



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 Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 547659 §
& Vocational Nurse License Number 107443 §
issued to TERRY ANN TIJERINA-MILAM § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of TERRY ANN TIJERINA-MILAM, Registered Nurse License Number 547659 and Vocational Nurse License Number 107443, 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 July 3, 2019.

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 delinquent 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 Vocational Nursing from Del Mar College, Corpus Christi, Texas, on September 19, 1984; and Respondent received an Associate Degree in Nursing from Del Mar College, Corpus Christi, Texas, on May 1, 1988. Respondent was licensed to practice vocational nursing in the State of Texas on December 17, 1984, and Respondent was licensed to practice professional nursing in the State of Texas on September 1, 1988.

5. Respondent's nursing employment history includes:

12/84 - 12/15	Unknown	
01/16 - Unknown	RN Supervisor	EduCare Community Living Corpus Christi, Texas
02/17 - 04/17	PRN RN	Port HomeCare Services Corpus Christi, Texas
04/17 - 07/17	Interim DON	Port HomeCare Services Corpus Christi, Texas
07/17 - Present	RN Case Manager	Aadi Home Health Corpus Christi, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse (RN) Supervisor with EduCare Community Living, Corpus Christi, Texas, and had been in that position for six (6) months.
7. On or about July 11, 2016, while employed as a Registered Nurse (RN) Supervisor with EduCare Community Living, Corpus Christi, Texas, Respondent failed to ensure that the Texas Department of Aging and Disability Services (TDADS) Form 1591 - Provider Advocate Committee (PAC) for Resident JG was signed by the CEO/designee and a person employed by the provider who is responsible for service delivery oversight, as required. Respondent's conduct was in violation of (TDADS) and Texas Board of Nursing (TBN) requirements.
8. On or about November 2016, through January 2017, while employed as a Registered Nurse (RN) Supervisor with EduCare Community Living, Corpus Christi, Texas, Respondent failed to ensure that unlicensed personnel were administering scheduled medications and treatments to Residents BJC, BS, and SW, as ordered by the physician. Respondent's conduct was likely to injure the residents in that failing to administer medications and treatments as ordered by the physician could result in the residents suffering from adverse reactions.
9. On or about November 2016, through January 2017, while employed as a Registered Nurse (RN) Supervisor with EduCare Community Living, Corpus Christi, Texas, Respondent failed to ensure that vitals signs and weights were checked and documented monthly for Residents BJC, BS, and SW, as ordered by the physician. Respondent's conduct may have injured the residents in that the healthcare staff would not have current medical information to make decisions for further care.
10. On or about November 2016, through January 2017, while employed as a Registered Nurse (RN) Supervisor with EduCare Community Living, Corpus Christi, Texas, Respondent failed to ensure that the G-tube site of Resident BJC was cleaned daily, as ordered by the physician. Respondent's conduct unnecessarily exposed the resident to a risk of infection.

11. On or about November 7, 2016, while employed as a Registered Nurse (RN) Supervisor with EduCare Community Living, Corpus Christi, Texas, Respondent failed to adequately assess Resident JG when the resident returned to the facility after being discharged from the hospital. Respondent's conduct deprived the resident of detection and timely medical intervention in the event the resident experienced a change in condition.
12. On or about January 2017, while employed as a Registered Nurse (RN) Supervisor with EduCare Community Living, Corpus Christi, Texas, Respondent inappropriately instructed unlicensed personnel to "fix" the medication administration records (MARs) for residents by falsifying the records to ensure that the residents did not appear to be over-medicated or under-medicated. Respondent's conduct was deceptive and created inaccurate medical records.
13. On or about January 2017, while employed as a Registered Nurse (RN) Supervisor with EduCare Community Living, Corpus Christi, Texas, Respondent failed to adequately maintain records in that a Texas Department of Aging and Disability (TDADS) surveyor was unable to locate complete Medication Administration Records (MARs) for the months of October 2016, November 2016, December 2016, and January 2017 for Resident JG. Respondent's conduct created an incomplete medical record and denied officials of the State of Texas information needed to regulate safe and effective delivery of nursing care.
14. On or about January 2017, while employed as a Registered Nurse (RN) Supervisor with EduCare Community Living, Corpus Christi, Texas, Respondent failed to adequately maintain records in that a Texas Department of Aging and Disability (TDADS) surveyor discovered a Special Needs form in the medical record of Resident SW that was not dated. Respondent's conduct created an incomplete medical record and denied officials of the State of Texas information needed to regulate safe and effective delivery of nursing care.
15. On or about January 2017, while employed as a Registered Nurse (RN) Supervisor with EduCare Community Living, Corpus Christi, Texas, Respondent failed to ensure that Resident JG had a consent for, or a physician's order for, the continued use of mits/gloves to prevent self-injury from biting. Respondent's conduct failed to promote a safe environment for the resident by failing to provide the resident with behavioral support.
16. On or about January 2017, while employed as a Registered Nurse (RN) Supervisor with EduCare Community Living, Corpus Christi, Texas, Respondent failed to ensure that Resident BS had a current RN Delegation form in her medical record. Respondent's conduct failed to promote a safe environment for the resident by ensuring that unlicensed personnel had the appropriate training and education necessary to care for the resident's specific needs.

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)(P),(1)(U)&(3) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(1)(F),(4),(6)(A),(6)(H)&(10)(B).
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 547659 and Vocational Nurse License Number 107443, heretofore issued to TERRY ANN TIJERINA-MILAM, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
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 **REPRIMAND 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. **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.
- D. **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.
- E. **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. Incident Reporting for Current Employer:** RESPONDENT SHALL CAUSE Save Home Health Care, Inc, Corpus Christi, Texas, 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, for so long as RESPONDENT remains employed with Save Home Health Care, Inc, Corpus Christi, Texas under the terms of this Order. Multiple employers are prohibited while under the terms of this Order.
- D. Monitored Home Health Practice for Current Employer:** While employed with Save Home Health Care, Inc, Corpus Christi, Texas and for the first year [four (4) quarters] of the Order only, RESPONDENT'S home health nursing practice nursing must be monitored by a Registered Nurse Consultant proficient in the area of home health nursing approved by the Board. RESPONDENT MUST, within ten (10) days of employment in the area of home health nursing, provide to the Board a list of three (3) potential Registered Nurse Consultants, including name, license number, educational experience, and work experience for each. Monitoring shall commence no later than thirty (30) days following the date of Respondent's receipt of the name of the Registered Nurse Consultant selected by the Board. The Registered Nurse Consultant must identify and document individualized goals and objectives, resources to be utilized, and the methods to be used to determine successful completion of the monitoring period relative to the violations identified in this Order. RESPONDENT SHALL meet with the Registered Nurse Consultant at least twice a month, for a minimum of one (1) hour each session. Meetings may be longer and more frequent if the monitor determines necessary. Should Respondent's employment with Save Home Health Care, Inc, Corpus Christi, Texas cease, this stipulation shall have no further effect.

- E. Direct Supervision for Subsequent Employers:** Should Respondent's employment with Save Home Health Care, Inc, Corpus Christi, Texas, cease during 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.
- F. Indirect Supervision for Subsequent Employers:** Should Respondent's employment with Save Home Health Care, Inc, Corpus Christi, Texas, cease after the first year [four (4) quarters] of employment as a Nurse under this Order, 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, for the remainder of the stipulation period, if any. 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.
- G. 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 employer or individual who supervises the RESPONDENT, as applicable, and these reports shall be submitted 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. 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.

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 3 day of July, 2019.

Terry Ann Tijerina-Milam
TERRY ANN TIJERINA-MILAM, Respondent

Sworn to and subscribed before me this _____ day of _____, 20____.

SEAL

Notary Public in and for the State of _____


Approved as to form and substance.

Alejandro Mora
Alejandro Mora, Attorney for Respondent

Signed this _____ day of _____, 20____.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 3rd day of July, 2019, by TERRY ANN TIJERINA-MILAM, Registered Nurse License Number 547659 and Vocational Nurse License Number 107443, and said Order is final.

Effective this 13th day of August, 2019.


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