

Respondent's nursing employment history continued:

10/1997 - 07/2005	Licensed Vocational Nurse	Conroe Regional Medical Center Conroe, Texas
08/2005 - 05/2006	Unknown	
06/2006 - 12/2007	Licensed Vocational Nurse	Willis Nursing and Rehabilitation Willis, Texas
01/2008 - 05/2008	Unknown	
06/2008 - 11/2008	Licensed Vocational Nurse	Healthsouth Rehabilitation of North Houston Houston, Texas
12/2008 - 09/2010	Licensed Vocational Nurse	Nexus Specialty Hospital Shenandoah, Texas
06/2011 - 02/2012	Licensed Vocational Nurse	Epic-Med Houston, Texas
02/2012 - 10/2012	Licensed Vocational Nurse	Advocate Pediatric Conroe, Texas
11/2012 - 01/2013	Unknown	
02/2013 - 08/2016	Licensed Vocational Nurse	MedCare Pediatrics Stafford, Texas
08/2016 - Present	Licensed Vocational Nurse	PSA Healthcare Houston, Texas
09/2016 - Present	Licensed Vocational Nurse	Epic Health Services Houston, Texas

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with MedCare Pediatrics, Stafford, Texas, and had been in that position for approximately three (3) years and five (5) months.
7. On or about July 30, 2016, while employed as a Licensed Vocational Nurse with MedCare Pediatric Nursing, LP, Stafford, Texas, and assigned to provide nursing care to Patient AW, Respondent lacked fitness to practice vocational nursing in that she was found sleeping while

caring for said patient, who is ventilator and monitor dependent, and who requires frequent suctioning to maintain a clear airway. Respondent's conduct was likely to injure the patient in that it adversely affected her ability to recognize subtle signs, symptoms or changes in the patient's conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.

8. On or about August 4, 2016, while employed as a Licensed Vocational Nurse with MedCare Pediatric Nursing, LP, Stafford, Texas, and assigned to provide nursing care to Patient AW, Respondent lacked fitness to practice vocational nursing in that she was found sleeping while caring for said patient, who is ventilator and monitor dependent, and who requires frequent suctioning to maintain a clear airway. Furthermore, when the patient began coughing, Respondent failed to wake-up to suction her. Subsequently, Respondent admitted to "dozing" during her shift. Respondent's conduct was likely to injure the patient in that it adversely affected her ability to recognize subtle signs, symptoms or changes in the patient's conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger.
9. On or about August 4, 2016, while employed as a Licensed Vocational Nurse with MedCare Pediatric Nursing, LP, Stafford, Texas, Respondent removed a pillow from underneath the head of Patient AW which caused the patient's unsupported head to hit the mattress. Furthermore, Respondent failed to check and/or change the patient throughout the night, and left the patient's breathing treatment on after it was complete. Respondent's conduct was likely to cause emotional, physical, and/or psychological harm to the patient. Respondent's conduct exposed the patient unnecessarily to a risk of harm from inadequate treatment.
10. In response to the incidents in Findings of Fact Numbers Seven (7) through Nine (9), Respondent states she was sleeping and was not awake to monitor the client and she was not consciously aware of sleeping. Respondent states that she had requested to transfer to day shift as she was having difficulty with awareness during the night shifts. Respondent states that during her meeting with management, she brought up her concerns that she recently began a new medication package on July 25, 2016, and that the pill was smaller, a different color, and in different packaging. Respondent states that on August 17, 2016, she discovered that she has been given the wrong medication, labeled as her usual medication. Respondent states that she went to her doctor and he told her that this medication error is the reason why she was falling asleep. Respondent states that after viewing the video from the DFPS investigator, she did not support the clients head, but removed the pillow from beneath her head in slow increments. Respondent states that it was not done in a way to cause harm. Respondent adds that she was not awake to provide incontinent care. Respondent states she cannot confirm or deny that she left the nebulizer running as she does not recall.

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)&(1)(T) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(D),(1)(E),(4),(5)&(6)(C).
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 148166, heretofore issued to ANGELA LEANN DAVIS.
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. As a result of this Order, Respondent's license(s) will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state.

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. 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.*

V. **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. **Indirect Supervision:** 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.

- 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.

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, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, 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.

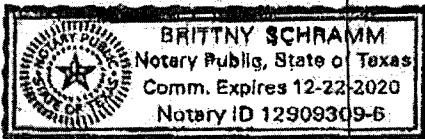
Signed this 14 day of July, 2018.

Angela Leann Davis
ANGELA LEANN DAVIS, Respondent

Sworn to and subscribed before me this 14th day of July, 2018.


SEAL

Brittany Schramm
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 14th day of July, 2018, by ANGELA LEANN DAVIS, Vocational Nurse License Number 148166, and said Order is final.

Effective this 21st day of August, 2018.



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