

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Vocational Nurse License Number 171018	§	
issued to VALENCIA VON BURNS	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of VALENCIA VON BURNS, Vocational Nurse License Number 171018, 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 February 11, 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 vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Claiborne Technical Institute, Homer, Louisiana, on May 14, 1994. Respondent was licensed to practice vocational nursing in the State of Texas on February 10, 1999.
5. Respondent's nursing employment history includes:

2/1999 – 9/2005	LVN	Scott & White Internal Medicine
		Temple, Texas

Respondent's nursing employment history continued:

4/2005 – 11/2014	Weekend Charge LVN	Regency Manor Nursing & Rehab Temple, Texas
7/2009 – 1/2015	Charge LVN	Granger Villa Nursing Home & Rehab Granger, Texas
6/2011 – 9/2011	Charge LVN	Dallas County Detention Center Dallas, Texas
11/2014 – 8/2016	Charge LVN	Willobell Nursing and Rehabilitation Bartlett, Texas
4/2016 – 8/2017	Charge LVN	Weston Inn Nursing & Rehabilitation Temple, Texas
8/2016 – 11/2017	Charge LVN	Creekside Terrace Nursing and Rehab Belton, Texas
11/2017 – 1/2018	Charge LVN	William R. Courtney Veterans Nursing and Rehabilitation, Temple, Texas
1/2018 – 1/2018	Admission LVN	Wellington Nursing & Rehabilitation Temple, Texas
1/2018 – 2/2018	Charge LVN	Killeen Nursing and Rehabilitation Killeen, Texas
2/2018 – 9/2018	Charge LVN	Cornerstone Gardens Temple, Texas
10/2018 – 12/2018	Charge LVN	Hillside Medical Lodge Gatesville, Texas
1/2019 – 12/2019	Unknown	
1/2020 – 3/2020	LVN	Everest Rehabilitation Hospital Temple, Texas
4/2020 – Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Everest Rehabilitation Hospital, Temple, Texas, and had been in that position for one (1) month.
7. On or about February 19, 2020 and February 20, 2020, while employed as a Licensed Vocational Nurse (LVN) with Everest Rehabilitation Hospital, Temple, Texas, Respondent falsely documented daily nursing assessments for Patients Numbers 20143 [FW], 20142 [IL], 20146 [GH], 20134 [AS], 20145 [MP] and 20138 [DK]. Respondent's conduct was deceptive, created inaccurate medical records, and was likely to injure the patients in that subsequent care givers would not have accurate information to base their future care decisions.
8. On or about February 20, 2020, while employed as a Licensed Vocational Nurse (LVN) with Everest Rehabilitation Hospital, Temple, Texas, Respondent inappropriately pre-charted a nursing assessment for Patient GH in that Respondent documented the assessment at 1944, but timed it for 2040. Respondent's conduct was deceptive and created an inaccurate medical record.
9. On or about February 24, 2020, through February 25, 2020, while employed as a Licensed Vocational Nurse (LVN) with Everest Rehabilitation Hospital, Temple, Texas, Respondent falsely documented that she performed a head-to-toe assessment at 2000 and nursing rounds at 2200 and 0200 for Patient Number 20144 [SW], in the patient's medical record. Respondent's conduct was deceptive, created an inaccurate medical record, and was likely to injure the patient in that subsequent care givers would not have accurate information to base their future care decisions.
10. On or about February 24, 2020, through February 25, 2020, while employed as a Licensed Vocational Nurse (LVN) with Everest Rehabilitation Hospital, Temple, Texas, Respondent failed to perform nursing rounds for the aforementioned Patient Number SW. Additionally, Respondent failed to ensure that all fall precautions were in place, including a bed alarm. Patient SW was unobserved from approximately 0024 to 0336 and subsequently experienced an unwitnessed fall during that time. Respondent's conduct unnecessarily exposed the patient to a risk of harm from undetected changes in condition and delayed the onset of medical interventions required to stabilize the patient.
11. In response to Findings of Fact Numbers Seven (7) through Ten (10), Respondent asserts she assessed each patient and documented her assessment in each patient's chart. Regarding Patient GH, Respondent states she was in the patient's room for a heel-to-toe assessment at about 1944, and with the patient's family present. Respondent states her assessment was later placed in the patient's physical chart at about 2040. Regarding Patient SW, Respondent states she assessed the patient with the patient's husband present. Respondent further states she rounded on the patient every 2 hours and documented her rounds in the patient's chart. Respondent asserts that all fall precautions were in place and claims the patient fell while Respondent was on her lunch break.

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),(1)(M)&(2) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(6)(A)&(6)(H).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 171018, heretofore issued to VALENCIA VON BURNS.
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 AND 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" 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. **A Board-approved course in nursing documentation** that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. Home study courses and video programs will not be approved.
- C. **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.
- D. **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.*

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. 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.

VII. 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 14 day of April, 2021.
Valencia Von Burns
VALENCIA VON BURNS, RESPONDENT

Sworn to and subscribed before me this 14th day of April, 2021.

SEAL

Edrica Stoglin
Notary Public in and for the State of Bell/Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 14th day of April, 2021, by VALENCIA VON BURNS, Vocational Nurse License Number 171018, and said Agreed Order is final.

Effective this 11th day of May, 2021.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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