



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 213322 §
issued to BEANNKA LANELLE CONLEY § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of BEANNKA LANELLE CONLEY, Vocational Nurse License Number 213322, 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 March 25, 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 Louisiana Technical College-Natchitoches Campus, Natchitoches, LA, on July 30, 2007. Respondent was licensed to practice Vocational nursing in the State of Texas on November 20, 2007.
5. Respondent's complete vocational nursing employment history includes:

11/07-11/08	LVN	Arlington Villa Arlington, Texas
12/08-07/09	LVN	Fort Worth Nursing and Rehabilitation Fort Worth, Texas

Respondent's complete vocational nursing employment history includes (continued):

07/09-Present Unknown

6. At the time of the initial incident, Respondent was employed as a Vocational Nurse with Fort Worth Nursing and Rehabilitation Center, Fort Worth, Texas, and had been in this position for approximately eleven (11) months.
7. On or about July 25, 2009, while employed as a Registered Nurse with Fort Worth Nursing and Rehabilitation, Fort Worth, Texas, Respondent lacked fitness to practice nursing in that she was found sleeping in one of the patient rooms with her shoes off and covered by a blanket. Respondent's conduct could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
8. In Response to Finding of Fact Number Seven (7), Respondent states she went to an empty resident room to take a fifteen (15) minute break because she was feeling nauseated, she was not asleep and was not in the room for even five (5) minutes. Additionally, Respondent states she was awake when the Director of Nursing came into the room, and had made sure that her duties were complete and then informed the nurse on the "east station" that she was taking a quick break because she was not feeling well.
9. On or about July 25, 2009, while employed as a Registered Nurse with Fort Worth Nursing and Rehabilitation, Fort Worth, Texas, Respondent pre-charted patients' medical records to reflect she had administered medications and treatments, which she had not actually done because she had been relieved of her duties, as follows:

<u>Patient</u>	<u>Date</u>	<u>Treatment</u>	<u>Time Charted</u>
DO	7/25/09	Arg. one PKT by GT TID	6A
EB	7/25/09	Apresoline 25mg tab via G. tube 4 times a day	6A
RB	7/25/09	Bactroban cream to Supra Pubic site five times a day	4A
TC	7/25/09	twocal HN Bolus one brick via GT five times a day	4A
DL	7/25/09	Nepro bolus 1 can every 4 hours	4A
DL	7/25/09	Glucerna 1.0 bolus 1 can every 4 hours	4A
DL	7/25/09	Flush g-tube with 60ml of water after each feeding	4A
BP	7/25/09	levalbuterol 1.25mg via updraft every six hours	2A
MV	7/25/09	lubricating lotion to face three times a day to dry skin	5A

Respondent's conduct created an inaccurate medical record on which subsequent care-givers would rely on to provide ongoing medical care. Additionally, Respondent's conduct was likely to injure the patients in that failure to administer the medications or treatments as documented could have resulted in nonefficacious treatment.

10. In Response to Finding of Fact Number (9), Respondent states the reason she pre-charted the medications was because she worked by herself at "west station" and was trying to save time and stay ahead of her work. Additionally, Respondent states it was a very bad habit that she created for herself, worked very hard to break and does not pre-chart anymore.
11. On or about July 25, 2009, while employed as a Registered Nurse with Fort Worth Nursing and Rehabilitation, Fort Worth, Texas, Respondent failed to respond to two (2) residents who stated they had requested pain medication and failed to respond to a resident who needed suctioning via tracheostomy tube. Respondent's conduct was likely to injure the patient in that failing to respond to patients resulted in the patients not getting the care that they needed.
12. In Response to Finding of Fact Number Ten (10), Respondent states she did not neglect her resident and did respond to the residents that requested pain medication. Respondent states she informed the residents it was too early for her to give them a narcotic pain medication by observing the time the previous nurse documented on the narcotic sheet, they agreed and stated they would wait until it was time. Additionally, Respondent states that she did suction her tracheostomy resident.
13. Charges were filed on December 14, 2010.
14. Charges were mailed to Respondent on December 15, 2010.

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 of Section 301.452(b)(10),(12)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A),(B),(D)&(M) and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(A),(B)&(C),(4),(5),(6)(A)&(H)&(10)(B).
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 213322, heretofore issued to BEANNKA LANELLE CONLEY, 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 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>

(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://www.learningext.com/products/generalce/critical/ctabout.asp>.*

(4) RESPONDENT SHALL pay a monetary fine in the amount of five-hundred (\$500) dollars. RESPONDENT SHALL pay this fine within forty-five (45) 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, 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

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

(5) 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.

(6) 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.

(7) 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.

(8) 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

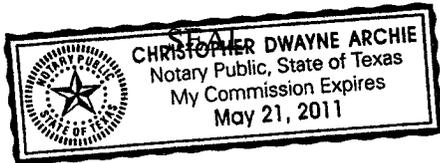
I understand that I have the right to legal counsel prior to signing this Agreed Order.

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 12 day of April, 2011.

BeAnnka Conley
BEANNKA LANELLE CONLEY, Respondent

Sworn to and subscribed before me this 12 day of April, 2011.



Christopher Dwayne Archie

Notary Public in and for the State of _____

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 12th day of April, 20 11, by BEANNKA LANELLE CONLEY, Vocational Nurse License Number 213322, and said Order is final.

Effective this 10th day of May, 20 11.



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