



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

In the Matter of
Registered Nurse License Number 622798
issued to PHYLLIS N. JANUARY

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AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of PHYLLIS N. JANUARY, Registered Nurse License Number 622798, 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)(8), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on September 5, 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 Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from McLennan Community College, Waco, Texas, on May 1, 1995. Respondent was licensed to practice professional nursing in the State of Texas on October 3, 1995.
5. Respondent's nursing employment history includes:

5/1995 – 10/1995

Graduate Nurse

Hillcrest Baptist Medical
Center
Waco, Texas

Respondent's nursing employment history continued:

10/1995 – 9/2006	RN	Hillcrest Baptist Medical Center Waco, Texas
10/2006 – 01/2008	Unknown	
02/2008 – 03/2011	RN	Priority Nursing Agency Waco, Texas
03/2011 – 04/2014	RN	Lake Whitney Medical Center Whitney, Texas
08/2014 – 05/2017	RN	Atlas Medical Staffing Omaha, Nebraska
07/2017 – Present	RN	CHI St. Joseph Health Madisonville, Texas

6. On or about February 9, 2010, Respondent was issued the sanction of Warning with Stipulations through an Order of the Board. A copy of the February 9, 2010, Order is attached and incorporated herein by reference as part of this Agreed Order. On or about March 19, 2013, Respondent successfully completed the terms of the Order.
7. On or about June 28, 2018, Respondent's Privilege to Practice nursing in the State of New Mexico was Revoked through a Final Decision and Default Order of Revocation issued by the New Mexico Board of Nursing, Albuquerque, New Mexico. A copy of the New Mexico Board of Nursing's Final Decision and Default Order of Revocation dated June 28, 2018, is attached and incorporated, by reference, as part of this Order.
8. Formal Charges were filed on August 27, 2018.

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 cause pursuant to Section 301.452(b)(8), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 622798, heretofore issued to PHYLLIS N. JANUARY.

4. 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 Registered Nurse License Number 622798, previously issued to PHYLLIS N. JANUARY, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **STAYED** and RESPONDENT is hereby placed on **PROBATION** for a minimum of two (2) years **AND** until RESPONDENT fulfills the additional 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. 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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed 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 and video programs will not be approved.
- B. **A Board-approved course in physical assessment** 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 physical assessment of all body systems. The clinical component SHALL include physical assessment of live patients in a clinical setting; Performing assessments on mock patients or mannequins WILL NOT be accepted. 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 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. 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.

VI. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against 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.

VII. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed 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

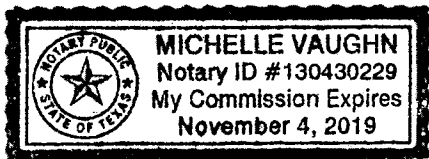
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 17 day of October, 20 18.

Phyllis N. Januara
PHYLLIS N. JANUARA, Respondent

Sworn to and subscribed before me this 17th day of October, 20 18.


SEAL



Michelle Vaughn
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 17th day of October, 2018, by PHYLLIS N. JANUARY, Registered Nurse License Number 622798, and said Agreed Order is final.

Effective this 13th day of November, 2018.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas", is written over a horizontal line.

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



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

In the Matter of Registered Nurse § AGREED
License Number 622798 §
issued to PHYLLIS N. JANUARY § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the I considered the matter of PHYLLIS N. JANUARY, Registered Nurse License Number 622798, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on November 13, 2009, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from McLennan Community College, Waco, Texas, on May 1, 1995. Respondent was licensed to practice professional nursing in the State of Texas on October 3, 1995.
5. Respondent's professional nursing employment history includes:

5/1995-10/1995	Graduate Nurse	Hillcrest Baptist Medical Center Waco, Texas
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Respondent's professional nursing employment history continued:

10/1995-9/2006 RN Hillcrest Baptist Medical Center
Waco, Texas

10/2006-Present Unknown

6. At the time of the initial incident, Respondent was employed as a RN with Hillcrest Baptist Medical Center, Waco, Texas, and had been in this position for ten (10) years and eleven (11) months.
7. On or about September 10, 2006, while employed with Hillcrest Baptist Medical Center, Waco, Texas, Respondent failed to administer Sodium Phosphate to Patient Medical Record Number 580173, as ordered by the physician. Respondent's omission placed the patient at risk of ineffective treatment which could result in a delay in the patient's recovery.
8. On or about September 11, 2006, while employed with Hillcrest Baptist Medical Center, Waco, Texas, Respondent inappropriately administered one hundred fifty (150) units of Humulin R Insulin intravenously to Patient Medical Record Number 580173 in approximately one (1) hour, when the physician order was for thirteen (13) units per hour. When she realized that the one hundred fifty (150) units had infused, Respondent failed to follow physician orders and/or consult the protocol for the administration of Trauma Insulin, which included performing accuchecks and true glucose readings every hour. Later, Respondent also failed to intervene when it was reported to her that the patient's blood sugar was critically low at less than 30mg/dl. Respondent's conduct unnecessarily exposed the patient to the risk of harm from complications due to untreated low blood sugar, including diabetic coma and death.
9. On or about September 13, 2006, while employed with Hillcrest Baptist Medical Center, Waco, Texas, Respondent falsely documented the administration of Propass, Lactinex, Phoslo, and Vancomycin to Patient Medical Record Number 580173, through the patient's Jejunostomy tube (J-tube), which the physician had ordered to be clamped closed. Respondent's behavior was likely to deceive other care givers who needed complete information on which to base their care.
10. In response to the incidents in Finding of Fact Numbers Seven (7) through Nine (9), Respondent states that she did take the physician's order for Sodium Phosphate to the pharmacy, but got busy and didn't follow up on it. Regarding the Insulin infusion, Respondent states that the patient was finishing up with a bedside surgery and the Insulin was hung in haste, which led to the door of the pump being left opened. Respondent states that she did not give the medications listed in Finding of Fact Number Nine (9), that she may have signed the medication administration record as if she had given them, but that she did not administer the drugs through the J-tube.

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 violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(B),(1)(C), (1)(D),(1)(M)&(3)(A) and 217.12(1)(A),(1)(C),(6)(A)&(6)(H).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 622798, heretofore issued to PHYLLIS N. JANUARY, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and RESPONDENT SHALL 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.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic

portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. 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. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form, provided by the Board, to the office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: 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. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form,

provided by the Board, to the Board's office to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete 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 program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address:* <http://www.learningext.com/products/generalce/critical/ctabout.asp>.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) RESPONDENT SHALL be supervised by a Registered 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.

(8) 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 Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

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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 violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, 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 this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and 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 revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

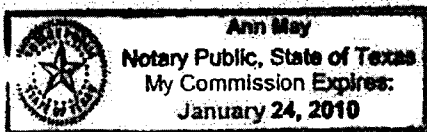
Signed this 31 day of December, 2009.

Phyllis N. January
PHYLLIS N. JANUARY, Respondent

Sworn to and subscribed before me this 31st day of December, 2009.

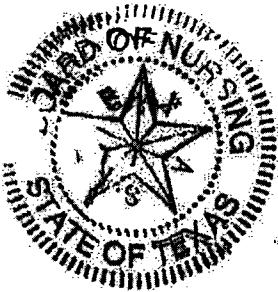
SEAL


Ann May
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 31st day of December, 2009, by PHYLLIS N. JANUARY, Registered Nurse License Number 622798, and said Order is final.

Effective this 9th day of February, 2010.




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

BEFORE THE BOARD OF NURSING
FOR THE STATE OF NEW MEXICO

IN THE MATTER OF:

Case No. 116-16-05-A

Phyllis January,
License No. RN-622798,

Respondent.

FINAL DECISION AND DEFAULT ORDER OF REVOCATION

THIS MATTER came before a quorum of the New Mexico Board of Nursing (the "Board") at a regular meeting held June 8, 2018, at the National Hispanic Cultural Center in Albuquerque, New Mexico, from a complaint filed with the Board that Phyllis January (hereinafter "Respondent") may have violated the New Mexico Nursing Practice Act, NMSA 1978, Section 61-3-1 to -31. No hearing was requested and the matter was presented to the Board. Upon review of the matter the Board voted to revoke Respondent's license by default action. Pursuant to the Nursing Practice Act, NMSA 1978, Section 61-3-28, and the Uniform Licensing Act, NMSA 1978, Section 61-1-3.2, the Board issues the following:

FINDINGS

1. Respondent holds a nursing license under the Nursing Practice Act.
2. The Board voted to issue a Notice of Contemplated Action (NCA) against Respondent, which was signed by the Executive Director on April 19, 2018, stating the Board had sufficient evidence to justify revoking or taking other disciplinary action against Respondent's license based on alleged violations of the New Mexico Nursing Practice Act.

3. The NCA was based on allegations Respondent's actions and inactions constituted incompetence when Respondent misread a patient's vitals, which resulted in death. The NCA cited alleged violations of the Nursing Practice Act, NMSA 1978, Section 61-3-28(A)(3); and Board Rule 16.12.1.9(C)(1) NMAC.
4. The NCA stated that, unless explained or rebutted at a formal hearing, the alleged conduct justified the Board in taking disciplinary action, including revoking Respondent's license.
5. The Board mailed the NCA to Respondent, via certified mail, return receipt requested, to the address on file with the Board.
6. It is required that licensee's maintain a current address with the Board, and the Uniform Licensing Act (ULA), NMSA 1978, Sections 61-1-4 and -5, notice "shall be deemed to have been served on the date borne by the return receipt showing delivery or the last attempted delivery of the notice."
7. The Uniform Licensing Act provides if a licensee "does not mail a request for a hearing within the time and in the manner required by this section, the board may take the action contemplated in the notice and such action shall be final and not subject to judicial review." NMSA 1978, § 61-1-4(E).
8. Respondent failed to either request a hearing in response to the NCA or appear at the meeting. No other communication has been received from Respondent.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over Respondent, and Respondent's license, and the subject matter of this proceeding pursuant to the Act and the ULA.

2. Respondent is required by Board rule to maintain a current address with the Board for purposes of communication regarding official business.
3. In accordance with Sections 61-1-4 and -5 of the ULA, Respondent was deemed to be served with the NCA on the date of delivery or last attempted delivery of the notice.
4. The Board may proceed to take the action contemplated in the NCA and such action shall be final and not subject to judicial review, as provided by Section 61-1-4.
5. The Board may revoke or suspend a license by default action if an individual fails to request a hearing and appear before the Board in a disciplinary proceeding.
6. The Board finds a preponderance of the evidence before it at this time supports the allegations that Respondent violated the Nursing Practice Act, NMSA 1978, Section 61-3-28(A)(3), and Board Rule 16.12.1.9(C)(1) NMAC.
7. The Board has complied with all notice and other procedural requirements of the Nursing Practice Act and the ULA.
8. The Board, having reviewed the matter, finds there is sufficient evidence to justify the Board in taking action against Respondent as contemplated in the NCA.

ORDER

Based on these Findings of Fact and Conclusions of Law, a quorum of the Board voted to revoke Respondent's license by default action.

IT IS THEREFORE ORDERED that Respondent's license is hereby
REVOKED by DEFAULT.

IT IS SO ORDERED.

28 June 2018

DATE

/s/ Ann Green

DR. L. ANN GREEN, CHAIR
NEW MEXICO BOARD OF NURSING

*Signature executed via e-mail
authorization dated 06/28/2018*

JUDICIAL REVIEW

This Order constitutes a final decision for purposes of initiating any contemplated judicial review. An aggrieved party may request review of this Order by filing Petition for Writ of Certiorari under Rule 1-075 NMRA within thirty (30) days of the date of filing of the final decision. A default order issued pursuant to NMSA 1978, Section 61-1-4(E) is not subject to judicial review as a matter of right under the ULA or the Nursing Practice Act, but is a matter of discretion made only by the District Court. Any pleadings filed should be served on the Board's counsel, Assistant Attorney General Joseph Dworak, jdworak@nmag.gov.