



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, DNP, RN  
Executive Director  
Texas Board of Nursing

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of  
Vocational Nurse License Number 1085479  
issued to JUDY ANN FRY

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AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considers the matter of JUDY ANN FRY, Vocational Nurse License Number 1085479, 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)&(14)[effective 9/1/2021], 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 August 11, 2023.

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 diploma in practical nursing from Detroit Practical Nursing Center, Detroit, Michigan, on July 1, 1986. Respondent was licensed to practice practical nursing in the State of Michigan on December 22, 1986. Respondent was licensed to practice vocational nursing in the State of Tennessee on May 1, 2012. Respondent was licensed to practice vocational nursing in the State of Texas on May 8, 2023.
5. Respondent's nursing employment history includes:

2/1987 -- 2/2002	Practical Nurse	Ciena Healthcare Detroit, Michigan
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Respondent's nursing employment history continued:

10/2000 – 12/2005	Practical Nurse	Camelot Hall Convalescence Center Livonia, Michigan
11/2005 – 5/2007	Practical Nurse	Rosewood Healthcare Mt. Pleasant, Michigan
1/2006 – 5/2010	Practical Nurse	Ciena Healthcare Southfield, Michigan
2/2008 – 8/2010	Practical Nurse	Visiting Nurse Roseville, Michigan
5/2010 – 1/2012	Practical Nurse	Autumnwood of Livonia Livonia, Michigan
2/2012 – 4/2012	Unknown	
5/2012 – 9/2013	Practical Nurse	Springate Rehabilitation Cordova, Tennessee
10/2013 – 9/2014	Unknown	
10/2014 – 10/2015	Practical Nurse	Grace Healthcare Cordova, Tennessee
11/2015 – 2/2016	Unknown	
3/2016 – 8/2018	Practical Nurse	Whitehaven Community Living Center Memphis, Tennessee
10/2016 – 10/2018	Practical Nurse	Allenbrooke Nursing and Rehabilitation Center Memphis, Tennessee
11/2018 – Unknown	Practical Nurse	Maxim Healthcare Services Memphis, Tennessee
2019 – 2/2020	Unknown	
3/2020 – 9/2021	Practical Nurse	Rainbow Rehab & Nursing Memphis, Tennessee

Respondent's nursing employment history continued:

3/2021 – 12/2022	Practical Nurse	Springate Rehabilitation Memphis, Tennessee
8/2021 – 3/2022	Practical Nurse	Maxim Healthcare Services Memphis, Tennessee
4/2022	Unknown	
5/2022 – 3/2023	Practical Nurse	Post Home Health Care Houston, Texas
4/2023 – Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a practical nurse with Post Home Health Care, Houston, Texas, and had been in that position for nine (9) months.
7. On or about February 21, 2023, while utilizing a privilege to practice nursing from Tennessee and employed by Post Home Health Care, Houston, Texas, Respondent failed to completely assess and/or provide an accurate description, and/or measurements of the sacral wound on Patient JS. Instead, Respondent inaccurately documented that it was a Stage I pressure injury on the Wound Care Worksheet, but documented that area was an open area on the Skilled Nurse Visit Note. The Center for Medicare and Medicaid Services (CMS) defines a Stage I pressure injury as intact, not open, skin injury. Respondent's conduct was likely to harm the patient from clinical decisions based on incomplete and/or inaccurate assessment data.
8. On or about February 21, 2023, while utilizing a privilege to practice nursing from Tennessee and employed by Post Home Health Care, Houston, Texas, Respondent failed to notify the provider and/or a supervisor of the new onset of a sacral wound on Patient JS. In addition, Respondent failed to notify the provider and/or a supervisor about the patient's family request for an evaluation by a wound care specialist. Instead, Respondent inaccurately stated it was just an abrasion and that a wound care referral was refused by the company. Respondent's conduct deprived the provider of the opportunity to implement medical care and placed the patient at risk for wound complications including pain and/or infection.
9. On or about March 3, 2023, while utilizing a privilege to practice nursing from Tennessee and employed by Post Home Health Care, Houston, Texas, Respondent failed to document an accurate description of the sacral wound on Patient JS. Instead, Respondent inaccurately documented that it was a Stage I opening area that had abraded skin due to friction. Photographic evidence shows the wound with large area of black eschar tissue which

makes the wound unstageable. Respondent's conduct was likely to harm the patient from clinical decisions based on incomplete and/or inaccurate assessment data.

10. On or about February 21, 2023, while utilizing a privilege to practice nursing from Tennessee and employed by Post Home Health Care, Houston, Texas, Respondent failed to assess the urine characteristics and/or urine output for Patient JS who had an indwelling Foley catheter. Respondent's conduct was likely to harm the patient from clinical decisions based on incomplete assessment data.
11. On or about March 3, 2023, while utilizing a privilege to practice nursing from Tennessee and employed by Post Home Health Care, Houston, Texas, Respondent failed to properly insert a Foley catheter for Patient JS in that he had no urine output for greater than eight (8) hours and experienced suprapubic tenderness. Subsequently, Patient JS was taken to the emergency room where a bladder scan indicated 500ml of retained urine and his symptoms were relieved by a new insertion of a new Foley catheter. Respondent's conduct was likely to harm the patient from complications of retained urine, including pain and/or infection.
12. In response to the incident in Findings of Fact Numbers Seven (7) through Nine (9), Respondent states the sacral wound was documented and the Assistant Director of Nursing (ADON) was called on March 3, 2023. In addition, Respondent states pictures were taken in the Chromebook system Focurca and the ADON received them the following morning. In response to incident in Findings of Fact Numbers Ten (10) and Eleven (11), Respondent states she did not violate any nursing practices. Respondent states some urine leaked from the patient when Respondent removed the old Foley and the patient's wife emptied over 1500ml of urine from the drain bag. Respondent states she placed a new Foley around 1130-1200 and instructed the patient's wife to make sure the patient drank enough fluids. Respondent states the patient's wife did not call to report there was no urine in the bag until later that night.

#### 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)&(2)(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)&(14)[*effective 9/1/2021*], Texas Occupations Code, to take disciplinary action against , heretofore issued to JUDY ANN FRY.
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, subject to ratification by the Texas Board of Nursing, that , previously issued to JUDY ANN FRY, to practice nursing in the State of Texas is/are hereby **SUSPENDED** and said suspension is **STAYED** and RESPONDENT is hereby placed on **PROBATION** for a minimum of two (2) years **AND** until RESPONDENT fulfills the additional requirements 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. Until successfully completed, RESPONDENT may not practice nursing in the State of Texas except in accordance with the terms of this Order.
- D. 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 physical assessment** with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include physical assessment of all body systems. The clinical component SHALL include physical assessment of live patients in a clinical setting; Performing assessments on mock patients or

mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.

- C. **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.
- D. **The course "Righting a Wrong,"** a 3.0 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) International Center for Regulatory Scholarship (ICRS).

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. FURTHER COMPLAINTS**

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against RESPONDENT'S license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

**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**

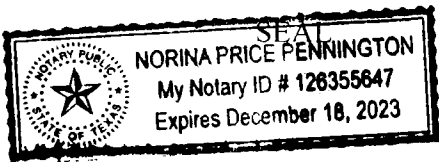
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, 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 10<sup>th</sup> day of October, 2023.

Judy Ann Fry  
JUDY ANN FRY, RESPONDENT

Sworn to and subscribed before me this 10<sup>th</sup> day of October, 2023.

Norina Price Pennington  
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 10<sup>th</sup> day of October, 2023, by JUDY ANN FRY, Vocational Nurse License Number 1085479, and said Agreed Order is final.

Effective this 14<sup>th</sup> day of November, 2023.

*Kristin K. Benton, DNP, RN*

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Kristin K. Benton, DNP, RN  
Executive Director on behalf  
of said Board