



5. Respondent's nursing employment history includes:
 

8/2012 - -9/2012	Unknown	
9/2012 - 12/2017	Registered Nurse	BSWH Baylor University Medical Center Dallas, Texas
12/2017 - Present	Unknown	
6. At the time of the incident, Respondent was employed as a Registered Nurse with BSWH Baylor University Medical Center, Dallas, Texas, and had been in that position for five (5) years and three (3) months.
7. On or about December 7, 2017, while employed with BSWH Baylor University Medical Center, Dallas, Texas, Respondent engaged in unprofessional behavior in that she was laughing at Patient MR10409350 through the window of their room and telling staff, "Hey, look at this," after the patient had turned themselves upside down in their bed. Respondent's conduct could have caused emotional injury to the patient and could have interfered or disrupted this patient's treatment.
8. On or about December 7, 2017, while employed with BSWH Baylor University Medical Center, Dallas, Texas, Respondent took a photo of Patient MR10409350 without the patient's consent, uploaded the photo to her Snapchat account, and sent the photo via Snapchat to her co-workers. Respondent's conduct exposed the patient unnecessarily to a risk of harm from disclosure of their confidential medical information without their written authorization. Additionally, Respondent represented herself and the facility in an unprofessional manner.
9. In response to Findings of Fact Numbers, Respondent states she was told by another nurse to look at his patient, who was upside down. Respondent admits to laughing at the patient and taking a picture of the patient. Respondent states she showed the picture to her fellow charge nurse and told her to look at what the patient was doing. Respondent states she deleted the picture after showing her co-worker the picture and states the patient was in no harm. Respondent explains she regrets taking the picture and acknowledges it was a serious lack of judgment.
10. Formal Charges were filed on April 23, 2018
11. Formal Charges were mailed to Respondent on April 26, 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 to prove violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(1)(E) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(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 Advanced Practice Registered Nurse License Number AP136342 and Registered Nurse License Number 824509, heretofore issued to ERICA GAYLE SPICER.
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, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of **REMEDIAL EDUCATION WITH 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. 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 courses within one (1) year of the effective date of this Order, unless otherwise specifically indicated:

- A. A 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.
- C. The course "Patient Privacy," a 5.4 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. **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.

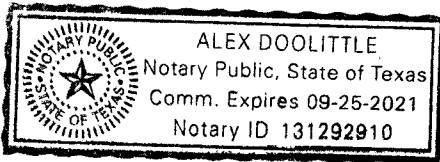
Signed this 9 day of November 2018.

*Erica Gayle Spicer*  
ERICA GAYLE SPICER, Respondent

Sworn to and subscribed before me this 9 day of November, 2018.

SEAL

*Alex Doolittle*  
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 9th day of November, 2018, by ERICA GAYLE SPICER, Advanced Practice Registered Nurse License Number AP136342 and Registered Nurse License Number 824509, and said Order is final.

Effective this 14<sup>th</sup> day of November, 2018.



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