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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 761820 §
& Vocational Nurse License Number 194075 §
issued to VIKKI LYNN JOHNSON § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of VIKKI LYNN JOHNSON, Registered Nurse License Number 761820 and Vocational Nurse License Number 194075, 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 August 3, 2018.

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. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Nursing from Alvin Community College, Alvin, Texas, on May 11, 2004, and received an Associate Degree in Nursing from Excelsior College, Albany, New York, on June 1, 2008. Respondent was licensed to practice vocational nursing in the State of Texas on July 20, 2004, and was licensed to practice professional nursing in the State of Texas on October 14, 2008.

5. Respondent's nursing employment history includes:

11/08 - 08/13	Unknown	
09/13 - 07/14	RN	Gentiva/Girling Austin, Texas
06/14 - 11/14	RN	Harbor Hospice Austin, Texas
12/14 - 11/17	RN	Community Hospice of Texas Fort Worth, Texas
12/17 - Present	RN	Alpha Omega Hospice Hurst, Texas

6. During the period of 2017, while employed as a Registered Nurse with Community Hospice of Texas, Fort Worth, Texas, Respondent failed to follow the agency's policy and procedure for wastage of Roxanol when she accepted a bottle of Roxanol from a deceased patient's family and agreed to discard it for them. Further, Respondent placed the bottle of Roxanol in her work bag and did not immediately waste the medication. Respondent's conduct left medications unaccounted for.
7. On or about November 12, 2017, while employed as a Registered Nurse with Community Hospice of Texas, Fort Worth, Texas, and on-call, Respondent failed to obtain a physician's order for a refill of Roxanol for patient L.E. after the patient's family had informed her the patient was in pain and was out of Roxanol. Respondent instead reached into her work bag and pulled a bottle of Roxanol, which had belonged to a different hospice patient, and administered the Roxanol to patient L.E. Further, Respondent left the bottle of Roxanol in patient LE's home, despite the bottle not having a patient label or directions for use. Respondent's conduct was likely to injure the patient in that failure to administer medication as ordered by a physician could have resulted in non-efficacious treatment.
8. On or about November 12, 2017, while employed as a Registered Nurse with Community Hospice of Texas, Fort Worth, Texas, and on-call, Respondent failed to document the nursing care provided to patient L.E., or failed to submit documentation of the care provided to patient L.E. to the agency in a timely manner. Respondent's conduct resulted in an incomplete medical record and was likely to injure the patient in that subsequent care givers would not have complete information on which to base their care decisions.
9. In response to Finding of Fact Number Six (6), Respondent states that after a patient's demise, the patient's family urged Respondent to take the medication as they did not want to waste it and wanted it out of the house. Rather than refusing and upsetting the grieving

family, Respondent threw the bag of medicine into her work bag and left their house. Respondent states it did not take long for her to forget about the medicine. In regards to Finding of Fact Number Seven (7), Respondent states she arrived to the patient's home in the evening, then proceeded to assess the patient and obtain various orders for medications from the physician. After she called in various medications to a pharmacy, she was made aware by the patient's family member that the patient was out of Roxanol. At this point, Respondent realized it would take the pharmacy a few hours to deliver the medications to the patient, and she remembered the unopened bottle Roxanol in her bag. Respondent's states the bottle had the manufacturer's label on it saying what medication and strength it was, but it did not have another's patient's name on it. Respondent took the unopened bottle of Roxanol out of her bag, opened the bottle, and gave the patient a dose. The medication was effective, and when she left the patient's apartment, he was comfortable. In regards to Finding of Fact Number Eight (8), she did not document the visit right away, as she still had another patient to see that evening, and due to the time she arrived to her house, she planned to complete her documentation the next day. However, the following day, the documentation slipped her mind, and after completing several errands she took a nap. She was woken from her nap by a phone call from her director, who instructed her to go to her office with all her equipment. Respondent attempted to complete her documentation prior to going into the office, but her access to the charting program had been disabled.

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)(D),(1)(G)&(1)(P) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(10)(C).
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 761820 and Vocational Nurse License Number 194075, heretofore issued to VIKKI LYNN JOHNSON.
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. **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 must 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.

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. Incident Reporting:** While employed as a Registered Nurse with Alpha-Omega Hospice, LP, Hurst, Texas, RESPONDENT SHALL CAUSE her 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 for future employers:** Should Respondent's employment as a Registered Nurse with Alpha-Omega Hospice, LP, Hurst,

Texas, 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.

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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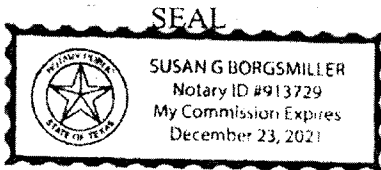
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I 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 8th day of August, 2018.

Vicki Johnson
VIKKI LYNN JOHNSON, Respondent

Sworn to and subscribed before me this 8th day of August, 2018.



Susan G. Borgsmiller
Notary Public in and for the State of Texas

Approved as to form and substance.
[Signature]
JOANNA H. MARTIN, Attorney for Respondent

Signed this 8th day of August, 2018

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 8th day of August, 2018, by VIKKI LYNN JOHNSON, Registered Nurse License Number 761820 and Vocational Nurse License Number 194075, and said Order is final.

Effective this 11th day of September, 2018.



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