



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

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In the Matter of Vocational Nurse                   §     AGREED  
License Number 152972                               §  
issued to LINDA GAYLE HOLMES                   §     ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LINDA GAYLE HOLMES, Vocational Nurse License Number 152972, 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 January 31, 2011, 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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Amarillo College, Amarillo, Texas, on May 26, 1995. Respondent was licensed to practice vocational nursing in the State of Texas on August 1, 1995.
5. Respondent's nursing employment history includes:

08/1995 - 10/1998	Unknown	
11/1998 - 07/2002	Charge Nurse	Canterbury Villa De Leon, Texas

Respondent's nursing employment history continued:

02/2002 - 06/2002	Staff Nurse	Hendricks, Medical Center Hendricks, Texas
06/2002 - Unknown	Charge Nurse	DeLeon Nursing and Rehabilitation De Leon, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Charge Nurse with DeLeon Nursing and Rehabilitation, DeLeon, Texas, and had been in this position for six (6) years and seven (7) months.
7. On or about January 6, 2008, through January 8, 2008, while employed as a Charge Nurse with DeLeon Nursing and Rehabilitation, De Leon, Texas, and working the day shift, Respondent failed to perform a focused assessment of Resident ZN's left leg and failed to notify the physician that the resident complained of severe left hip pain on January 6, 2008. The resident had been in the hospital for surgical repair of a left hip fracture and had returned to the facility on January 4, 2008. It was not until the afternoon of January 8, 2008, that Respondent assessed the resident's lower left leg and discovered that it was swollen, hot, and discolored and notified the physician, who ordered the transfer of the resident to the hospital. It was subsequently revealed that Resident ZN had sustained a fracture of two bones in her left lower leg. Additionally, Respondent failed to completely and accurately document in the resident's medical record. Respondent's conduct resulted in an incomplete medical record, and was likely to injure the resident from the undetected progression of symptoms associated with a fractured leg, including continued, severe pain.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that the resident was sensitive with repositioning after she returned from the hospital and Respondent reasonably attributed her pain to the identified hip fracture, not an unidentified leg fracture. The resident did not exhibit any swelling, redness, or obvious deformity of the lower extremities. According to Respondent, the resident did not verbalize any unusual complaints of pain during her shift except for her usual guarded behavior during repositioning, and did not display any adverse clinical findings indicative of a fractured lower leg that would have precipitated a call to the physician and an immediate transfer to the hospital. Respondent contends that because there was an understood, but unwritten policy not to call the physician after office hours for routine matters, there was no on-call physician available after office hours, and the physician had not given the facility his cell phone number, the facility nursing staff were expected to evaluate a situation, make a nursing judgement based on clinical findings and then, if the resident met certain criteria and an emergent need was evident, make a determination to call the local hospital for orders. Respondent concludes that there was nothing about the resident's behavior that signaled a change of condition warranting medical intervention.

### 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)(D),(1)(M),(1)(P),&(2)(A) and 217.12(1)(A),(1)(B),(1)(C)&(4).
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 152972, heretofore issued to LINDA GAYLE HOLMES, 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.

(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 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>.*

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 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

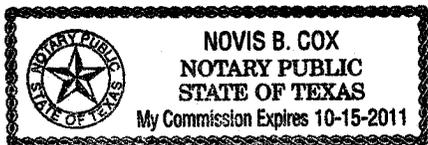
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid 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 15 day of March, 2011.

Linda Gayle Holmes  
LINDA GAYLE HOLMES, Respondent

Sworn to and subscribed before me this 15 day of March, 2011.

SEAL



Novis B. Cox

Notary Public in and for the State of Texas

Approved as to form and substance.

Glenn D. Sanborn  
Glenn D. Sanborn, Attorney for Respondent

Signed this 23<sup>rd</sup> day of MARCH, 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 15th day of March, 2011, by LINDA GAYLE HOLMES, Vocational Nurse License Number 152972, and said Order is final.



Effective this 24th day of March, 2011.

A handwritten signature in cursive script, reading 'Katherine A. Thomas'.

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