



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 ORDER
Registered Nurse License Number 512877 § FOR
issued to SHERYL J. JOOST § KSTAR PILOT PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SHERYL J. JOOST, Registered Nurse License Number 512877, 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 January 19, 2017.

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 Texas Woman's University, Denton, Texas, on December 1, 1983. Respondent was licensed to practice professional nursing in the State of Texas on March 21, 1984.
5. Respondent's nursing employment history includes:

2006-2007	RN Case Manager	Angels Care Home Health Wharton, Texas
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Respondent's nursing employment history continued:

2007-2007	RN Case Manager	Girling Home Health Wharton, Texas
2007-2008	ADON/MDS Coordinator	Avalon Nursing Home Wharton, Texas
02/08-Present	RN Case Manager	Girling Home Health Wharton, Texas

6. At the time of the initial incident, Respondent was employed as a RN Case Manager with Girling Home Health, Wharton, Texas, and had been in that position for seven (7) years and four (4) months.
7. On or about June 8, 2015 while employed as a RN Case Manager with Girling Home Health, Wharton, Texas, Respondent failed to assess, or schedule an assessment of, Patient Number 105500773, after the patient's caregiver notified Respondent that she thought the patient's cellulitis was coming back. Further, Respondent failed to document the notification from the patient's caregiver in the patient's medical record. The patient had been admitted to home health services less than two (2) months earlier with diagnoses of cellulitis of the leg, peripheral vascular disease, diabetes Type II, and history of deep vein thrombosis. When the patient was subsequently assessed four (4) days later, the patient had redness progressing from the ankle up the leg and extreme pain that interfered with ambulation. The patient was later seen by a provider and received antibiotics. Respondent's conduct resulted in an incomplete medical record and in a delay in treatment, and may have contributed to the patient suffering pain interfering with ambulation unnecessarily.
8. On June 19, 2015, while employed as a RN Case Manager with Girling Home Health, Wharton, Texas, Respondent failed to assess, or schedule an assessment of, the aforementioned Patient Number 105500773 after a Licensed Vocational Nurse notified Respondent that the patient continued to have 2+ edema, redness, tenderness to touch, pain, and limping with ambulation with "little to no improvement since beginning her antibiotics". Instead, four (4) days later, Respondent documented in the medical record that the caregiver stated the patient had completed the antibiotics and that the cellulitis took longer to improve this time. Respondent's conduct unnecessarily exposed the patient to risk of harm from un-assessed changes of condition.
9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that June 8, 2015 was a hectic day. Respondent adds that the patient's care giver was aware of signs and symptoms to watch for, and states that the patient had a recertification visit scheduled on June 11, 2015. Respondent further states that an LVN documented the 2+ edema only in a separate case note and not on the visit note. In addition, Respondent expressed frustration with the workload, favoritism, and a hostile work environment.

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),(1)(Q)&(3)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C)&(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 512877, heretofore issued to SHERYL J. JOOST.
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. KNOWLEDGE, SKILLS, TRAINING, ASSESSMENT AND RESEARCH (KSTAR) PILOT PROGRAM

IT IS AGREED and ORDERED that RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the Knowledge, Skills, Training, Assessment and Research (KSTAR) Pilot Program and RESPONDENT SHALL:

- (A) Within forty-five (45) days of entry of this Order, apply to and enroll in the KSTAR Pilot Program, including payment of any fees and costs, unless otherwise agreed in writing;
- (B) Submit to an individualized assessment designed to evaluate RESPONDENT'S nursing practice competency and to support a targeted remediation plan;
- (C) Follow all requirements within the remediation plan, if any;
- (D) Successfully complete a Board-approved course in Texas nursing jurisprudence and ethics as part of the KSTAR Pilot Program; and
- (E) Provide written documentation of successful completion of the KSTAR Pilot Program to the attention of Monitoring at the Board's office.

IV. FURTHER COMPETENCY ISSUES AND VIOLATIONS

IT IS FURTHER AGREED, SHOULD RESPONDENT'S individualized KSTAR Pilot Program assessment identify further competency issues and violations of the Nursing Practice Act, including inability to practice nursing safely, further disciplinary action, up to and including revocation of Respondent's license(s) to practice nursing in the State of Texas, may be taken based on such results in the assessments.

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.

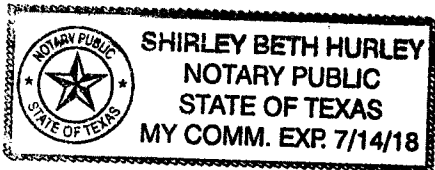
Signed this 2 day of Dec., 2016.

Sheryl J. Joost
SHERYL J. JOOST, Respondent

Sworn to and subscribed before me this 2 day of December, 2016.

SEAL

Shirley B Hurley
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 2nd day of December, 2016, by SHERYL J. JOOST, Registered Nurse License Number 512877, and said Order is final.

Effective this 19th day of January, 2017.



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