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M. P. Williams
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of
Advanced Practice Registered Nurse License Number
AP122915 with Prescription Authorization Number 13525
& Registered Nurse License Number 737102
issued to MADELINE ELIZABETH BROEMSEN

§ AGREED ORDER
§ FOR
§ DEFERRED DISCIPLINE
§
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On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MADELINE ELIZABETH BROEMSEN, Advanced Practice Registered Nurse License Number AP122915 with Prescription Authorization Number 13525, and Registered Nurse License Number 737102, 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)(13), Texas Occupations Code.

An informal conference was conducted on November 5, 2019, in accordance with Section 301.464, Texas Occupations Code. Respondent appeared in person. Respondent was represented by Courtney Newton, Attorney at Law.

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 for Deferred Discipline.
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 an Acute Care Pediatric Nurse Practitioner is in current status with Prescription Authorization Number 13525 in current status. Respondent's license to practice as an advanced practice registered nurse in the State of Texas with

authorization as a Pediatric Nurse Practitioner is in current status with Prescription Authorization Number 13525 in current status.

4. Respondent received a Baccalaureate Degree in Nursing from Texas Woman's University, Denton, Texas, on December 16, 2006. Respondent completed an Acute Care Pediatric Nurse Practitioner Program from University of Texas at Arlington, Arlington, Texas, on December 15, 2012. Respondent completed a Pediatric Nurse Practitioner Program from University of Texas at Arlington, Arlington, Texas, on August 1, 2012. Respondent was licensed to practice professional nursing in the State of Texas on January 23, 2007. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as an Acute Care Pediatric Nurse Practitioner on April 2, 2013. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as an Acute Care Pediatric Nurse Practitioner with Prescription Authorization on April 2, 2013. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Pediatric Nurse Practitioner on November 28, 2012. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Pediatric Nurse Practitioner with Prescription Authorization on November 28, 2012.

5. Respondent's nursing employment history includes:

1/2007 – 4/2013	Registered Nurse	Children's Medical Center Dallas, Texas
4/2013-1/2015	Pediatric Nurse Practitioner	Children's Medical Center Dallas, Texas
1/2015-3/2016	Pediatric Nurse Practitioner	Children's Medical Center Plano, Texas
12/2015-Present	Pediatric Nurse Practitioner	Pediatric Urgent Care Fort Worth, Texas

6. At the time of the incident, Respondent was employed as a Pediatric Nurse Practitioner with Pediatric Urgent Care, Denton, Texas, and had been in that position for three (3) years and one (1) month.

7. On or about January 30, 2019, while employed as a Pediatric Nurse Practitioner with Pediatric Urgent Care, Denton, Texas, Respondent failed to accurately document in the medical record of Patient BW regarding the absence of tonsils, when they had been removed prior to this visit as reflected in the surgical history. Additionally, Respondent failed to accurately and completely document, or ensure documentation by others, the patient's respiratory rate, and the reassessment of vital signs such as temperature and heart

rate after interventions were performed. Respondent's conduct resulted in an inaccurate and incomplete medical record, and exposed the patient to a risk of harm in that subsequent care givers would not have accurate and complete information on which to base their care decisions.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that she did document regarding the patient's tonsillectomy, but she then imported a pre-scripted exam template which automatically included the statement "normal appearing tonsils," which was then overlooked. Respondent states that she has now modified her exam template to exclude this pre-scripted language. Respondent states that she knows the responsibility of the chart documentation falls on her as the provider. Respondent states that she completed this patient's documentation later, after the clinic was closed, and at that time realized that the initial respiratory rate and vital sign reassessment were not documented by the patient care tech. Respondent adds that when she arrived at the clinic the next day to obtain the vital signs from the patient care tech's log, they were not recorded. Respondent states she could not remember the exact numbers so could not chart them, but knows the respiratory rate was normal, and her lungs were clear to auscultation bilaterally, with no coughing.
9. Formal Charges were filed on October 10, 2019.
10. On or about September 17, 2019, Respondent successfully completed a Board-approved course in Texas Nursing Jurisprudence and Ethics, which would have been a requirement of this Order.
11. On or about September 19, 2019, Respondent successfully completed a Board-approved course in Nursing Documentation, which would have been a requirement of this Order.
12. On or about September 26, 2019, Respondent successfully completed a Board-approved course in Sharpening Critical Thinking Skills, which would have been a requirement of this Order.
13. On or about September 26, 2019, Respondent successfully completed a Board-approved course in Professional Accountability, which would have been a requirement of this Order.

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)(D).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(13), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP122915 with Prescription Authorization Number 13525, and Registered Nurse License Number 737102, heretofore issued to MADELINE ELIZABETH BROEMSEN.
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, DEFERRED**, 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 for Deferred Discipline.

Further, RESPONDENT SHALL not commit any violation of 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.* **for a period of three (3) years from the date of this Order.**

III. EFFECT OF DEFERRED DISCIPLINE

Upon the successful completion of the required three (3) year period of deferral, the complaint or complaints which formed the basis for this action will be dismissed and this Order will be made confidential to the same extent as a complaint filed under Section 301.466, Texas Occupations Code.

Until such time that this Order is made confidential, this Order is subject to disclosure in accordance with applicable law.

Should an additional allegation, complaint, accusation, or petition be reported or filed against RESPONDENT prior to the time this Order is made confidential, the deferral period shall be extended until the allegation, accusation, or petition has been finally acted upon by the Board.

Should RESPONDENT commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action.

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RESPONDENT'S CERTIFICATION

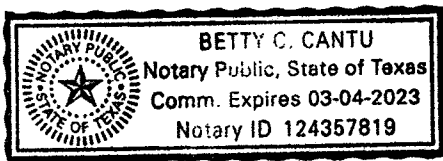
I understand that I have the right to legal counsel prior to signing this Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that 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 25 day of November, 20 19.

ME
MADELINE ELIZABETH BROEMSEN, RESPONDENT

Sworn to and subscribed before me this 25 day of November, 20 19.

SEAL



Betty C Cantu
Notary Public in and for the State of TX

Approved as to form and substance.

[Signature]
Courtney Newton, Attorney for Respondent

Signed this 1st day of December, 20 19.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order for Deferred Discipline that was signed on the 25th day of November, 2019, by MADELINE ELIZABETH BROEMSEN, Advanced Practice Registered Nurse License Number AP122915, and Registered Nurse License Number 737102, and said Agreed Order for Deferred Discipline is final.

Effective this 4th day of December, 2019.



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