



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.
Kristin K. Benton, DNP, RN
Executive Director
Texas Board of Nursing

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Registered Nurse License Number 890638 §
issued to GINGER JOHNSON §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, consider the matter of GINGER JOHNSON, Registered Nurse License Number 890638, 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)(12)&(14), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Kristin K. Benton, DNP, RN, Executive Director, on November 2, 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 professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from Troy State University, Montgomery, Alabama, on June 4, 1999. Respondent received her BSN from Aspen University in Colorado in January, 2021. Respondent was licensed to practice professional nursing in the State of Texas on December 18, 2015.
5. Respondent's nursing employment history includes:

12/2015 – 11/2019	Registered Nurse	Methodist West Hospital Houston, Texas
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Respondent's nursing employment history continued:

12/2019 – 6/2022	Registered Nurse	Advanced Cardiovascular and Surgery Center Houston, Texas
3/2023 – Present	Registered Nurse	Kelsey-Seybold Clinic Houston, Texas

6. On or about November 30, 2015, Respondent was issued an Eligibility Agreed Order through an Order of the Board. On or about December 1, 2016, Respondent successfully completed the terms of the Order. A copy of the November 30, 2015, Order is attached and incorporated herein by reference as part of this Agreed Order.
7. At the time of the initial incident, Respondent was employed as a Registered Nurse with Advanced Cardiovascular Surgery Center, and had been in that position for two (2) years and seven (7) months.
8. On or about June 14, 2022, while employed as a Registered Nurse with Advanced Cardiovascular and Surgery Center, Houston, Texas, Respondent may have lacked fitness to practice nursing while on duty in that Respondent allegedly exhibited signs of behavior that may have resulted in disruption of the cardiac catheterization procedure, but did not, including: allegations of falling asleep while caring for a patient and falling off her four legged stool with wheels, allegations of slurred speech and swaying. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patient's conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patient in potential danger. The procedure was not stopped or paused, No harm came to the patient.
9. In Response to Finding of Facts Eight (8), the Respondent states that she did not ever fall asleep while working in this or any facility for the 23 years she has been a nurse. She states that she was seated on a short, small stool on wheels, and that she wore a lead vest and skirt due to the nature of the procedure, as well as an ortho boot on her left foot and lower leg due to her ongoing medical condition of severe Plantar Fasciitis for which she had been receiving professional medical care since Mid-May, 2022. Respondent states she lost her balance and fell to the floor and got up herself. She remained in the room, taking part in the procedure for the remainder of the procedure and was not asked by anyone in the room if she needed medical or other assistance. The cardiologist did not have her replaced, and the procedure continued for another approximately 25 minutes during which she completed her role as circulating nurse. A management person did a brief summary dated June 20, 2022, in which she reiterated the reported events and of which she questioned why no one called for assistance if there was any question of Respondent's health, and she also noted

that the cardiologist “did not see her sleeping”. In closing her summary, she noted that “ALL staff afraid of retaliation for saying something and possible jeopardizing their job. Have had a negative experience in past.” Evaluations from 2020 and 2021 noted “great experience, an asset to our team,

10. Formal Charges were filed on June 15, 2023.

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)(T) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(E),&(4) .
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)(12)&(14), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 890638, heretofore issued to GINGER JOHNSON.
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** 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. 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. **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.*

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:** 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.

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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 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 6th day of November, 2023.

Ginger Johnson
GINGER JOHNSON, 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.

Joyce Lilly
Joyce Lilly, Attorney for Respondent

Signed this 7th day of November 2023

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 6th day of November, 2023, by GINGER JOHNSON, Registered Nurse License Number 890638, and said Agreed Order is final.

Effective this 12th day of December, 2023.

Kristin K. Benton, DNP, RN

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



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
GINGER JOHNSON,	§	
a/k/a GINGER STAFFORD JOHNSON,	§	ELIGIBILITY ORDER
PETITIONER for Eligibility for Licensure	§	

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, considered the Endorsement Application, which has been processed as a Petition for Declaratory Order pursuant to 22 TEX. ADMIN. CODE §217.5(f) and §213.30, and supporting documents filed by GINGER JOHNSON, hereinafter referred to as PETITIONER, together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that PETITIONER may be ineligible for licensure pursuant to Sections 301.452(b)(8)&(10) and 301.453, Texas Occupations Code.

PETITIONER waived representation by counsel, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on September 21, 2015.

FINDINGS OF FACT

1. On or about February 17, 2015, PETITIONER submitted an Endorsement Application requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(f) and §213.30.
2. Petitioner waived representation by counsel, informal proceedings, notice and hearing, and consented to the entry of this Order.

3. Petitioner received an Associate Degree in Nursing from Troy State University of Montgomery, Montgomery, Alabama, on June 1, 1999.
4. Petitioner completed the Endorsement Application and answered "Yes" to the question which reads as follows: *"Has any licensing authority refused to issue you a license or ever revoked, annulled, cancelled, accepted surrender of, suspended, placed on probation, refused to renew a professional license, certificate or multi-state privilege held by you now or previously, or ever fined, censured, reprimanded or otherwise disciplined you?"*
5. On January 18, 2013, Petitioner was issued a Consent Order by the Alabama Board of Nursing. A copy of the January 18, 2013, Consent Order is attached and incorporated by reference as part of this Order.
6. On January 31, 2014, Petitioner satisfied all terms and conditions as set forth in the Consent Order issued on January 18, 2013, by the Alabama Board of Nursing.
7. After considering the action taken by the Alabama Board of Nursing, along with Petitioner's subsequent conduct, the Executive Director is satisfied that Petitioner should be able to meet the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
8. Petitioner has sworn that, with the exception of matters disclosed in connection with the Endorsement Application, her past behavior conforms to the Board's professional character requirements at 22 TEX. ADMIN. CODE §213.27.
9. Petitioner presented no evidence of behavior which is inconsistent with good professional character.
10. The Executive Director considered evidence of Petitioner's past behavior in light of the character factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for good professional character.
11. Licensure of Petitioner poses no direct threat to the health and safety of patients or the public provided Petitioner complies with the stipulations outlined in this Order.
12. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
13. Petitioner has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.

14. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Sections 301.452 and 301.453, Texas Occupations Code.
2. On or about February 17, 2015, PETITIONER submitted an Endorsement Application requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.257, and 301.260, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §217.5(f) and §213.30.
3. Petitioner's history reflects conduct which may constitute grounds for denial of a license under Section 301.452(b)(8)&(10), Texas Occupations Code.
4. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
5. The Board may license an individual with prior behaviors inconsistent with the Board's character requirements if, upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
6. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).

ORDER

NOW, THEREFORE, IT IS AGREED that the application of PETITIONER is hereby GRANTED, and upon payment of the required fees and meeting all other applicable requirements, PETITIONER SHALL be issued the applicable license to practice nursing in the State of Texas, which shall be subject to the following stipulations:

PETITIONER SHALL obtain and read the Texas Nursing Practice Act and the Rules and Regulations Relating to Nurse Education, Licensure, and Practice.

PETITIONER SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.*, and this Order.

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

IT IS FURTHER AGREED and ORDERED that while PETITIONER'S license is encumbered by this Order, PETITIONER may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where PETITIONER wishes to work.

(1) PETITIONER SHALL, within one (1) year of licensure, successfully complete a course in Texas nursing jurisprudence and ethics. PETITIONER SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. PETITIONER SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify PETITIONER'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if

any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*

<http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

(2) PETITIONER SHALL, within one (1) year of licensure, successfully complete 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 program, PETITIONER SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.*

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from PETITIONER'S license to practice nursing in the State of Texas and PETITIONER may be eligible for nurse licensure compact privileges, if any.

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PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past conduct which could constitute grounds for licensure ineligibility, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my application, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past conduct in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.27, 213.28, 213.29, and 213.30. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

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 revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive representation, notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

Signed this 5th day of Nov, 2015.

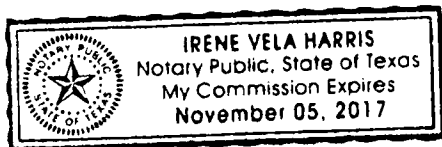
Ginger S. Johnson

GINGER JOHNSON, a/k/a GINGER STAFFORD
JOHNSON, PETITIONER

Sworn to and subscribed before me this 5th day of Nov, 2015.

SEAL

Irene Vela Harris
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Eligibility Order that was signed on the 5th day of November, 2015, by GINGER JOHNSON, a/k/a GINGER STAFFORD JOHNSON, PETITIONER for Eligibility for Licensure, and said Order is final.

Effective this 30th day of November, 2015.



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

BEFORE THE ALABAMA BOARD OF NURSING

IN THE MATTER OF:

GINGER STAFFORD JOHNSON

LICENSE NO. 1-090996

Respondent.

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ABN CASE NO. 2011-1479

CONSENT ORDER

The Alabama Board of Nursing, hereinafter referred to as Board, having evidence that **GINGER STAFFORD JOHNSON**, hereinafter referred to as Respondent, is in violation of the Code of Alabama 1975 § 34-21-25, and of the Alabama Board of Nursing Administrative Code, § 610-X-8; and Respondent, desiring to avoid the necessity of a formal hearing, do hereby enter into this Consent Order in lieu of proceeding with further disciplinary action. Respondent understands the right to a formal hearing in this matter and hereby knowingly waives such right. Respondent further understands and agrees that this is a non-appealable Order.

FINDINGS OF FACT

I.

On August 13, 1999, Respondent was licensed by the Alabama Board of Nursing as a Registered Nurse (RN) and was so licensed at all times relevant to matters stated herein. Respondent is currently licensed through December 31, 2012.

II.

Respondent was employed by Thomas Hospital, Fairhope, Alabama, on or about September 30, 2008, until Respondent was terminated from employment on June 22, 2011.

III.

According to the facility investigation, on June 15, 2011, while taking care of a patient in the Medical Intensive Care Unit Respondent received an order to administer 80 mg of Lasix by intravenous push to patient MB. Respondent drew the Lasix up and placed the medication in 50 milliliters of normal saline and gave to the patient as an intravenous infusion to be administered over 15 minutes. The intravenous medication was not labeled as required by facility policy and the medication was not given as ordered by the physician.

In addition, at approximately 10:15 am an Electrocardiogram (EKG) was ordered on said patient because her cardiac monitor tracing revealed no p waves present. Respondent was off the floor at the time and nurse PS left word for the Respondent that she had observed a rhythm change and ordered an EKG. When the EKG was completed Respondent removed the EKG from the chart, tore the EKG in half, and placed the pieces in the shredder box. Respondent did not have a physician review the EKG prior discarding the EKG.

At approximately 11:45 when nurse PS returned she asked Respondent about the EKG and Respondent stated that the patient's leads were off earlier and now the patient had p waves. Nurse PS reviewed with Respondent the cardiac rhythm in several monitor leads which indicated that the p waves were different from earlier. The Respondent asked PS if she needed to order another EKG. Nurse PS was unaware that the Respondent had discarded the prior EKG.

At approximately 3:00 pm the chart was reviewed and it was determined that the earlier EKG was missing. The EKG was retrieved from the shredder and the results documented on the EKG indicated an abnormal EKG. The physician was notified and another EKG ordered. The patient was scheduled for a heart catheterization procedure, which the patient later refused.

IV.

Respondent maintains in an email statement to the Board investigator that she did hang the Lasix 80 mg intravenous push (IVP) that was ordered as a piggyback instead of giving IVP as ordered. Respondent states that she did this for the safety of the patient. She maintains that she taped the empty Lasix vial to the bag but did not complete the date, time, and initials on the label.

Respondent also admitted that she put the EKG in the shredder box because she thought the EKG was fine and that the EKG was ordered because the lead placement was in error. She corrected the lead placement and told the secretary to cancel the EKG so the patient would not be charged. She did not call the physician because the patient was asymptomatic and in sinus rhythm on the monitor.

V.

Respondent's personnel record includes the following pertinent history of employee disciplinary actions regarding the Respondent.

On January 30, 2011, Respondent received a Coaching and Feedback Record related to the importance of following up messages regarding assigned patients when messages are left.

On November 24, 2010, Respondent received a Corrective Action Report (CAR) related to unsatisfactory job performance and policy/rule violation. The CAR and supporting documentation revealed Respondent lacked proper documentation on a critical patient; displayed confrontational and challenging attitude with the Emergency Department nurse during a patient handoff; and removed the cardiac monitor of a critical care patient who was being monitored for an overdose. Respondent did not call the physician to obtain an order to remove the monitor or notify him that the monitor was removed. The Respondent maintains she removed the monitor for the patient's safety.

CONCLUSIONS OF LAW

1. Standards of practice require registered nurses to have knowledge and understanding of the laws and rules regulating nursing; function within the legal scope of nursing practice; be responsible and accountable for the quality of nursing care delivered to patients based on and limited to scope of education, demonstrated competence, and nursing experience; accept individual responsibility and accountability for judgments, actions and nursing competency, remaining current with technology and practicing consistent with facility policies and procedures; respect the dignity and rights of patients including safety; and accept individual responsibility and accountability for accurate, complete and legible documentation related to patient care records. The practice of professional nursing (registered nurse practice) includes exercise of appropriate nursing judgment; conducting and documenting comprehensive assessments and evaluations of patients and focused nursing assessments; documentation of nursing interventions and responses to care in an accurate, timely, thorough and clear manner; and executing medical regimens including administering medications and treatments prescribed by a licensed or otherwise legally authorized prescriber Code of Alabama, 1975, § 34-21-1(3)(a), and Alabama Board of Nursing Administrative Code, § 610-X-6-.03(1), (2), (4), (7), and (15)(a); 610-X-6-.04(1)(c), (e), (f), and (g), and (2)(a); and 610-X-6-.06(2)(b), and (c). Respondent's conduct as described in Paragraphs III and IV of the Findings of Fact demonstrates Respondent failed to practice nursing in accordance with the standards of practice adopted by the Board in Chapter Six of the Alabama Board of Nursing Administrative Code violation of Code of Alabama, 1975, § 34-21-25(b) (1)(g), and Alabama Board of Nursing Administrative Code, § 610-X-8-.03(7)(a). Said conduct is unprofessional conduct of a character likely to deceive, defraud or injure the public in matters pertaining to health.

2. Respondent's conduct as described in Paragraphs III and IV of the Findings of Fact demonstrates the Respondent failed to use appropriate judgment and administer medications

and treatments in a responsible manner in violation of Code of Alabama, 1975, § 34-21-25(b)(1)(g), and Alabama Board of Nursing Administrative Code, § 610-X-8-.03(7)(e)(i) and (ii). Said conduct is unprofessional conduct of a character likely to deceive, defraud or injure the public in matters pertaining to health.

3. The Respondent's behavior as described in Paragraph III and IV of the Findings of Fact demonstrates that the Respondent practiced beyond the scope of practice for her license in violation of Code of Alabama, 1975, § 34-21-25(b)(1)(g), and Alabama Board of Nursing Administrative Code, § 610-X-8-.03(7)(b)(i) and (ii). Said conduct is unprofessional conduct of a character likely to deceive, defraud or injure the public in matters pertaining to health.

4. Respondent's conduct as described in Paragraph IV of the Findings of Fact demonstrates that Respondent destroyed patient records in violation of Code of Alabama, 1975, § 34-21-25(b)(1)(g), and Alabama Board of Nursing Administrative Code, § 610-X-8-.03(7)(f). Said conduct is unprofessional conduct of a character likely to deceive, defraud or injure the public in matters pertaining to health.

5. The conduct stated above constitutes sufficient grounds for the imposition of sanctions against Respondent's license to practice as a Registered Nurse in the State of Alabama pursuant to Code of Alabama, 1975, § 34-21-25, and Alabama Board of Nursing Administrative Code, § 610-X-8.

ORDER

Respondent's Alabama Licensed Practical/Registered Nurse License, No. 1-090996, is hereby placed on **PROBATION** for a period of twelve (12) months pursuant to the following terms and conditions.

1. **Return of Wallet ID Card**

Respondent's wallet ID card shall be **immediately** returned to the Alabama Board of Nursing office in order to have it indicate probationary status.

2. **Fine**

Respondent shall pay a fine in the amount of \$300. This fine must be paid within thirty (30) days of the effective date of this Order. Respondent understands that failure to pay the fine is cause for additional disciplinary action by the Board.

3. **Self-Report**

Respondent shall submit a written status report to the Board on a Board-approved form. This is to be submitted on a monthly basis, according to schedule, and must contain a self-assessment of current status. This report is required regardless of whether Respondent is employed in nursing.

4. **Education – Completion of Courses**

Respondent shall satisfactorily complete Board-approved courses/programs on professional accountability, documentation, and EKG interpretation and provide documentation of completion to the Board. Said courses must be satisfactorily completed within three (3) months from the effective date of this Order.

5. **Restricted Employment**

Respondent shall not work for a nursing registry, traveling nurse agency, nursing float pool, hospice, home health agency, or temporary employment agency.

6. **Employment - Supervision Restriction**

Respondent shall not be employed as a supervising nurse.

7. **Employment - Monitoring**

Respondent shall practice only under the on-site monitoring of a Board-approved licensed health professional in good standing with their professional regulatory body. The employment monitor is not required to be on the same unit or ward as Respondent but should be on site and readily available to provide assistance and intervention in the event Respondent appears impaired or otherwise unable to safely practice. Respondent shall work only regularly

assigned, identified, and predetermined units. The on-site monitor shall be primarily one (1) person. Respondent shall not be self-employed or contract for services.

8. **Employment - Notification**

Respondent shall provide all health care employers, collaborative and covering physicians (if CRNP/CNM) and schools of nursing with a copy of this Order and cause each to acknowledge to the Board that a copy of this Order has been provided to them. Said notification shall be received by the Board no later than ten (10) days after the effective date of this Order or within ten (10) days of Respondent's employment or advanced practice approval or entry into school and must be on the Board-provided form.

9. **Employment - Evaluation of Performance**

Respondent shall cause the employer to provide to the Board, on a Board-approved form, a written evaluation of Respondent's nursing performance. Such reports are due quarterly, according to schedule. The receipt of an unfavorable report may be considered to be a violation of this Order. If Respondent is not employed as a nurse, Respondent is required to inform the Board of employment status in the monthly self-report.

10. **Employment - Change in Status**

Respondent shall not accept or change employment without prior written notification to the Board. Said notification must include the name and number of the person who will be Respondent's supervisor.

11. **Not Employed in Nursing**

Periods of time in which Respondent is not employed as a practicing nurse shall be excluded from computation of time to be served on probation, unless determined otherwise by the Board of Nursing or its designee. A minimum of ninety-six (96) hours of nursing employment per month is required to constitute being "employed as a practicing nurse." Employment in fields

other than nursing does not relieve Respondent from compliance with all other terms and conditions of this Order.

12. **Alabama Licensure Status**

Respondent must maintain a current license at all times during the period of this Order. If for any reason Respondent allows the nursing license to lapse/expire, such may be cause for disciplinary action.

13. **Notification of Board**

If Respondent is arrested by any law enforcement agency or is admitted as a patient to any institution in this state or elsewhere for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological disorder, Respondent shall cause the Board to be notified immediately. Respondent also shall immediately report to the Board any relapse as well as any disciplinary action issued by an employer. Should Respondent test positive on any drug screen conducted by an employer, an employee assistance program, court referral program or other entity, Respondent shall immediately report such to the Board.

14. **Change of Address**

Respondent shall immediately notify the Board, in writing, of any change of address.

15. **Relocation**

Respondent must notify the Board of pending relocation outside the State of Alabama. If Respondent plans to relocate to another state, Respondent must inform that state's board of nursing as to licensure status and may request the Alabama Board to transfer monitoring to the other state. If monitored by another state, Respondent must successfully complete all requirements of the Board Order of the other jurisdiction in order to fulfill the terms of this Order. Respondent must submit to the Alabama Board a copy of the Order from the other state and official notification of successful completion or unsuccessful termination thereof. The Board

retains the right to withdraw approval for out-of-state monitoring if circumstances indicate that such is appropriate.

16. **Personal Interview**

Respondent shall appear in person for interviews at the request of the Board or Board designee.

17. **Obey the Laws**

Respondent shall refrain from violation of any federal, state or local law or rule or Order of the Board. A conviction on any criminal charge pending at the time of the signing of this Order may result in further disciplinary action. Any arrest subsequent to the signing of this Order may result in further disciplinary action.

18. **Release of Records and Information**

Respondent hereby authorizes the Board of Nursing to submit information and all records necessary to ensure compliance with the stipulations of this Order and public safety. This includes communication with Respondent's employer (existing and prospective) regarding non-compliance or other concerns. Respondent also agrees to execute all appropriate release of information forms so as to allow all healthcare providers, employers and all other necessary persons to inform the Board, in writing, of Respondent's status and progress.

19. **Violation**

Any deviation from the requirements of this Order without the written consent of the Board shall constitute a violation of this Order and will be cause for disciplinary action.

20. **Subsequent Practice Act Violation**

Should supplemental cause for disciplinary action arise during the period of this Order, such is cause for disciplinary action.

21. **Fraudulent Acts During Period of Order**

Submission of fraudulent documents or reports or misrepresentation of facts relating to the terms and conditions stated herein shall constitute a violation of this Order.

22. **Termination of Order**

This Order shall terminate only upon receipt of documents to satisfy all terms and conditions of this Order, including receipt of official court records documenting successful completion of court-ordered probation, pretrial diversionary-type program, drug court, etc., where applicable. This period of probation will not terminate until notification by the Board to Respondent in writing that all terms and conditions have been met and the probation has been completed.

23. **Public Information**

This Order is public information. All disciplinary actions of the Board will be reported to all required data banks.

24. **Effective Date**

The effective date of this Order shall be the documented date of service or attempted service by certified mail or personal service.

25. Final Order

This Order is subject to full Board consideration and acceptance before it shall be final.

X EXECUTED on this the 10th day of December 2012.

X Ginger Stafford Johnson
GINGER STAFFORD JOHNSON

APPROVED AND ACCEPTED by the ALABAMA BOARD OF NURSING on this the 18th
day of January 2013

N. Genell Lee
N. GENELL LEE, RN, MSN, JD
EXECUTIVE OFFICER
ALABAMA BOARD OF NURSING