



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 A. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of § AGREED ORDER  
Registered Nurse License Number 519369 §  
issued to ERMA LORRAINE JOHNSON §  
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ERMA LORRAINE JOHNSON, Registered Nurse License Number 519369, 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 April 28, 2020.

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.
4. Respondent received a Diploma in Nursing from St. Joseph School of Nursing, Iowa, on June 1, 1984. Respondent was licensed to practice professional nursing in the State of Texas on October 3, 1984.
5. Respondent's nursing employment history includes:

10/1984 – 12/2000                      Unknown

Respondent's nursing employment history continued:

1/2001 – 12/2013	Registered Nurse	Pasadena Care Center Pasadena, Texas
1/2014	Unknown	
2/2014 – 1/2017	Charge Nurse Skilled Care	Paramount Senior Care Pasadena, Texas
1/2017 – 5/2018	Director of Nursing	Baywood Crossing Rehabilitation and Healthcare Center Pasadena, Texas
6/2018 – 7/2018	Unknown	
8/2018 – Present	Registered Nurse	La Porte Healthcare La Porte, Texas
8/2018 – Present	Registered Nurse	Vista Nursing and Rehab Pasadena, Texas

6. At the time of the initial incident, Respondent was employed as Director of Nursing with Baywood Crossing Rehabilitation and Healthcare Center, Pasadena, Texas, and had been in that position for one (1) year and two (2) months.
7. On or about March 27, 2018, while employed as Director of Nursing with Baywood Crossing Rehabilitation and Healthcare Center, Pasadena, Texas, Respondent exceeded her nursing scope of practice as a Registered Nurse when she ordered labs for Resident KG, who was exhibiting chewing behaviors, without first consulting the physician. Respondent's conduct was likely to injure the patient from care provided without the benefit of knowledge and expertise from the appropriate licensed personnel.
8. On or about May 3, 2018, while employed as Director of Nursing with Baywood Crossing Rehabilitation and Healthcare Center, Pasadena, Texas, Respondent exceeded her nursing scope of practice as a Registered Nurse when she changed Resident SP's medications without first consulting the physician. Specifically, Respondent decreased the Resident's Lasix 40mg Q6H PO to Lasix 40mg daily PO, changed the Resident's Metoprolol Succinate to Metoprolol Tartrate, and added a Potassium tablet. Respondent's conduct was likely to injure the patient from care provided without the benefit of knowledge and expertise from the appropriate licensed personnel.

9. In response to Finding of Fact Number Seven (7), Respondent states Resident KG has been at the facility greater than six months. He admitted for many co-morbidities as well as self-mutilating disorder of chewing on the digits of one hand creating extreme tissue damage. The wound care nurse and myself spoke to the attending physician, nurse practitioner, and psychiatric services resulting in no change in plan of care. Respondent states attempt to keep KG's digits covered to eliminate contaminated were unsuccessful as he would remove any dressing. Respondent reports wife first noted behavior after he quit smoking in the previous years. Respondent states she spent time independently researching KG's behaviors and physical symptoms past and present and found information on a type of gout prevalent in only about 38,000 men. It was linked to nicotine withdrawal and vitamin deficiencies. The attending physician for KG has given many members of the nursing staff the impression of extreme resistance to their ideas or suggestions. Respondent states her compassion for this resident and his wife diminished any thought of wrong doing in ordering these simple labs. In response to Finding of Fact Number Eight (8), Respondent states when Resident SP came to the facility, the two staff nurses on that shift disagreed on who should do the admission, assessment, and order verification. As a result, the resident had not been evaluated by a nurse until the oncoming shift arrived and they were able to actually see the resident. When I arrived to the facility, the charge nurse came to me and explained the situation. SP's care was assigned to a physician who was leaving on vacation that day and therefor would not accept responsibility for the care of this resident. I did a preliminary assessment of the resident and noted SP with both edema and very dark brown urine. I was not sure what information was given to the Nurse Practitioner in her plan to continue the medications from her plan to continue the medications from the hospital. When I began inputting the medication orders into the computer I noted several discrepancies. I put the orders in as; Vitamin D once a week, Metoprolol tartrate 50mg PO TID 7A-1P-7P, and Lasix 40mg PO QD (until NP or physician could evaluate resident renal status in consideration of dark brown urine), Potassium Chloride 20meq PO QD (again allowing evaluation).

#### 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)&(3)(A) and 22 TEX. ADMIN. CODE §217.12 (1)(A),(1)(B),(3)&(4).
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 519369, heretofore issued to ERMA LORRAINE JOHNSON.
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 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 "Professional Accountability,"** a 4.6 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](http://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. **Direct Supervision:** For 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.
  
- D. **Indirect Supervision:** For the remainder of the stipulation/probation period, 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.** 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 of 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.

- E. **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 individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual 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 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 is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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.

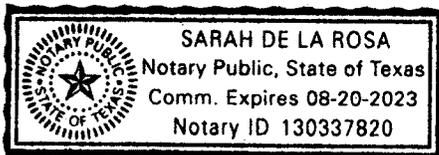
Signed this 22 day of June, 2020.

Erma Lorraine Johnson  
ERMA LORRAINE JOHNSON, RESPONDENT

Sworn to and subscribed before me this 22 day of June, 2020.

SEAL

Sarah De La Rosa  
Notary Public in and for the State of TEXAS



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 22<sup>nd</sup> day of June, 2020, by ERMA LORRAINE JOHNSON, Registered Nurse License Number 519369, and said Agreed Order is final.

Effective this 18<sup>th</sup> day of August, 2020.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas". The signature is written in a cursive style with a horizontal line underneath it.

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