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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Registered Nurse License Number 884794 §
& Vocational Nurse License Number 138699 §
issued to TRACY DIANA WAREHIME §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of TRACY DIANA WAREHIME, Registered Nurse License Number 884794, and Vocational Nurse License Number 138699, 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 vocational nurse in the State of Texas is in current 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 McLennan Community College, Waco, Texas, on August 28, 1992. Respondent received an Associate Degree in Nursing from McLennan Community College, Waco, Texas, on May 6, 2015. Respondent was licensed to practice vocational nursing in the State of Texas on December 6, 1992. Respondent was licensed to practice professional nursing in the State of Texas on August 6, 2015.

5. Respondent's nursing employment history includes:

12/1992 – 11/1993	LVN	Scott and White Hospital Temple, TX
11/1993 – 9/1996	LVN	Hillcrest Clinics Waco, TX
10/1996 – 7/1997	LVN	Robinson Nursing Home Robinson, TX
8/1997 – 11/1998	Unknown	
12/1998 – 7/2000	LVN	Jeffrey Place Nursing Home Waco, TX
8/2000 – 9/2000	Unknown	
10/2000 – 10/2002	LVN	Village Healthcare Gresham, OR
11/2002 – 5/2003	LVN	Marquis at Powellhurst Portland, OR
6/2003 – 10/2003	LVN	Fernhill Care Center Portland, OR
11/2003 – 5/2004	LVN	Evergreen Karrington Rehab Portland, OR
6/2004	Unknown	
7/2004 – 7/2005	LVN	Life Care of Boise Boise, ID
8/2005 -11/2005	Unknown	
12/2005 – 2/2007	LVN	Regent Care Woodway, TX
2/2007 – 5/2010	LVN	Regent Care Woodway, TX
5/2010 – 6/2011	LVN	Senior Care Hewitt, TX

6/2011 – 6/2014	LVN	Lake Shore Village Nursing Home Waco, TX
6/2014 – 8/2015	LVN/RN	Quality Care Waco, TX
9/2015 – 10/2015	Unknown	
11/2015 – 6/2019	RN	Providence Hospital Waco, TX
Unknown	RN	Senior Care Hewitt, TX

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Providence Hospital, Waco, Texas, and had been in that position for approximately three (3) years and seven (7) months
7. On or about June 12, 2019, while employed with Providence Hospital, Waco, Texas, Respondent accessed a family member's medical record without authorization. Respondent's conduct was in violation of the Health Insurance Portability and Accountability Act (HIPAA).
8. In response to Finding of Fact Number Seven (7), Respondent states her daughter lives with her and she supports her/pays her bills along with her medical, dental, and vision insurance. Respondent explains that she was trying to get a coverage of her insurance form with her social security number to replace her social security card. Respondent apologizes for her actions as she was trying to help her out.

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)(E) and 22 TEX. ADMIN. CODE §217.12 (1)(B)&(1)(C).
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

884794, and Vocational Nurse License Number 138699, heretofore issued to TRACY DIANA WAREHIME.

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 WITH 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 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.
- 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.*

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 the effective date 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 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.

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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 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 31st day of January, 2020.

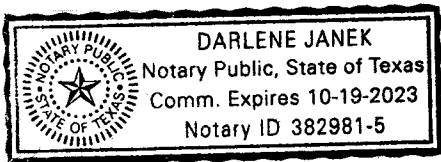
Tracy Diana Warehime
TRACY DIANA WAREHIME, RESPONDENT

Sworn to and subscribed before me this 31st day of January, 2020.

SEAL

Darlene Janek

Notary Public in and for the State of _____



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 31st day of January, 2020, by TRACY DIANA WAREHIME, Registered Nurse License Number 884794, and Vocational Nurse License Number 138699, and said Agreed Order is final.

Effective this 5th day of February, 2020.



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