

Respondent's nursing employment history continued:

10/1997 - 02/2009	Charge Nurse	Vitas Innovative Hospice Care Fort Worth, Texas
03/2009 - Present	Unknown	

6. At the time of the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent was employed as a Charge Nurse at the Inpatient Unit of VITAS Innovative Hospice Care, Fort Worth, Texas, and had been in this position for eleven (11) years and four (4) months.
7. On or about February 6, 2009, while employed as a Charge Nurse at the Inpatient Unit of VITAS Innovative Hospice Care, Fort Worth, Texas, Respondent failed to obtain admission orders, as required, for Patient Number 40049728, and exceeded her scope of practice when she documented physician's orders in the medical record of the patient, without directly speaking with the physician, who subsequently signed the orders. Respondent's conduct was likely to injure the patient from medical care formulated without the benefit of a physician's expertise and/or directions.
8. On or about February 6, 2009, while employed as a Charge Nurse at the Inpatient Unit of VITAS Innovative Hospice Care, Fort Worth, Texas, Respondent failed to obtain admission orders, as required, for Patient Number 40053795, and exceeded her scope of practice when she documented physician's orders in the medical record of the patient, without directly speaking with the physician, who subsequently signed the orders. Respondent's conduct was likely to injure the patient from medical care formulated without the benefit of a physician's expertise and/or directions.
9. On or about March 19, 2009, Respondent submitted to the Board six (6) letters from nurses who stated that they had been employed or were currently employed at the Inpatient Unit of Vitas Innovative Hospice Care. All of the letters indicate that it had been the common practice in the Unit for the physicians to allow the nursing staff to write routine comfort orders for the patients, when appropriate, without directly talking with the physicians.
10. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that Patient Number 40049728 was transferring from a medical floor to the VITAS Inpatient Unit and that it was reported to her by the transferring nurse and the Unit Manager that the medications listed on the transfer/discharge orders were the ones that the doctor wanted to continue for the patient. Respondent explains that the physician was not on call that evening, and contends that the physician had, on numerous occasions, told the nursing staff on the Inpatient Unit that when she was not on call, to "write what you need for the patient and I will sign it when I come in the morning." Respondent states that when the patient arrived on the Unit, she copied the orders from the transfer/discharge orders to one of the Unit's order forms. Regarding Patient Number 40053795, Respondent states that one of her co-workers was assigned to admit the patient to the Unit, and explains that the

assigned nurse had called the physician earlier that evening and discussed the admission of Patient Number 40053795, and the physician told the assigned nurse to "do the usual routine comfort meds" when the patient arrived. Respondent states that she and the assigned nurse discussed this and when the patient arrived near the end of the shift, they worked together to admit the patient so that they could finish the admission paperwork by the end of the shift. Respondent explains that they often did this for each other when there were multiple admissions on one shift. Respondent concludes that she is not trying to place blame for her own actions on anyone else and contends that she was following a very common practice of the doctors and nurses who worked at the Inpatient Unit.

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)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),&(1)(P) and 217.12(1)(A),(1)(B)&(3).
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 596516 heretofore issued to SHARON LEE RECHTIN, including revocation of Respondent's license(s) 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, 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 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 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. *Information regarding Board-approved courses in Texas Nursing Jurisprudence may be found at the Board's website 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 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. *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(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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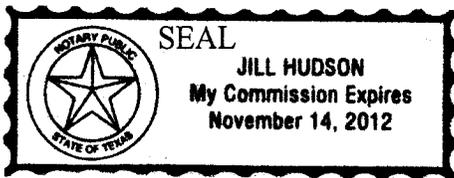
RESPONDENT'S CERTIFICATION

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 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 28th day of March, 2011.

Sharon Lee Rechtin
SHARON LEE RECHTIN, Respondent

Sworn to and subscribed before me this 28th day of March, 2011.



Jill Hudson
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 Order that was signed on the 28th day of March, 2011, by SHARON LEE RECHTIN, Registered Nurse License Number 596516, and said Order is final.

Effective this 1st day of April, 2011.



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

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