



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 781661 §
issued to JILL ANN BERNARD §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JILL ANN BERNARD, Registered Nurse License Number 781661, 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 26, 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 professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from Tarrant County College, Fort Worth, Texas, on December 4, 2009. Respondent was licensed to practice professional nursing in the State of Texas on February 18, 2010.
5. Respondent's nursing employment history includes:

2/2010 – 4/2015 Registered Nurse JPS Health Network
Fort Worth, Texas

Respondent's nursing employment history continued:

5/2015 – 8/2015	Unknown	
9/2015 – 11/2016	Registered Nurse	Texas Health Harris Methodist Hospital Fort Worth, Texas
12/2016 – 3/2019	Registered Nurse	Kindred Hospital – Fort Worth Fort Worth, Texas
4/2019 – Present	Unknown	

6. At the time of the incidents, Respondent was employed as a Registered Nurse with Kindred Hospital – Fort Worth, Texas, and had been in that position for two (2) years and two (2) months.
7. On or about February 25, 2019, while employed as a Registered Nurse with Kindred Hospital – Fort Worth, Fort Worth, Texas, Respondent failed to notify the doctor that Patient DY00025500 had a critical blood sugar level of 473, as ordered. Respondent's conduct was likely to injure the patient in that it contributed to a delay in treatment of hyperglycemia. Respondent erroneously documented the entry and discontinuation of insulin sliding scale and fingerstick glucose orders for Patient DY00025500 as telephone read back orders, when the orders should have been entered and discontinued as protocol orders. In addition, Respondent failed to follow an order to obtain a vancomycin trough level for Patient DY00025500 at 20:30, and instead cancelled the order and rescheduled it as a telephone read back order; thereby inaccurately noting that the order was discontinued as a duplicate order. Respondent's conduct resulted in an inaccurate medical record, and was likely to injure the patient in that subsequent caregivers did not have accurate information on which to base their decisions for further care. Respondent failed to follow an order to obtain a random vancomycin level for Patient DY00025137, a patient who was on a six-week course of intravenous antibiotics for an infection, and instead cancelled the order by falsely noting that the order was discontinued. The pharmacist had held the aforementioned patient's dose of vancomycin the day before due to an elevated vancomycin trough level. Respondent's conduct resulted in an inaccurate medical record, and was likely to injure the patient in that subsequent caregivers did not have accurate information on which to base their decisions for further care.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that she did not fail to notify a physician of the patient's blood sugar. Respondent states that the patient's blood sugar was noted to be at 473, and she was notified at 0640. The oncoming nurse was already there and awaiting report. Respondent states that she gave report to the oncoming nurse shortly after receiving the blood sugar report and notified her that the blood sugar was high. Per the policy of the facility and timing of report, the oncoming nurse was to handle the high blood sugar and she did so. In response to the

incident regarding erroneous documentation, Respondent states that she changed the insulin orders due to protocol where blood sugar levels would be checked first, followed by administration of insulin. This was proper; however, the computer system would not let her enter it except in this manner. A statement from her supervisor confirmed the computer issue. In response to the incident involve Vancomycin order, Respondent states that the patient had the order for vancomycin trough, but did not want her blood to be drawn. Respondent states she called the pharmacy and asked them why the patient was getting a vancomycin trough level. Respondent states that the pharmacist said just cancel it and if it needs to be done again, she would re-enter it.

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)(C),(1)(D),(1)(M),(1)(N)&(1)(P) and 22 TEX. ADMIN. CODE §217.12(1)(A)&(6)(A).
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 781661, heretofore issued to JILL ANN BERNARD.
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 **WARNING 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" 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. **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.

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 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. **Incident Reporting:** While employed as a Registered Nurse with VITAS Healthcare performing telephone triage, in Fort Worth, Texas, RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by Respondent, to the attention of Monitoring at the Board's Office.
- C. **Indirect Supervision:** Should Respondent's employment as a Registered Nurse with VITAS Healthcare performing telephone triage, in Fort Worth, Texas, cease or change, the following terms apply for the remainder of the order, if any: 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.

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 ^{7/27/2021} _____ day of _____, 20____.

Jill Bernard

ID 9144PHsRDATBQ7KH11BAM7R
JILL ANN BERNARD, RESPONDENT

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

SEAL

Notary Public in and for the State of _____

Leanna Marchand

ID 11xEvo6nbEFepP3cKIZrwBy
Leanna Marchand, Attorney for Respondent

Signed this _____ day of _____, 20____.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 27th day of July, 2021, by JILL ANN BERNARD, Registered Nurse License Number 781661, and said Agreed Order is final.

Effective this 14th day of September, 2021.



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