



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 181662 §
issued to LORI ANN ZACHARY § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of LORI ANN ZACHARY, Vocational Nurse License Number 181662, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on February 4, 2011 , by Katherine A. Thomas, MN, RN, 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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Victoria College-Hallettsville, Hallettsville, Texas, on August 10, 2001. Respondent was licensed to practice vocational nursing in the State of Texas on September 25, 2001.
5. Respondent's nursing employment history includes:

9/2001 - 11/2005	Charge Nurse	Monument Hill Nursing Center LaGrange, Texas
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Respondent's nursing employment history continued:

12/2005 - 5/2006	Medication Staff Nurse	Silver Pines Care Center Bastrop, Texas
5/2006 - 10/2008	Staff Nurse	Giddings Healthcare Center Giddings, Texas
11/2008 - Present	Unknown	

6. At the time of the incident in Finding of Fact Numbers Seven (7), Nine (9), and Eleven (11), Respondent was employed as a staff nurse with Giddings Healthcare Center, Giddings, Texas, and had been in this position for two (2) years and three (3) months.
7. On or about August 4, 2008, while employed as a staff nurse with Giddings Healthcare Center, Giddings, Texas, Respondent failed to wash her hands or wear gloves in order to prevent the exposure of Patient LS to infectious pathogens during pressure ulcer treatments and dressing changes. Respondent's conduct was likely to expose the patient to infectious pathogens and may have deprived the patient of efficacious treatment.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states she is aware of proper hand washing techniques and frequency, and she tries to make a point of always having gloves and hand wash antiseptic in her possession. Respondent states she washes her hands thoroughly when entering the resident's room, in between glove changes and at the end of treatments or procedures.
9. On or about August 4, 2008, and August 5, 2008, while employed as a staff nurse with Giddings Healthcare Center, Giddings, Texas, Respondent failed to use appropriate medication application methods when performing pressure ulcer treatments for Patient LS, by applying Santyl inside the pressure ulcer using the tube and directly placing it inside the wound. Respondent's conduct deprived the patient of correct medication application and may have deprived the patient of efficacious treatment.
10. In response to the incident in Finding of Fact Number Nine (9), Respondent states she has attended an in-service on application techniques and is currently provided with cotton tipped swabs for applications.

11. On or about August 4, 2008, through August 20, 2008, while employed as a staff nurse with Giddings Healthcare Center, Giddings, Texas, Respondent failed to document and report pressure ulcer assessments for Patient LS and Patient GF, as required. Respondent's conduct resulted in an inaccurate medical record which subsequent care givers would rely on to provide further medical care. Additionally, Respondent's conduct deprived the physician of essential information necessary to institute medical interventions to treat the patient's condition.
12. In response to the incidents in Finding of Fact Number Eleven (11), Respondent states the pressure ulcers were found during a survey, which were not present on the Friday prior to the survey, as verified by the Hospice aide. Respondent states there was a current treatment and telephone order for the pressure area of Resident GF's buttocks..
13. At the time of the incident in Finding of Fact Numbers Fourteen (14) and Sixteen (16), Respondent was employed as a staff nurse with Giddings Healthcare Center, Giddings, Texas, and had been in this position for two (2) years and five (5) months.
14. On or about October 22, 2008, through October 29, 2008, while employed as a staff nurse with Giddings Healthcare Center, Giddings, Texas, Respondent documented pressure ulcer treatments and dressing changes for Patient GF that were not performed. Respondent's conduct resulted in an inaccurate medical record, which subsequent caregivers would rely on to provide further medical care. Additionally, Respondent's conduct deprived the patient of treatments necessary to promote wound healing, which may have resulted in the patient experiencing prolonged effects of untreated pressure ulcers.
15. In response to the incident in Finding of Fact Number Fourteen (14), Respondent states the treatment book was initialed by herself with all intentions of completing the tasks during her shift, but near the end of her shift on October 29, 2008, she was terminated by the administration and therefore unable to complete the tasks.
16. On or about September 8, 2008, through October 27, 2008, while employed as a staff nurse with Giddings Healthcare Center, Giddings, Texas, Respondent performed ulcer treatments for Patient LS using the medication Santyl instead of Accuzyme, as ordered by the physician. Respondent's conduct placed the patient at risk of experiencing nonefficacious treatment from receiving a medication not ordered by the physician and may have resulted in the patient experiencing adverse reactions to a medication not prescribed by the physician.
17. In response to the incident in Finding of Fact Number Sixteen (16), Respondent states that at the time there was a therapeutic interchange and telephone order that the Santyl could be substituted for accuzyme per Medicaid/Medicare.

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)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B), (1)(C),(1)(D)&(1)(O) and 22 TEX. ADMIN. CODE §217.12(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 181662, heretofore issued to LORI ANN ZACHARY, including revocation of Respondent's license(s) 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.state.tx.us/disciplinaryaction/stipscourses.html>.*

(2) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete a course in physical assessment. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order

for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. 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. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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 a course in nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: 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.

RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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>

(4) 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://learningext.com/hives/a0f6f3e8a0/summary>.*

(5) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete a course in "Pressure Ulcers," a 3.0 contact hours workshop presented in various locations by the Texas Department of Aging and Disability Services. In order to receive credit for completion of this workshop, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this workshop 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 website:*

<http://www.dads.state.tx.us/providers/Training/jointtraining.cfm> or by contacting (512) 438-2201.

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(S) 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 VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(6) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. 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. 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.

(7) 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.

(8) RESPONDENT SHALL be supervised by a Registered Nurse or 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.

(9) 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 Registered Nurse or Licensed Vocational 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

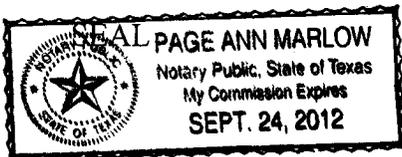
I understand that I have the right to legal counsel prior to signing this Agreed Order.

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 10 day of May, 2011.

Lori Zachary
LORI ANN ZACHARY, Respondent

Sworn to and subscribed before me this 10 day of May, 2011.



Page Marlow
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 10th day of May, 2011 by LORI ANN ZACHARY, Vocational Nurse License Number 181662, and said Order is final.

Effective this 14th day of June, 2011.

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

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