

# BEFORE THE TEXAS BOARD OF NURSING

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|----------------------------------------|---|--------|
| In the Matter of                       | § | AGREED |
| Vocational Nurse License Number 101372 | § |        |
| issued to PATRICIA A FERRARA           | § | ORDER  |

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of PATRICIA A FERRARA, Vocational Nurse License Number 101372, 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 March 14, 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 vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Manatee Area Vocational Technical Center, Bradenton, Florida, on December 18, 1981. Respondent was licensed to practice vocational nursing in the State of Texas on August 11, 1983.
5. Respondent's nursing employment history includes:

|                 |                           |                      |
|-----------------|---------------------------|----------------------|
| 08/1983-11/1985 | Licensed Vocational Nurse | Seton Medical Center |
|                 |                           | Austin, Texas        |

Respondent's nursing employment history, continued:

|                 |                                |                                                                    |
|-----------------|--------------------------------|--------------------------------------------------------------------|
| 12/1985-03/1990 | Licensed Vocational Nurse      | Austin Regional Clinic<br>Austin, Texas                            |
| 04/1990-11/1991 | Licensed Vocational Nurse      | North Texas Medical Center<br>McKinney, Texas                      |
| 11/1991-09/1995 | Utilization Review Coordinator | Prudential-Prucare of North<br>Texas<br>Addison, Texas             |
| 10/1995-12/1995 | Unknown                        |                                                                    |
| 01/1996-09/1996 | Licensed Vocational Nurse      | Oklahoma City Clinic<br>Oklahoma City, Oklahoma                    |
| 09/1996-10/1997 | Licensed Vocational Nurse      | St. Anthony Women's Center<br>Shawnee, Oklahoma                    |
| 11/1997-05/2003 | Licensed Vocational Nurse      | St. Anthony Occupational<br>Health<br>Shawnee, Oklahoma            |
| 06/2003-03/2004 | Unknown                        |                                                                    |
| 04/2004-07/2006 | Licensed Vocational Nurse      | Unity Health Center<br>Shawnee, Oklahoma                           |
| 08/2006-09/2006 | Licensed Vocational Nurse      | Tecumseh Family Medicine<br>Tecumseh, Oklahoma                     |
| 10/2006-05/2007 | LVN Coder                      | Emergency Physicians Billing<br>Service<br>Oklahoma City, Oklahoma |
| 05/2007-01/2008 | Licensed Vocational Nurse      | Unity Health Multi-Specialty<br>Center<br>Shawnee, Oklahoma        |
| 02/2008-11/2009 | Licensed Vocational Nurse      | Unity Health Center<br>Shawnee, Oklahoma                           |

Respondent's nursing employment history, continued:

|                 |                           |                                                              |
|-----------------|---------------------------|--------------------------------------------------------------|
| 06/2008-08/2009 | Licensed Vocational Nurse | Pediatric Home Health<br>Oklahoma City, Oklahoma             |
| 10/2009-12/2009 | Licensed Vocational Nurse | Concentra Medical<br>Addison, Texas                          |
| 12/2009-08/2010 | Licensed Vocational Nurse | Medical Clinic of North Texas<br>North Richland Hills, Texas |
| 09/2010-08/2016 | Licensed Vocational Nurse | JPS Health System<br>Fort Worth, Texas                       |
| 09/2016-10/2016 | Unemployed                |                                                              |
| 10/2016-Present | Licensed Vocational Nurse | Texas Health MedSynergies<br>Irving, Texas                   |

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with JPS Health Network, Fort Worth, Texas, and working in the Gertrude Tarpley Health Center, Watauga, Texas, and had been in that position for three (3) months.
7. On or about September 18, 2014, while employed as a Licensed Vocational Nurse with JPS Health Network, Fort Worth, Texas, and working in the Gertrude Tarpley Health Center, Watauga, Texas, Respondent failed to administer vaccines to Patient Number 51071304 as ordered by the physician. Respondent's conduct was likely to injure the patient by placing the patient at risk of contracting illnesses the ordered vaccines were intended to prevent.
8. On or about October 9, 2014, while employed as a Licensed Vocational Nurse with JPS Health Network, Fort Worth, Texas, and working in the Gertrude Tarpley Health Center, Watauga, Texas, Respondent administered a Depo-Provera injection to Patient Number 36842508 without a valid physician's order. Respondent's conduct was outside her authorized scope of practice as a Licensed Vocational Nurse, and deprived the patient of the benefit of a physician's expertise.
9. On or about January 12, 2015, while employed as a Licensed Vocational Nurse with JPS Health Network, Fort Worth, Texas, and working in the Gertrude Tarpley Health Center, Watauga, Texas, Respondent administered the incorrect pneumonia vaccine to Patient Number 34840298. Specifically, Respondent administered Prevnar 13 (PCV13), when the physician's order was for Pneumovax (PPSV23). Respondent's conduct was likely to injure the patient from a non-efficacious vaccination regime.

10. On or about May 8, 2015, while employed as a Licensed Vocational Nurse with JPS Health Network, Fort Worth, Texas, and working in the Gertrude Tarpley Health Center, Watauga, Texas, Respondent administered the incorrect pneumonia vaccine to Patient Number 51158981. Specifically, Respondent administered Pneumovax (PPSV23), when the physician's order was for Prevnar 13 (PCV13). Respondent's conduct was likely to injure the patient from adverse effects of a non-efficacious vaccination regimen.
11. On or about October 30, 2015, while employed as a Licensed Vocational Nurse with JPS Health Network, Fort Worth, Texas, and working in the Gertrude Tarpley Health Center, Watauga, Texas, Respondent administered the incorrect vaccine to Patient Number 9520735. Specifically, Respondent administered the Tdap (tetanus, diphtheria, pertussis) vaccine, when the physician's order was for the Hepatitis B vaccine. Respondent's conduct was likely to injure the patient from a non-efficacious vaccination regime, and may have placed the patient at risk of contracting the illness the ordered vaccine was intended to prevent.
12. On or about July 27, 2016, while employed as a Licensed Vocational Nurse with JPS Health Network, Fort Worth, Texas, and working in the Gertrude Tarpley Health Center, Watauga, Texas, Respondent administered the incorrect vaccine to Patient Number 51218727. Specifically, Respondent administered the varicella vaccine, when the physician's order was for the varicella and MMR (measles, mumps, rubella) combination vaccine. Respondent's conduct was likely to injure the patient from adverse effects of a non-efficacious vaccination regimen, and may have placed the patient at risk of contracting illnesses the ordered vaccines were intended to prevent.
13. In response to the incidents in Findings of Fact Numbers Seven (7) through Twelve (12), Respondent states she was in a rush preparing the vaccine because the patient would scream and cry the moment he entered the clinic. Respondent states she immediately reported her error to the physician and the incident upset her tremendously. Respondent states this was her first time administering a Depo-Provera injection at a nurse visit and thought it was an "automatic order." Respondent states her error in administering PCV13 instead of the physician-ordered PPSV23 was due to a complete communication breakdown, and she now knows the two vaccines are kept in separate refrigerators. Respondent states her error in administering PPSV23 instead of the physician-ordered PCV13 was due to the fact that she was hurried at the time and interpreted the order as being for PPSV23. Respondent states she was extremely busy when she erroneously administered Tdap instead of the physician-ordered Hepatitis B vaccine. Respondent states when she retrieved the vaccine, her brain registered seeing "HEP B" on the vial, when she had actually retrieved the Tdap vaccine. Regarding her erroneous administration of the varicella vaccine instead of the physician-ordered MMR and varicella combination vaccine, Respondent states she removed a varicella vaccine from the refrigerator and did not read the label carefully. Respondent states she was overconfident and failed to triple check the vaccine against the physician's 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 to prove violation(s) of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(C)&(1)(M), and 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 Vocational Nurse License Number 101372, heretofore issued to PATRICIA A. FERRARA, 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, subject to ratification by the Texas Board of Nursing, that Vocational Nurse License Number 101372, previously issued to PATRICIA A FERRARA, to practice nursing in Texas is hereby **SUSPENDED** with the suspension **STAYED** and Respondent is hereby placed on **PROBATION**, in accordance with the terms of this Order, for a minimum of two (2) years **AND** until Respondent fulfills the requirements 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. A Board-approved course in medication administration with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components be provided by the same Registered Nurse. The course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the six (6) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The clinical component SHALL focus on tasks of medication administration only. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.

- 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](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 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 individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual 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. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is

reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

**VI. 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

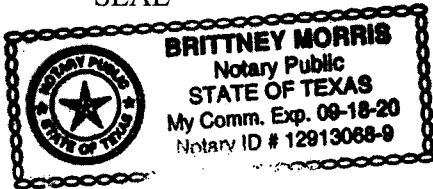
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said 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 15<sup>th</sup> day of APRIL, 2017.

Patricia A Ferrara  
PATRICIA A. FERRARA, Respondent

Sworn to and subscribed before me this 15<sup>th</sup> day of APRIL, 2017.

SEAL



B. Morris  
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 15<sup>th</sup> day of April, 2017, by PATRICIA A. FERRARA, Vocational Nurse License Number 101372, and said Order is final.

Effective this 9<sup>th</sup> day of May, 2017.

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

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