shall obtain Board approval of the course prior to enrollment. Home study courses, video Programs and Internet courses will not be approved. In order for the course to be approved, the target audience must include licensed nurses. It must be a minimum of four (4) contact hours in length. The course must include an examination of the scope of nursing practice from the Oklahoma Nursing Practice Act and Rules of the Board; other laws; policies; and accreditation guidelines that govern the practice of nursing; the role of delegation and supervision; and an exploration of the ethical basis of nursing practice. Courses focusing on malpractice issues will not be accepted. The course description must indicate goals and objectives for the course; resources to be utilized; and the methods to be used to determine successful completion of the course. Respondent shall cause the sponsoring institution to submit verification of Respondent's successful completion of the course to the Board office.

2. Within **sixty (60) days** from receipt of this Order, Respondent shall pay an **administrative penalty** payable to the Oklahoma Board of Nursing in the full amount of **\$500.00**. Partial payments are not accepted. The administrative penalty shall be paid only by certified check, money order or cash.

IT IS FURTHER ORDERED that the license to practice registered nursing held by Respondent is hereby **reprimanded**.

IT IS FURTHER ORDERED that Respondent shall comply in all respects with the Oklahoma Nursing Practice Act, 59 O.S. Sections 567.1, et seq., the Rules, OAC Title 485 Chapters 1 and 10 and Guidelines relating to nursing education, licensure and practice and this Order.

IT IS FURTHER ORDERED, prior to the Respondent's successful completion of this Order, any violations of the Oklahoma Nursing Practice Act by the Respondent, except as set forth herein, may require Respondent's appearance before the Board to **Show Cause** why Respondent's license should not be revoked or other such action taken as the Board deems necessary and proper.

IT IS FURTHER ORDERED that in the event the Certified Mail delivery of Respondent's Order is unsuccessful a process server will be hired to obtain service of the Order. If it is necessary to serve the Respondent by a process server, the Respondent shall reimburse the Board for the actual cost of the process server. The Respondent shall pay to the Board the actual cost of the process service **within sixty (60) days of service of the process served Order**. The process service fee shall be paid only by certified check, money order or cash to the Board.

IT IS FURTHER ORDERED that any failure to comply with submission of the administrative penalty, reimbursement of cost of process server, and/or written documentation by the due date, including but not limited to the proof of successful completion of educational courses, will result in a three (3) month suspension of license. If a license is suspended, all Board ordered classes must be successfully completed and administrative penalty and process server costs must be paid prior to reinstatement of license. At the completion of the three-month suspension, any application for reinstatement may be submitted for processing by Board Staff for approval in accordance with the agency approval process or for referral to the Board. An administrative penalty of \$500.00 for each violation of Respondent's Board Order shall be paid by certified check, money order, or cash prior to reinstatement pursuant to statute, 59 O.S. §567.8.J.1. and 2.; and OAC §485:10-11-2(c) of the Rules promulgated by the Board.

IT IS FURTHER ORDERED that the parties agree that both (all) parties have participated in the drafting of this Order and that no presumption or construction against any party as the drafter of this Order, shall apply or be applied in the event of a claim of ambiguity of the document or a provision thereof.

IT IS FURTHER ORDERED that should this Order not be accepted by the Board, it is agreed that presentation to and consideration of this Order and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

IT IS FURTHER ORDERED that this Order shall become final after anticompetitive review and a determination by the Oklahoma Attorney General, 74 O.S. §18b(A)(5), that the Order is in compliance with the Board's authority and mission to protect the public health, safety and welfare, and Respondent's receipt of the fully executed Order.

IT IS FURTHER ORDERED that this Order shall not be effective until the Respondent has accepted service of the fully executed Order.

IT IS FURTHER ORDERED that upon successful completion of all of the terms and conditions of this Order, no further Order of the Board shall be deemed necessary.

IT IS FURTHER ORDERED that this Order constitutes disciplinary action by the Board and may be used in any subsequent hearings by the Board. In the event other misconduct is reported to the Board, this Order may be used as evidence against Respondent to establish a pattern of behavior and for the purpose of proving additional acts of misconduct.

Debra Olson Ruster
Respondent

John Wiggins
Attorney for Respondent OBA# 9594

Approved and ordered this 19th day of July, 2016.

OKLAHOMA BOARD OF NURSING

By: Susan Jones PhD, APRN-eds
Presiding Board Officer

MR:tj

