

BEFORE THE TEXAS BOARD OF NURSING



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

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In the Matter of Registered Nurse License § AGREED  
Number 696759 and Vocational Nurse License §  
Number 186143 issued to ANGIE LYN FAIRES § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ANGIE LYN FAIRES, Registered Nurse License Number 696759 Vocational Nurse License Number 186143, 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 November 18, 2010, 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 professional nursing in the State of Texas and holds a license to practice vocational nursing which is in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Angelina College, Lufkin, Texas, on August 2, 2002. Respondent was licensed to practice vocational nursing in the State of Texas on October 24, 2002. Respondent received an Associate Degree in Nursing from Angelina College, Lufkin, Texas on May 9, 2003. Respondent was licensed to practice professional nursing in the State of Texas on June 24, 2003.

5. Respondent's professional nursing employment history includes:

8/02-1/03	LVN	Willowbrook Nursing Home Nacogdoches, Texas
2/03-5/03	Unknown	
6/03-2/04	RN	Nacogdoches Medical Center Nacogdoches, Texas
3/04-6/04	RN Case Manager	L & C Nursing Nacogdoches, Texas
6/04-7/05	RN Case Manager	LifeCare Home Health Nacogdoches, Texas
8/05-9/07	RN Case Manager	Bethany Home Helath Nacogdoches, Texas
10/07-10/08	RN Case Manager	1 <sup>st</sup> Choice Home Health Agency Nacogdoches, Texas
1/08-6/08	RN	Southland Nursing Home Lufkin, Texas
6/08-9/08	RN	Westward Trails Nursing Home Nacogdoches, Texas
11/08-Present	RN	Memorial Health Services of East Texas Lufkin, Texas

7. At the time of the initial incident in Finding of Fact Number Eight (8), Respondent was employed as a Registered Nurse with First Choice Home Health, Nacogdoches, Texas, and had been in this position for approximately five (5) months.
8. On or about February 21, 2008, while employed with First Choice Home Health, Nacogdoches, Texas, Respondent was rude and condescending to patient TM when educating him on the patient's disease process and treatment plan. Respondent's conduct was likely to cause emotional harm to the patient which could have interfered or disrupted this patient's treatment.

9. In response to Finding of Fact Number Eight (8), Respondent states she wasn't notified of the complaints until August 2008. Respondent states she was told this occurred when she taught the patient on disease processes. Respondent states she was not counseled on her teaching style.
10. On or about March 7, 2008, while employed with First Choice Home Health, Nacogdoches, Texas, Respondent failed to assess or institute the appropriate nursing intervention in that when Patient PS reported to her that he had fallen, Respondent stated "What do you want me to do about it?" Respondent's conduct deprived the patient of timely detection and intervention in the event the fall had caused and change in the patient's condition. Additionally, Respondent's conduct was likely to cause emotional harm to the patient which could have interfered or disrupted this patient's treatment.
11. In response to Finding of Fact Number Ten (10), Respondent states patient PS reported he had fallen after she had left but had gotten back up and was now sitting in his chair. Respondent states she asked if he was hurt and he responded "no". Respondent then asked if he wanted her to call 911 to get an ambulance because she was with another patient and couldn't come and he said "no". Respondent states she notified the office and continued to see the patient until the agency discharged him on or about September 15, 2008.
12. On or about August 25, 2008, while employed with First Choice Home Health, Nacogdoches, Texas, Respondent was condescending to patient HS when educating the patient on the patient's disease process and treatment plan. Respondent's conduct was likely to cause emotional harm to the patient which could have interfered or disrupted this patient's treatment.
13. In response to Finding of Fact Number Twelve (12), Respondent states that patient HS is a chronic, non-compliant diabetic that does not follow the diabetic diet nor does she take her medications correctly. Respondent states she was informed that patient HS felt she had talked down to her while instructing her on disease process diet and medications. Respondent states at no time did she do anything other than provide appropriate information and instructions for patient HS's personal care.

#### 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, 22 TEX. ADMIN. CODE §217.11 §217.11(1)(A),(B)&(D)&(3)(A) and 22 TEX. ADMIN. CODE §217.12(6)(C).
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 696759 and Vocational Nurse License Number 186143, heretofore issued to ANGIE LYN FAIRES, 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 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 being stayed, 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, 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 REGISTERED NURSE (RN) OR VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(3) 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.

(4) 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.

(5) RESPONDENT SHALL be supervised by a Registered 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.

(6) 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 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 February, 2011.

Angie Lyn Faires  
ANGIE LYN FAIRES, Respondent

Sworn to and subscribed before me this 10<sup>th</sup> day of February, 2011.



Joan P. Inman  
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 February, 2011, by ANGIE LYN FAIRES, Registered Nurse License Number 696759 and Vocational Nurse License Number 186143, and said Order is final.

Effective this 8th day of March, 2011.



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

