



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.
Patricia Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 675211 §
issued to SUSAN ELAINE SPELL § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that SUSAN ELAINE SPELL, hereinafter referred to as Respondent, Registered Nurse License Number 675211, may have violated Section 301.452(b)(10), Texas Occupations Code.

An informal conference was held on February 2, 2010, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Nancy Roper Willson, RN, MSN, Attorney at Law. In attendance were Mary Beth Thomas, PhD, RN, Executive Director's Designee; John F. Legris, Assistant General Counsel; Lance Brenton, Legal Intern; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Christen M. Werley, Investigator; Toni Frizzel, RN, Investigator; and Kathy Duncan, RN, Investigator.

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 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.
4. Respondent received an Associate Degree in Nursing from Hinds Community College, Jackson, Mississippi, on May 1, 1999. Respondent was licensed to practice professional nursing in the State of Texas on February 6, 2001.

5. Respondent's complete professional nursing employment history includes:

05/1999-02/2001	RN	VA Medical Center Jackson, Mississippi
02/2001-10/17/08	RN	Harris Methodist Fort Worth Hospital Fort Worth, Texas
10/2008- Present	RN	John Peter Smith Hospital Fort Worth, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Harris Methodist Fort Worth Hospital, Fort Worth, Texas, and had been in this position for approximately seven (7) years and three (3) months.
7. On or about May 5, 2008, while employed as a Registered Nurse with Harris Methodist Fort Worth Hospital, Fort Worth, Texas, Respondent used excessive force to reapply the restraints on Patient Medical Record Number 1481910. Although Patient Medical Record Number 1481910 was assessed after the incident and no physical injury to the patient was found, Respondent's conduct could have resulted in injury to the patient in that it unnecessarily exposed the patient to risk of abuse or injury and/or emotional harm.
8. On or about May 5, 2008, while employed as a Registered Nurse with Harris Methodist Fort Worth Hospital, Fort Worth, Texas, Respondent caused or permitted physical, emotional, or verbal abuse or injury to a patient in that Respondent tapped Patient Medical Record Number 1481910 on the mouth while turning her head into the pillow, placed a towel over her face, and bent her thumb backwards. Additionally, Respondent was observed yelling at the same confused patient. Respondent's conduct was likely to injure the patient in that it unnecessarily exposed the patient to risk of further abuse or injury and/or emotional harm.
9. In Response to Finding of Facts Number Seven (7) and Eight (8), Respondent states that the patient had a history of being combative, had a right wrist restraint on and was only able to use the extremities on the right side. The patient would reach and pick apart the diaper that was put on for bowel incontinence. Additionally, Respondent states that she never forcefully tapped the patient's mouth in any way that would have caused injury, and that she took several washcloths and briefly placed them first over the patient's face to position them, and then quickly moved the washcloths so that they only were over the patient's mouth because she did not want to impair either the patient's vision or breathing. Respondent states that once she got the patient's restrained hand free, the patient caught her left wrist and clawed it resulting in multiple lacerations. Respondent states that she did have to bend the patient's thumb backwards to get the patient's thumbnail out of her wrist, but believes that she used only enough force as necessary and never intended to hurt or injure the patient. Once the patient's diaper was properly changed, Respondent states that she guided the patient's right hand down beside her body so that it could be placed back into the wrist restraint.

10. Respondent completed a Nursing and Ethics Jurisprudence Course on June 9, 2009, which would have been a requirement of this Order.
11. Respondent completed a course in Detecting and Preventing Abuse and Neglect in Nursing Facilities on May 25, 2010, which would have been a requirement of this Order.
12. Respondent completed a Sharpening Critical Thinking Skills v3.0 Course on January 30, 2010, which would have been a requirement of this Order.

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 violations of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(4)&(6)(C)&(F).
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 675211, heretofore issued to SUSAN ELAINE SPELL, including revocation of Respondent's license to practice professional 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 multistate licensure privilege, if any, to practice nursing in compact states.

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 multistate licensure 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, 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) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(1) 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.

(2) 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.

(3) 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.

(4) 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 and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

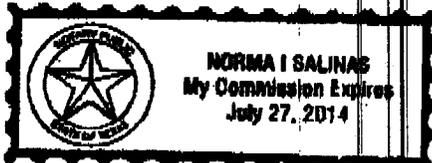
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 5th day of January, 2011.

Susan Elaine Sebell
SUSAN ELAINE SEBELL, Respondent

Sworn to and subscribed before me this 5th day of Jan, 2011.

SEAL



Norma I Salinas
Notary Public in and for the State of Texas

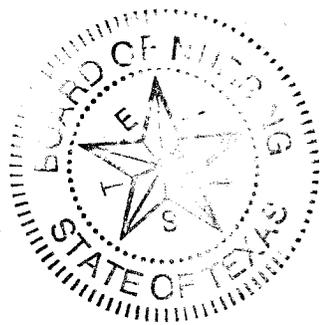
Approved as to form ^{new} and substance.

Nancy Roper Willson
NANCY ROPER WILLSON, Attorney for Respondent

Signed this 5th day of January 2011.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 5th day of January, 2011, by SUSAN ELAINE SPELL, Registered Nurse License Number 675211, and said Order is final.

Effective this 8th day of February, 2011.



Katherine A. Thomas

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