BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	AGREED
License Number 434735	§	
issued to ROSEMARY ANN E. CANNON	§	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 Boa considered the matter of ROSEMARY ANN E. CANNON, Registered Nurse License Number 434735, 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 June 24, 2009, 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 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 a Diploma in Nursing from St. Joseph's Hospital School of Nursing, Memphis, Tennessee, on June 1, 1973 and a Certificate in Women's Health Care Advanced Nurse Program from The University of Texas Southwestern Medical Center, Dallas, Texas on February 8, 1983. Respondent was licensed to practice professional nursing in the State of Texas on January 30, 1976 and recognized as a Women's Health Care Advanced Nursing in the State of Texas on May 3, 1990.

5. Respondent's professional nursing employment history includes:

6/1973 -11/1974	Unknown	
11/1974 - 9/1981	OB/GYN Nurse Practioner	University of Texas Southwestern Medical Center Dallas, Texas
10/1981 - 2 1982	Unknown	
3/1982 - 6/1986	Staff Nurse	Visiting Nurse Association Dallas, Texas
6/1986 - 3/1990	Social Service Coordinator	Southeastern Methodist Hospital Dallas, Texas
4/1990 - 2/1993	Unknown	
4/1993 - 2/2003	Staff Nurse	Life Planning Health Service Location unknown
2/2003 - Present	Staff Nurse	Medical Office of Dr. Aaron Kreisler Mesquite,Texas

6. At the time of the initial incident, Respondent was employed as a Advanced Practice Registered Nurse with Dr. Aaron Kreisler, and had been in this position for three (3) years and six (6) months.

8. On or about August 1, 2006, through October 20, 2006, while employed with Dr. Aaron Kreisler, Mesquite, Texas, Respondent practiced in the role and specialty of a Family Nurse Practitioner, in the pediatric medical practice of Dr. Aaron Kreisler, which was beyond her scope of practice. Respondent failed to practice within the advanced specialty and role appropriate to her advanced educational preparation.

9. Respondent provided insufficient information on her Advanced Practice Renewal Applications dated May 11, 2006, and May 11, 2008, regarding her hours practicing in her area of Women's Health Care in that she answered, "yes," to the following:

   1. ....I attest that I meet all the requirements to practice for the type of renewal requested, as listed in 22 Texas Administrative Code, ch. 216 (CE). Further, I understand that it is a violation of the 22 Texas Administrative Code §217.12(6)(I) and Penal Code §37.10, to submit a false statement to a governmental agency. APNs must also meet all requirement listed in 221.8 (APN); and 222.3 (LPA)

Respondent's conduct may have inappropriately influenced the Board's decision to renew Respondent's certification

10. On or about July 12, 2003, through the present, while employed by Dr. Aaron Kreisler, Mesquite, Texas, Respondent inappropriately signed protocols for Pediatric Primary Care, and exceeded her Board authorized scope of practice as a Women's Health Care Nurse Practitioner.

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), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A)&(B) and(4)(A), 22 TEX. ADMIN. CODE §217.12(1)(B)&(6)(I) and 22 TEX. ADMIN. CODE § 221.13(b).

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 434735, heretofore issued to ROSEMARY ANN E. CANNON, 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 REMEDIAL EDUCATION WITH A FINE, 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 the State of Texas.

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 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 deliver the wallet-sized license issued to ROSEMARY ANN E. CANNON to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order.

(2) 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.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of one thousand dollars ($1000.00) . RESPONDENT SHALL pay this fine within ninety (90) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

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 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 1st day of NOV, 2010.

ROSEMARY ANN E. CANNON, Respondent

Sworn to and subscribed before me this 1 day of Nov, 2010.

SEAL

CYNTHIA S. CULVER
My Commission Expires
January 15, 2014

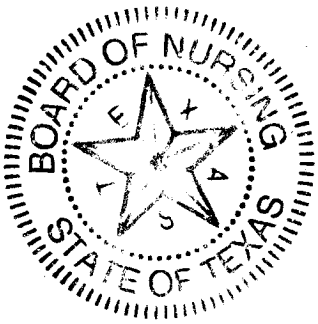
Notary Public in and for the State of Texas

Approved as to form and substance.

Jean DeLoach, Attorney for Respondent

Signed this _____ day of _____, 20____.

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 1st day of November, 2010, by ROSEMARY ANN E. CANNON, Registered Nurse License Number 434735, and said Order is final.



Effective this 17th day of November, 2010.

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