

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 540634	§	
issued to PATRICIA A. JOHNSGARD	§	FOR DEFERRED DISCIPLINE

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of PATRICIA A. JOHNSGARD, Registered Nurse License Number 540634, 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. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on October 20, 2014.

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 is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree from San Antonio College, San Antonio, Texas on May 1, 1987. Respondent was licensed to practice professional nursing in the State of Texas on August 24, 1987.
5. Respondent's nursing employment history includes:

09/1987 - 11/2011	Unknown	
12/2011 - 2/2012	RN	Classic Home Care Arlington, Texas

Respondent's nursing employment history continued:

3/2012 - Present

Unknown

6. At the time of the initial incident, Respondent was employed as a RN with Classic Home Health, Arlington, Texas, and had been in this position for one (1) month.
7. On or about January 10, 2012 through February 9, 2012, while employed with Classic Home Care, Arlington, Texas, Respondent failed to notify her supervisor and her four (4) assigned patients that she would not be providing nursing visits as scheduled. Subsequently, the patients went without reassessments. Respondent's conduct deprived the patients of timely nursing visits and subsequent care givers of essential information to base the patient's ongoing medical care.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states: "Classic Home Care failed to notify her of two of the four assessments described above; therefore, she did not see two patients. for the other two patients the following occurred: Patient DB resided in an assisted living facility. The patient's daughter restricted access to the patient and would not permit the patient to be seen without her present. respondent waited for more than an hour for the daughter to arrive before having to leave to care for another patient. Classic Home Care was updated on the situation. For Patient JH, Respondent denies the allegation and states she did see the patient, discharging the patient from Classic Home Care's Services. It is the Respondent's position that Classic Home Care suffered numerous system and communication errors causing confusion, multiple nurses visiting the same patient on the same day, and failing to make and communicate timely assignments. Respondent ceased her employment with Classic Home Care because they placed her license in jeopardy through their mismanagement. Respondent denies the allegations, but agrees to the Agreed Order to avoid the cost and uncertainty of litigation."

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)(D)(ii)&(1)(P).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(13), Texas Occupations Code, to take disciplinary action against, Registered Nurse License Number 540634, heretofore issued to PATRICIA A. JOHNSGARD.

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, 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. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

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.

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 five (5) years from the date of this Order.**

III. 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 entry 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.

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.*

IV. EFFECT OF DEFERRED DISCIPLINE

Upon successful completion of the stipulated requirements of this Order, all encumbrances will be removed from Respondent's license(s) to practice nursing in the State of Texas, and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

Upon the successful completion of the required five (5) 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 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 16th day of December, 2014.

Patricia A. Johnsgard
PATRICIA A. JOHNSGARD, Respondent

Sworn to and subscribed before me this 16th day of December, 2014.

SEAL



Kathy Thomas
Notary
Notary Public in and for the State of Texas
County of Tarrant

Approved as to form and substance.

Jon E. Porter
Jon E. Porter, Attorney for Respondent

Signed this 16 day of December, 2014

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 16th day of December, 2014, by PATRICIA A. JOHNSGARD, Registered Nurse License Number 540634, and said Order is final.

Effective this 17th day of December, 2014.



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



I certify this to be a true copy
of the records on file with the
Texas Board of Nursing
Date: 12/17/14
Signed: [Signature]