

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
Registered Nurse License Number 572261	§	
issued to EULA ANNETTE MILLER	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of EULA ANNETTE MILLER, Registered Nurse License Number 572261, 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 September 18, 2017.

FINDINGS OF FACT

- 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).
- Respondent waived notice and hearing, and agreed to the entry of this Order.
- Respondent's license to practice as a professional nurse in the State of Texas is in current status.
- Respondent received a Baccalaureate Degree in Nursing from the University of Texas, Arlington, Texas, on May 6, 1991. Respondent was licensed to practice professional nursing in the State of Texas on August 26, 1991.
- Respondent's nursing employment history includes:
 

09/1991 - 01/2000	Staff Nurse	Cook's Ft. Worth Children's Hospital Fort Worth, Texas
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Respondent's nursing employment history continued:

02/2000 - 07/2001	Unknown	
08/2001- 08/2006	School Nurse	Mansfield I. S. D. Mansfield, Texas
09/2006 - 12/2006	Unknown	
01/2007 - 05/2014	Home Health Nurse	Tritrax Home Health Arlington, Texas
06/2014 - 07/2014	Unknown	
08/2014 - 05/2016	Home Health Nurse	LHC/DFW Home Health Dallas, Texas
04/2016 - 06/2016	Staff Nurse	Life Care Hospital/Rehabilitation Fort Worth, Texas
06/2016 - Present	Home Health Nurse	Tender Heart Home Health Arlington, Texas

6. At the time of the incident, Respondent was employed as a Staff Nurse with Life Care Hospital, Fort Worth, Texas, and had been in that position for two (2) months.
7. On or about June 3, 2016, while employed as a Staff Nurse with Life Care Hospital, Fort Worth, Texas, Respondent documented telephonic physician orders for medication and general admission orders in the medical record of Patient Number 15773, without notifying or obtaining authorization from the physician. Respondent's conduct exceeded her scope of practice and was likely to injure the patient from clinical care decisions formulated based on inaccurate and inappropriate assessment information, which is designated to a physician.
8. In response to the incident in Finding of Fact Number Seven, Respondent states that she was still officially on orientation for rehabilitative patient care due to lack of experience in hospital nursing. Respondent states that on this night she was assigned eight (8) patients with no preceptor. Respondent states that she explained to the Nursing Supervisor that she had never been trained in the Intensive Care Unit (ICU), and the Nursing Supervisor told her, "well you're not on orientation anymore. This is how we do it here at LifeCare. You are the only nurse working and you're just gonna have to figure it out. There is no other nurse

working tonight, so deal with it.” Respondent states that she tried to refuse, telling the Nursing Supervisor over and over that she wasn’t trained to take this type of patient load and that she did not feel this was safe. Respondent states that she also tried calling the Director on Nursing, leaving several voice messages and text messages, with no returned calls. Respondent states that after the shift was over and gave report to the oncoming nurse, she went to the Nursing Supervisor and resigned, telling her that she could not work in a facility that required untrained nurses to work in such an unsafe, working 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)&(3)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C)&(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 Registered Nurse License Number 572261, heretofore issued to EULA ANNETTE MILLER.
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:** 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. **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.

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 29 day of NOVember, 2017.

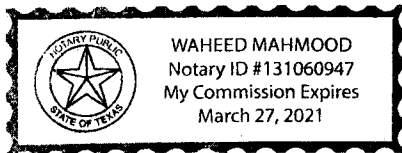
Eula Annette Miller  
EULA ANNETTE MILLER, Respondent

Sworn to and subscribed before me this 29 day of November, 2017.

SEAL

Waheed Mahmood

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 29<sup>th</sup> day of November, 2017, by EULA ANNETTE MILLER, Registered Nurse License Number 572261, and said Order is final.

Effective this 18th day of January, 2018.



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