

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Registered Nurse License Number 733209 §
issued to LYNNETT MANYELL NELSON §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LYNNETT MANYELL NELSON, Registered Nurse License Number 733209, 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 October 26, 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 East Texas Baptist University, Marshall, Texas, on May 6, 2006. Respondent was licensed to practice professional nursing in the State of Texas on August 29, 2006.
5. Respondent's nursing employment history includes:

8/2006 – 12/2017 Unknown

Respondent's nursing employment history continued:

1/2018- 9/2018	Registered Nurse	Epic Health Services Tyler, Texas
9/2018- 9/2019	Registered Nurse	Super Hero Kids Home Health McAllen, Texas
9/2019- 1/2020	Registered Nurse	Angels of Care Tyler, Texas
1/2020-4/2020	Registered Nurse	ViviCare Health Partners Longview, Texas
5/2020-Present	Unknown	

6. At the time of the incident, Respondent was employed as a Registered Nurse with ViviCare Home Health, Longview, Texas, and had been in that position for three (3) months.
7. On or about April 14, 2020, Respondent was provided notice that the Board had received information indicating that Respondent may have violated the Nursing Practice Act and/or Board rules regarding the following conduct:

On or about April 4, 2020, while working as a Registered Nurse and employed with ViviCare Health Partners, Longview, Texas, and caring for Patient AG, you:

Failed to appropriately secure the patient to his wheelchair. Specifically, you placed the pediatric patient in the wheelchair without securing the patient's lap/leg straps and only secured the patient's chest strap. While you were non attentive to the patient for approximately forty (40) minutes, he slid down in the wheelchair allowing his neck to rest on the chest strap;

Failed to properly use suction, oxygen, or a ambu bag once you noted the patient's condition and started cardiopulmonary resuscitation;

Failed to obtain vital signs; and

Failed to activate Emergency Medical Services (EMS). Subsequently, the Mother of the patient called 911, but failed to convey information to dispatch. The Parent's transported the patient to the hospital where he was unresponsive with no vital signs. The patient was revived, but expired two (2) days later.

8. In response to the incidents in Finding of Fact Number Seven (7), Respondent denies any violations of the *Nursing Practices Act* and/or the *Board's Rules and Regulations Relating to Nurse Education, Licensure and Practice*, more specifically, she denies the allegations as laid out in Finding of Fact Number Seven (7).
9. Respondent by her signature expresses her desire to voluntarily surrender her license.

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)&(3)(A) and 22 TEX. ADMIN. CODE §217.12 (1)(A),(1)(B),(1)(C)&(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 733209, heretofore issued to LYNNETT MANYELL NELSON.
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

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 733209 is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional/registered nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself/himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until at least one (1) year has elapsed from the date of this Order.

3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this 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 this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing and 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) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 26 day of October, 2021


LYNNETT MANYELL NELSON, RESPONDENT

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

SLAJ

Notary Public in and for the State of _____

Approved as to form and substance.

Norman Ladd, Attorney for Respondent

Signed this _____ day of _____, 20____.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this 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 this Order becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing and 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) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this _____ day of _____, 20____.

LYNNETT MANYELL NELSON, RESPONDENT

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

SEAL

Notary Public in and for the State of _____

Approved as to form and substance.

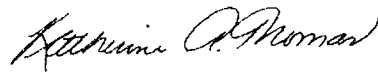
Norman Ladd, Attorney for Respondent

Signed this 26 day of October, 2021.

P. Autry
Premia Autry, Attorney for Respondent
26th day of October, 2021

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 26th day of October, 2021, by LYNNETT MANYELL NELSON, Registered Nurse License Number 733209, and said Agreed Order is final.

Effective this 26th day of October, 2021

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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