



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 Registered Nurse § AGREED
License Number 723651 §
issued to LAURA NELSON § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LAURA NELSON, Registered Nurse License Number 723651, 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 informal proceedings, notice and hearing, and agreed to the entry of this Order offered on October 13, 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(s).
2. Respondent waived 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.
4. Respondent received a Baccalaureate Degree in Nursing from Texas Women's University, Denton, Texas, on December 17, 2005. Respondent was licensed to practice professional nursing in the State of Texas on January 26, 2006.
5. Respondent's nursing employment history includes:

1/2006 - 6/2006	Staff Nurse	Baylor Grapevine Grapevine, Texas
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Respondent's nursing employment history continued:

7/2006 - 2/2007	Staff Nurse	Baylor Heart and Vascular Dallas, Texas
2/2007 - 12/2007	Staff Nurse	Same Day Surgicare Arlington, Texas
12/2007 - 1/2009	Interim Administrator	Same Day Surgicare Arlington, Texas
2/2009 - 5/2010	Staff Nurse	Same Day Surgicare Arlington, Texas
5/2010 - Present	Not working as a nurse	

6. At the time of the incidents in Findings of Fact Numbers Seven (7) and Nine (9), Respondent was employed as an Interim Administrator with Same Day Surgicare, Arlington, Texas, and had been in this position for one (1) year and one (1) month.
7. On or about January 6, 2009, while employed as the Interim Administrator of Same Day Surgicare, Arlington, Texas, Respondent had knowledge that unlicensed personnel were administering medicated eye drops to patients in the pre-operative waiting area and were documenting the administration time in the medical record. Respondent's conduct was in violation of the Texas Department of State Health Services regulations, and was likely to cause injury to the patients in that the patient's had not been assessed by nursing staff prior to the administration of the medicated eye drops.
8. In response to Finding of Fact Number Seven (7), Respondent states that the Receptionist had been hired before she took over as Interim Administrator and she had observed the Receptionist frequently and found her administration of eye drops to be done in a safe and appropriate manner. Respondent states the physicians would write the order for the first set of eye drops to be administered while the patients were in the reception area, and it was the receptionists job to administer the eye drops. Respondent states the receptionist would document the time she administered the eye drops and if she had any problems or concerns she would go directly to the physicians. Respondent received a written document from the physicians stating they believed that physicians were allowed to delegate medical tasks to trained non-licensed personnel.
9. On or about January 6, 2009, while employed as the Interim Administrator of Same Day Surgicare, Arlington, Texas, Respondent allowed unlicensed personnel to administer medicated eye drops to patient in the pre-operative area in violation of the Texas Department of State Health Services regulations and allowed unlicensed personnel to document the time

the medicated eye drops were administered in the medical record without properly signing and initialing the entry and allowing the licensed nursing personnel to sign for the medications administered by the unlicensed personnel indicating the medications had been administered by the nursing staff. Respondent's conduct resulted in an inaccurate medical record on which subsequent care givers would rely upon to provide further medical treatment.

10. In response to Finding of Fact Number Nine (9), Respondent states the practice had never been questioned during various surveys until the 2009 survey. The eye drops the receptionist administered were the same kind of eye drops the patients had been administering to themselves at home starting two days prior to surgery. The nurses and physicians would have been aware of any reaction the patient's might have experienced with these eye drops prior to surgery. The physicians assess their patients at the preoperative appointment and obtain necessary medical clearance prior to surgery. In addition, the preoperative nurses either meet with patients in person at their preoperative appointment or contact the patients by phone to discuss medical history, medications, drug reactions, questions/concerns, etc. prior to surgery. Furthermore, all necessary paperwork is completed prior to patients receiving their first set of eye drops so that any questions or concerns can be addressed. In the ten years the facility has been using this exact policy, there have been no patient complaints and no adverse outcomes related to the first set of eye drops being administered in the waiting room by the receptionist. In order to correct any potential deficiencies, the receptionist no longer administers the eye drops and all eye drops are administered in the preoperative holding area. Respondent states the physicians provided written documentation stating they understood they were allowed to delegate medical tasks to trained, non-licensed personnel.

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)(D)&(1)(U) and 22 TEX. ADMIN. CODE §217.12(1)(B),(2),(4)&(6)(A).
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 723651, heretofore issued to LAURA NELSON, including revocation of Respondent's license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION, 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 license is 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, 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 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>.*

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

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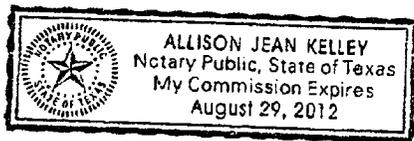
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I 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 license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 19th day of May, 2011.
Laura Nelson
LAURA NELSON, Respondent

Sworn to and subscribed before me this 19th day of May, 2011.

SEAL



Allison Jean Kelley
Notary Public in and for the State of Texas

Approved as to form and substance.

Taralynn R. Mackay
Taralynn Mackay, Attorney for Respondent

Signed this 23rd day of May, 2011.

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 19th day of May, 2011, by LAURA NELSON, Registered Nurse License Number 723651, and said Order is final.



Effective this 25th day of May, 2011.

A handwritten signature in black ink, reading 'Katherine A. Thomas', is written over a horizontal line.

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