



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

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In the Matter of	§	AGREED
Vocational Nurse License Number 61124	§	
issued to JAN KENNON RODGERS	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JAN KENNON RODGERS, Vocational Nurse License Number 61124, 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 April 20, 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 Lubbock School of Vocational Nursing, Lubbock, Texas, on June 2, 1974. Respondent was licensed to practice vocational nursing in the State of Texas on August 24, 1974.
5. Respondent's nursing employment history includes:

8/1974-2004	Unknown	
2005 - Present	Licensed Vocational Nurse	Nurse Finders Lubbock, Texas



Respondent's nursing employment history continued:

5/2011 - Present	Licensed Vocational Nurse	The Plaza at Lubbock Lubbock, Texas
8/2011 - 9/2016	Licensed Vocational Nurse / Private Duty Nurse	Interim Health Care of West Texas Lubbock, Texas
10/2016 - 12/2016	Unknown	
1/2017 - Present	Licensed Vocational Nurse	Epic Home Health, Inc. Lubbock, Texas

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse / Private Duty Nurse with Interim Health Care of West Texas, Lubbock, Texas, and had been in that position for five (5) years and one (1) month.
7. On or about September 12, 2016, through September 29, 2016, while employed with Interim Health Care of West Texas, Lubbock, Texas, and performing Private Duty Nursing Duties for Patient Number 521634639 while attending Evans Middle School, Lubbock, Texas, Respondent was observed exhibiting disruptive and unprofessional conduct by continuously talking loudly while in class with the student. Respondent's conduct could have affected her ability to adequately monitor and care for the patient while in class at school.
8. On or about September 12, 2016, through September 29, 2016, while employed with Interim Health Care of West Texas, Lubbock, Texas, and performing Private Duty Nursing Duties for the aforementioned Patient Number 521634639 while attending Evans Middle School, Lubbock, Texas, Respondent inaccurately documented the time carrying for Patient Number 521634639. Respondent documented that she was on duty at 0800, but arrived anywhere from fifteen (15) minutes to forty (40) minutes late. Respondent's conduct resulted in an inaccurate medical record, and was likely to injure the patient from a delay in treatment, if needed, due to not being at the school with the patient.
9. On or about September 12, 2016, through September 29, 2016, while employed with Interim Health Care of West Texas, Lubbock, Texas, and performing Private Duty Nursing Duties for the aforementioned Patient Number 521634639 while attending Evans Middle School, Lubbock, Texas, Respondent falsified documentation stating she completed an assessment of the patient, but was observed not having the proper equipment to perform an assessment. Respondent was also observed not performing assessments on the patient while at school. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would not have accurate and complete information on which to base their care decisions.
10. On or about September 12, 2016, through September 29, 2016, while employed with Interim

Health Care of West Texas, Lubbock, Texas, and performing Private Duty Nursing Duties for the aforementioned Patient Number 521634639 while attending Evans Middle School, Lubbock, Texas, Respondent failed to reposition the patient every two (2) hours, as ordered. Respondent's conduct unnecessarily exposed the patient to risk of harm by not adequately caring for and monitoring skin integrity.

11. In response to the incidents in Findings of Facts Numbers Seven (7) and Eight (8), Respondent states she arrived at school between 0800 and 0810 because the patient's bus would arrived between 0815 and 0820, and that she would document 0800 to 1600 on time sheets and nursing documentation. Respondent states she would notify the school and the patient's mother when she was going to be late. In response to the incident in Finding of Fact Number Nine (9), Respondent states she would complete assessments in the afternoon when she and the patient would arrive at home. In response to the incident in Finding of Fact Number Ten (10), Respondent states the only activity the patient could tolerate was being up in the chair or wedge for feedings, and that patient would be placed on a mat for diaper changes and placed back in a chair.

#### 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)(D),(1)(M)&(2)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(6)(A).
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 61124, heretofore issued to JAN KENNON RODGERS.
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 AND A FINE** 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. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders," which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

## IV. 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 nursing documentation that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. Home study courses and video programs will not be approved.
- 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).*

#### V. MONETARY FINE

RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00) within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

#### VI. 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 four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as a nurse have elapsed. 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. **Incident Reporting:** While employed as a Licensed Vocational Nurse with Epic Home Health, Inc., Lubbock, Texas, RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.
- D. **Indirect Supervision:** Should Respondent's employment as a Licensed Vocational Nurse with Epic Home Health, Inc., cease or change, 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 four (4) quarters [one (1) year] of employment as a nurse.

## **VII. 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

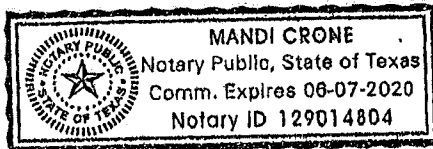
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said 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 24<sup>th</sup> day of July, 2017.

JAN KENNON RODGERS  
JAN KENNON RODGERS, Respondent

Sworn to and subscribed before me this 24 day of July, 2017.

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 24th day of July, 2017, by JAN KENNON RODGERS, Vocational Nurse License Number 61124, and said Order is final.

Effective this 12th day of September, 2017.

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