BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 553811 and	§	
Vocational Nurse License Number 113473	§	
issued to BETTY HARLEEN BERTRAND	§	ORDER

TEXAS BOARD OF NURSING
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.
Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BETTY HARLEEN BERTRAND, Registered Nurse License Number 553811 and Vocational Nurse License Number 113473, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10),(12)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on June 1, 2012, by Katherine A. Thomas, MN, RN, FAAN, Executive Director, subject to ratification by the Board.

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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in the State of Texas. Respondent's license to practice vocational nursing in the State of Texas is in delinquent status.

4. Respondent received a Certificate in Vocational Nursing from Cerro Coso Community College, Ridgecrest, California, on December 18, 1981; received an Associate Degree in Nursing from Texarkana Community College, Texarkana, Texas, on May 1, 1989; and received a Baccalaureate Degree in Nursing from The University of Arkansas for Medical Sciences, Little Rock, Arkansas, in May 1994. Respondent was licensed to practice vocational nursing in the State of Texas on January 31, 1986; and was licensed to practice professional nursing in the State of Texas on August 25, 1989.

5. Respondent's nursing employment history includes:

1/86 - 9/89	LVN Staff Nurse Newborn Nursery	Wadley Regional Medical Center Texarkana, Texas
10/89 - 10/92	RN Staff Nurse Newborn Nursery	Wadley Regional Medical Center Texarkana, Texas
11/92	Unknown	
12/92 - 12/93	Staff Nurse Home Care	HealthCor, Inc. Texarkana, Texas
1/94 - 10/95	Staff Nurse	Kidney and Dialysis Center Texarkana, Texas
9/95 - 8/08	Associate Professor LVN Program	Texarkana College Texarkana, Texas
10/95 - 3/12	Staff Nurse Neonatal Intensive Care	Christus St. Michael Health Care Center Texarkana, Texas
4/12 - Present	Unknown	

6. On June 28, 2010, Respondent's license to practice nursing in the State of Texas was issued a sanction of Remedial Education and a Fine through an Agreed Order of the Board. A copy of the Findings of Fact, Conclusion of Law, Respondent's Statement of Agreement, and Agreed Order dated June 28, 2010, is attached and incorporated herein by reference.

7. At the time of the incident in Finding of Fact Number Eight (8), Respondent was employed as a Staff Nurse in the Neonatal Intensive Care Unit with Christus St. Michael Health Care Center, Texarkana, Texas, and had been in this position for sixteen (16) years and five (5) months.

8. On or about March 2012, while employed as a Staff Nurse with Christus St. Michael Health Care Center, Texarkana, Texas, Respondent lacked fitness to practice in that she was observed sleeping while on duty and providing direct patient care to infants in the Neonatal Intensive Care Unit. Respondent's conduct was likely to injure the patients in that her condition affected her ability to recognize the signs, symptoms, or changes in patients' conditions and prevented her from being able to make rational, accurate, and appropriate assessments. judgments, and decisions regarding care of her patients.

9. In response to the incident in Finding of Fact Number Eight (8), Respondent states, "I was shown a picture, of me, that looked like I was asleep. I do not know when or how that picture was taken. I do not , and have not ever simply, made a practice of sleeping on the job. If I was asleep, it would have been truly an accidental occurrence."

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 violations of Section 301.452(b)(10),(12)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),&(1)(T) and 217.12(1)(A),(1)(B),(1)(E),(4)&(5).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 553811 and Vocational Nurse License Number 113473, heretofore issued to BETTY HARLEEN BERTRAND, including revocation of Respondent's licenses to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and RESPONDENT 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, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent 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 Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT 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. RESPONDENT 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 RESPONDENT'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) RESPONDENT SHALL, within one (1) year of entry of this Order, 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, RESPONDENT 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.

Board-approved courses may be found at the following Board website address: http://www.bon.texas.gov/disciplinaryaction/stipscourses.html.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS 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 STIPULATION PERIOD:

(3) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(4) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the

Board's office within five (5) days of employment as a nurse.

(5) 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 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.

(6) 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 nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall 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 Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, 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 Board. When this Order is ratified, the terms of this Order become effective, 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 revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 27 day of June, 2012.

Betty Harleen Bertrand

BETTY HARLEEN BERTRAND, Respondent

Sworn to and subscribed before me this 27 day of June, 2012.

Vicki Westmoreland

Notary Public in and for the State of Texas

SEAL

VICKI WESTMORELAND
NOTARY PUBLIC
STATE OF TEXAS
My Commission Expires 11-22-2015

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 27th day of June, 2012, by BETTY HARLEEN BERTRAND, Registered Nurse License Number 553811 and Vocational Nurse License Number 113473, and said Order is final.

Effective this 14th day of August, 2012.

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

BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	AGREED
License Number 553811 and	§	
Vocational Nurse License Number 113473	§	
issued to BETTY HARLEEN BERTRAND	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BETTY HARLEEN BERTRAND, Registered Nurse License Number 553811 and Vocational Nurse License Number 113473, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10),(12)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on May 17, 2010, by Katherine A. Thomas, MN, RN, Executive Director.

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.

2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in the State of Texas. Respondent's license to practice vocational nursing in the State of Texas is in delinquent status.

4. Respondent received a Certificate in Vocational Nursing from Cerro Coso Community College, Ridgecrest, California, on December 18, 1981; received an Associate Degree in Nursing from Texarkana Community College, Texarkana, Texas, on May 1, 1989; and received a Baccalaureate Degree in Nursing from The University of Arkansas for Medical Sciences, Little Rock, Arkansas, in May 1994. Respondent was licensed to practice vocational nursing in the State of Texas on January 31, 1986; and was licensed to practice professional nursing in the State of Texas on August 25, 1989.

5. Respondent's nursing employment history includes:

1/86 - 9/89	LVN Staff Nurse Newborn Nursery	Wadley Regional Medical Center Texarkana, Texas
10/89 - 10/92	RN Staff Nurse Newborn Nursery	Wadley Regional Medical Center Texarkana, Texas
11/92	Unknown	
12/92 - 12/93	Staff Nurse Home Care	HealthCor, Inc. Texarkana, Texas
1/94 - 10/95	Staff Nurse	Kidney and Dialysis Center Texarkana, Texas
9/95 - 8/08	Associate Professor LVN Program	Texarkana College Texarkana, Texas
9/08 - Present	Unknown	

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as an Associate Professor and Clinical Instructor, Licensed Vocational Nurse (LVN) Program, with Texarkana College, Texarkana, Texas, and had been in this position for twelve (12) years and eleven (11) months.

7. On or about August 2007 through December 2007, while employed as an Associate Professor and Clinical Instructor with the LVN Program at Texarkana College, Texarkana, Texas, Respondent lacked the fitness to practice as a clinical instructor in that she was observed sleeping on multiple occasions instead of supervising vocational nursing students who were providing direct patient care. Respondent's conduct likely exposed the patients to the risk of harm in that vocational nursing students lacked the knowledge and education to provide direct patient care without the benefit of the supervision by the clinical instructor.

8. In response to the incidents in Finding of Fact Number Seven (7), Respondent admits that on December 10, 2007, she "dozed off" while reviewing care plans. Respondent explains that she had taken a new cold medication that morning that was supposed to be non-drowsy. In addition, Respondent states that she was having to work two (2) jobs and was the sole provider for her family because her husband was ill and unable to work.

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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 violations of Section 301.452(b)(10),(12)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(T)&(1)(U) and 217.12(1)(A),(1)(B),(1)(E),(1)(G),(4)&(5).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 553811 and Vocational Nurse License Number 113473, heretofore issued to BETTY HARLEEN BERTRAND, including revocation of Respondent's licenses to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION WITH A FINE, and RESPONDENT 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 Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized licenses issued to BETTY HARLEEN BERTRAND to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT 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. RESPONDENT 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 RESPONDENT'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.state.tx.us/disciplinaryaction/stipscourses.html.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, 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, RESPONDENT 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 this workshop may be found at the following web address: http://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary.*

(4) RESPONDENT SHALL pay a monetary fine in the amount of one thousand dollars ($1,000.00). RESPONDENT SHALL pay this fine within ninety (90) days of entry 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.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's licenses to practice nursing in the State of Texas and RESPONDENT shall 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 Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, 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 when this Order becomes final and the terms of this Order become effective, 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 revocation of my licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 17 day of June, 2010.

Betty Harleen Bertrand

BETTY HARLEEN BERTRAND, Respondent

Sworn to and subscribed before me this 17th day of June, 2010.

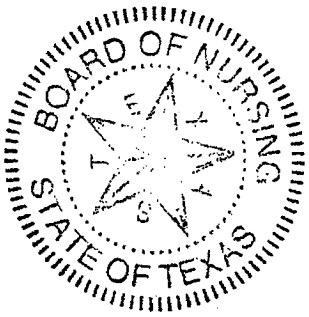
Pam Sellers

Notary Public in and for the State of TX

SEAL

PAM SELLERS
Notary Public
STATE OF TEXAS
My Comm. Exp. November 1, 2012

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 17th day of June, 2010, by BETTY HARLEEN BERTRAND, Registered Nurse License Number 553811 and Vocational Nurse License Number 113473, and said Order is final.



Effective this 28th day of June, 2010.

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