BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Vocational Nurse	§	AGREED
License Number 174614	§	
issued to PAMELA RAKESTRAW	§	ORDER

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.
Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as the considered the matter of PAMELA RAKESTRAW, Vocational Nurse License Number 174614, 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 January 14, 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.

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 Tyler Junior College, Tyler, Texas, on October 21, 1999. Respondent was licensed to practice vocational nursing in the State of Texas on December 3, 1999.

5. Respondent's nursing employment history includes:

12/1999	Staff Nurse	University of Texas at Tyler Tyler, Texas

Respondent's nursing employment history continued:

01/2000 - 06/2004	Office Nurse	Tyler Internal Medicine Tyler, Texas
03/2001 - 09/2004	Home Health Nurse	Medical Team Care Tyler, Texas
09/2003 - 12/2004	Hospice Nurse	Hospice of East Texas Tyler, Texas
01/2004 - 04/2006	Home Health Nurse	Odyssey Health Care Dallas, Texas
05/2006 - 06/2006	Home Health Nurse	Advance Hospice Plano, Texas
07/2006 - 03/2007	Week-end Supervisor	Senior Care at Lake Point / Beacon Harbor Rehabilitation Rowlett, Texas
02/2007 - 12/2007	Hospice Nurse	Aleita Hospice Dallas, Texas
01/2008 - 03/2008	Intake Coordinator	Legacy Hospice/Heritage Home Health Tyler, Texas
04/2008 - 10/2008	Home Health Nurse	Encompass Home Health of East Texas Tyler, Texas
03/2008 - Unknown	Agency Nurse	Capstone Healthcare Staffing Tyler, Texas

6. At the time of the initial incident, Respondent was employed as a Home Health Nurse with Encompass Home Health of East Texas, Tyler, Texas, and had been in this position for seven (7) months.

7. On or about October 8, 2008, through October 23, 2008, while employed with Encompass Home Health of East Texas, Tyler, Texas, Respondent failed to clarify with the physician an order to administer insulin to Patient TYL00004656601, resulting in multiple medication errors. The order from the patient's physician was written as "Begin Lantus insulin eight (8) units every morning. Have care giver check blood sugar every evening before supper. If blood sugar is more than one-hundred and seventy (170) miligrams per deciliter before supper, three consecutive days, increase Lantus by two (2) units. Continue this pattern every three (3) days as long as no low sugar reactions take place in the daytime." Respondent interpreted the order to read as: "Begin Lantus eight (8) units. Increase by two (2) units for three (3) days. Have spouse check blood sugar at bedtime and if blood sugar is more than one-hundred and seventy (170) miligrams per deciliter continue to increase by two (2) units until bedtime blood sugar is below one-hundred and seventy (170) miligrams per deciliter." As a result Respondent increased the dosage of insulin by two (2) units for three (3) days, each time the blood sugar level was more than one-hundred and seventy (170) miligrams per deciliter. Respondent administered the incorrect dosage of Lantus insulin fourteen (14) times based on her misinterpretation of the order and failure to clarify the order with the physician. Respondent's conduct exposed the patient unnecessarily to a risk of harm from hypoglycemic episodes from the administration of incorrectly increased doses of insulin.

8. In response to the Finding of Fact Number Seven (7) Respondent states that:
The order was unclear and she interpreted it as:
   - Begin Lantus eight (8) units. Increase by 2 (two) units for three days. Have spouse check blood sugar at bedtime and if blood sugar is more than one-hundred and seventy (170) continue to increase by two (2) units until bedtime blood sugar is below one-hundred and seventy (170).
   - Insulin was adjusted to thirty (30) units over a course of fifteen (15) days.
   - A blood sugar log was kept in the patient's home and in the PDA system.
   - She checked both logs before adjustment of patient's insulin.
   - At no point did this patient experience a hypoglycemic episode.
   - The patient's lowest blood sugar during this period was never below one-hundred (100).
   - The Director of Nursing hired her sister-in-law two (2) weeks prior to Respondent's termination, and then moved the sister-in-law into Respondent's position immediately upon her termination.
   - "I feel my termination was planned to create a position for the Director of Nursing's sister-in-law."

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)(C),(1)(N)&(2)(A) and 217.12(1)(A)&(4).

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 174614, heretofore issued to PAMELA RAKESTRAW, 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(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 <u>not</u> 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 medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights

of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. 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 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(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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 28 day of Jan, 2011.

Pamela Rakestraw

PAMELA RAKESTRAW, Respondent

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

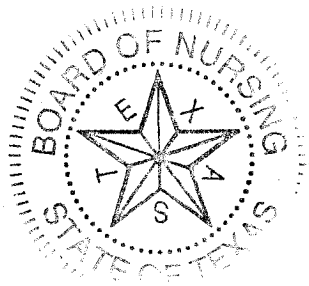
SEAL

Colette M. Murrell

COLETTE M. MURRELL
Notary Public, State of Texas
My Commission Expires
March 11, 2014

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 January, 2011, by PAMELA RAKESTRAW, Vocational Nurse License Number 174614, and said Order is final.



Effective this 11th day of February, 2011.

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