



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

In the Matter of § AGREED ORDER
Registered Nurse License Number 719951 §
issued to CYNTHIA DOUGLAS FERGUSON §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CYNTHIA DOUGLAS FERGUSON, Registered Nurse License Number 719951, 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 Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on March 18, 2021.

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 Baccalaureate Degree in Nursing from University of Central Oklahoma, Edmond, Oklahoma, on May 13, 1995. Respondent was licensed to practice professional nursing in the State of Texas on August 12, 2005.
5. Respondent's nursing employment history includes:

5/1995 – 8/1997	Registered Nurse	St. Anthony Hospital Oklahoma City, Oklahoma
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Respondent's nursing employment history continued:

8/1997 – 12/2002	Registered Nurse	Integris Baptist Medical Center Oklahoma City, Oklahoma
12/2002 – 4/2004	Registered Nurse	Digestive Disease Specialist Oklahoma City, Oklahoma
Unknown	Registered Nurse	Platt College Oklahoma City, Oklahoma
11/2005 – 11/2008	Registered Nurse	Area Home Care Plainview, Texas
12/2008 – 1/2013	Registered Nurse	Texas Tech University Health Science Center/Nurse Family Partnership Lubbock, Texas
2/2013 – 8/2015	Registered Nurse	Covenant Medical Center Lubbock, Texas
8/2015 – 5/2016	Registered Nurse	Grace Clinic Lubbock, Texas
6/2016 – 7/2019	Registered Nurse	Texas Tech University Health Science Center/Nurse Family Partnership Lubbock, Texas
7/2019 – 2/4/2021	Registered Nurse	The Company of Rock House Lubbock, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Rock House, Lubbock, Texas, and had been in that position for two (2) months.
7. On or about September 21, 2019, while employed as a Registered Nurse at Rock House, Lubbock, Texas, Respondent failed to obtain and/or clarify a diet order for Resident JM, a patient with a recent hospitalization for possible aspiration pneumonia, when he was discharged from Lakenridge Nursing Home and returned to Rock House with incomplete diet orders/instructions. Further, on or about November 6, 2019 through November 20, 2019, Respondent failed to notify the physician when Resident JM had an itchy rash on his abdomen, chest, arms, and face.

8. In response to Finding of Fact Number Seven (7), Respondent states the section for Suggested Diet was left blank on the discharge instructions from the nursing home, so she followed the previous hospitalization discharge instructions which stated resume pre-hospitalization diet. Respondent states the patient was on a chopped diet prior to the hospitalization and subsequent nursing home admission. Respondent further states that the patient was evaluated by physicians after his return to Rock House who did not change his diet orders, and he underwent a diagnostic barium swallow test that confirmed he had normal esophageal motility. Respondent further states she treated the patient's intermittent rash with 25mg of Benadryl, which resolved the issue within one hour, and directed staff to monitor and report if rash recurred. It was later determined the rash was due to a change in the patient's laundry detergent. Later, Respondent's mentor advised her to report any intermittent or reoccurring problems to the physician – even if resolved with over the counter medication.

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)(M), (1)(N), & (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 719951, heretofore issued to CYNTHIA DOUGLAS FERGUSON.
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" as applicable and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

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. **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 four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) 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. **Indirect Supervision:** While under the terms of this Order, 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.
- D. **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 four (4) quarters [one (1) year] 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.

STATE OF TEXAS
COUNTY OF _____

Know all men by these presents, that _____ of the County of _____ State of Texas, for and in consideration of the sum of _____ Dollars, to _____ in hand paid by _____ the receipt of which is hereby acknowledged, have granted, sold and conveyed, and by these presents do grant, sell and convey unto the said _____ of the County of _____ State of Texas, all that certain _____

Witness my hand and seal of office this _____ day of _____ 19____.

Notary Public in and for the State of Texas

Subscribed and sworn to before me this _____ day of _____ 19____.

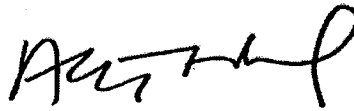
Notary Public

My Comm. Expires _____

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 ____ day of _____, 20 ____.



ASHLEY TODD, ATTORNEY FOR RESPONDENT

CYNTHIA DOUGLAS FERGUSON, RESPONDENT

Sworn to and subscribed before me this ____ day of _____, 20 ____.

SEAL

Notary Public in and for the State of _____

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 19th day of March, 2021, by CYNTHIA DOUGLAS FERGUSON, Registered Nurse License Number 719951, and said Agreed Order is final.

Effective this 22nd day of April, 2021.



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