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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Advanced Practice Registered Nurse License	§	
Number AP110277 with Prescription	§	
Authorization Number 3480	§	
& Registered Nurse License Number 560046	§	
issued to JULIE ANN TESCH	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JULIE ANN TESCH, Advanced Practice Registered Nurse License Number AP110277 with Prescription Authorization Number 3480, and Registered Nurse License Number 560046, 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 Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on September 24, 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 Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status. Respondent's license to practice as an advanced practice registered nurse in the State of Texas with authorization as a Family Nurse Practitioner is in current status with Prescription Authorization Number 3480 in current status.
4. Respondent received an Associate Degree in Nursing from Tallahassee Community College, Tallahassee Florida, on May 1, 1984. Respondent completed a Family Nurse Practitioner Program from the University of Texas, San Antonio, Texas, on May 12, 2000. Respondent was licensed to practice professional nursing in the State of Texas on April 23,

1990. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Family Nurse Practitioner with Prescription Authorization on August 15, 2000.

5. Respondent's nursing employment history includes:

04/1990 – 1991	RN	Travcorps Malden, Massachusetts
1991 – 2000	RN	Brackenridge Hospital Austin, Texas
1998 – 2001	RN Adjunct Professor	Austin Community College Austin, Texas
09/2000 – 04/2001	FNP	Round Rock Health Clinic Round Rock, Texas
03/2001 – 12/2001	FNP	Darnell Army Community Hospital – Killeen, Texas
01/2002 – 05/2005	FNP	Round Rock Health Clinic Round Rock, Texas
02/2002 – 04/2002	RN	SMC Staffing Agency Houston, Texas
04/2002 – 05/2003	FNP	Richardson Rural Clinic Cameron, Texas
07/2003 – 03/2004	FNP	Allergy and Asthma Center of Waco – Waco, Texas
02/2004 – 02/2005	FNP	Health Essentials Austin, Texas
03/2005 – 05/2005	Unknown	
06/2005 – 09/2005	FNP	Sunstar Geriatrics Temple, Texas
10/2005 – 01/2007	FNP	Kowalic Clinic Jourdanton, Texas

Respondent's Nursing Employment History continued:

01/2007 – 03/2008	FNP	Three Rivers Family Clinic Three Rivers, Texas
05/2007 – 09/2007	FNP	House Call Doctors Austin, Texas
04/2008 – 10/2008	Unknown	
11/2008 – 07/2010	FNP	Lonestar Medstaff Houston, Texas
02/2010 – 07/2010	FNP	Redi-Clinic Kyle, Texas
07/2010 – 12/2011	FNP	Access Co Medical Clinic Austin, Texas
01/2012 – 01/2016	Unknown	
02/2016 – 03/2016	FNP	Raphael Community Free Clinic Kerrville, Texas
04/2016 – 06/2016	Unknown	
07/2016 – 02/2017	FNP	Blanco Regional Clinic Blanco, Texas
03/2017 – 09/2018	Unknown	
10/2018 – 08/2019	FNP	Acacia Medical Mission Clinic Spring Branch, Texas
09/2019 – Present	Unknown	

6. At the time of the initial incident, Respondent was employed as an Advanced Practice Registered Nurse with Acacia Medical Mission Clinic, Spring Branch, Texas, and had been in that position for ten (10) months.
7. On or about August 12, 2019, while employed as an Advanced Practice Registered Nurse with Acacia Medical Mission Clinic, Spring Branch, Texas, Respondent, exhibited inappropriate language in front of patients in that after returning from lunch, Respondent was aggressively rude towards a patient who had just arrived, asking if her turn signal

worked, stating she neglected to use it while turning into a parking space. Additionally, upon abruptly leaving the facility, Respondent loudly yelled profanity directed towards patients and staff. Additionally, Respondent's conduct was likely to cause emotional, physical, and/or psychological harm to the patient and could have interfered or disrupted the patient's treatment.

8. On or about August 12, 2019, while employed as an Advanced Practice Registered Nurse with Acacia Medical Mission Clinic, Spring Branch, Texas, Respondent abandoned patients in that she left the facility abruptly after a disagreement with patients and staff, leaving three (3) scheduled patients without a provider. Respondent's conduct exposed the patients unnecessarily to risk of harm in that leaving the nursing assignment could have resulted in the patient not getting the care needed.
9. In response to Finding of Fact Number Seven (7), Respondent states she was driving back from lunch and states a woman was driving and talking on her cell phone and took the turn towards the clinic, cutting her off. Respondent states she parked on the far end and when she entered the clinic she asked the woman (patient) in a very neutral unthreatening voice if her turn signal was broken. Respondent states she talked with the Director and told her the story of the dangerous driving. She states a coworker took the patient aside even after they were talk to about the incident of the patient's driving. Respondent states she suddenly saw red and just said one swear word that was not directed at the immediate staff or patients. She states she told the Director to tell "Richard to blank blank". Respondent states she then walked out but noticed a patient near the front that may have heard it. Respondent states she is very sorry that she had to leave, but was very angry and thought she had been treated unfairly.

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)(I) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(6)(C),(6)(F)&(12).
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 AP110277 with Prescription Authorization Number 3480, and Registered Nurse License Number 560046, heretofore issued to JULIE ANN TESCH.
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 **REMEDIAL EDUCATION** 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 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. 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. 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) and/or privilege(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.

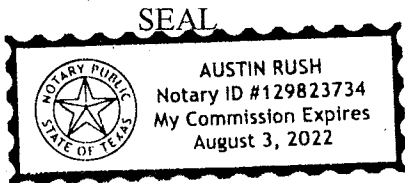
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this 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 becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing 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 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 8 day of Oct, 2019

Julie Tesch
JULIE ANN TESCH, RESPONDENT

Sworn to and subscribed before me this 8 day of October, 2019.



Austin Rush

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 8th day of October, 2019, by JULIE ANN TESCH, Advanced Practice Registered Nurse License Number AP110277, and Registered Nurse License Number 560046, and said Agreed Order is final.

Effective this 16th day of October, 2019.



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