

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 592683 §
issued to DENISE PARKS OYLER § ORDER



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

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DENISE PARKS OYLER, Registered Nurse License Number 592 hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on October 4, 2010, 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 professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Fresno City College, Fresno, California, on June 1, 1974. Respondent was licensed to practice professional nursing in the State of Texas on August 16, 1993.
5. Respondent's nursing employment history includes:

06/74 - 04/89	GN/RN, Med/Surg, Telemetry Oncology, Home Health	Saint Agnes Medical Center Fresno, California
06/80 - 03/84	Assistant Director of Nursing/ Director of Nursing	Beverly Manor Convalescent Hospital Fresno, California

Respondent's nursing employment history continued:

03/84 - 08/85	Home Health Nurse	Madera Home Health Fresno, California
03/90 - 09/93	Staff Nurse/Case Manager	Kimberly Quality Care Fresno, California
06/91 - 09/93	Case Manager	Interim Health Care Fresno, California
06/92 - 08/94	Skills Evaluator American Red Cross	State Community College System Sacramento, California
03/94 - 02/97	Staff Nurse	Cedar Vista Psychiatric Hospital Fresno, California
06/94 - 02/97	Teacher, Health Science Technology	Fort Worth ISD Fort Worth, Texas
02/97 - 11/98	Medicare Coordinator	Trinity Mission of Burleson Burleson, Texas
07/99 - 07/03	Teacher, Health Science Technology	Northwest High School Fort Worth, Texas
07/01 - 06/08	Weekend Supervisor	Gardens Care Center Fort Worth, Texas
07/08 - Present	Director of Nursing	Wellington Oaks Nursing and Rehabilitation, Fort Worth, Texas

6. At the time of the incident, Respondent was employed as Director of Nursing with Wellington Oaks Nursing and Rehabilitation, Fort Worth, Texas, and had been in this position for one (1) month.
7. During August 15, 2008 through October 8, 2008, while employed as Director of Nursing with Wellington Oaks Nursing and Rehabilitation, Fort Worth, Texas, Respondent failed to institute appropriate nursing interventions for Patient RE who had a diagnosis of Intermittent Explosive Behavior. Respondent failed to ensure a safe environment for the patients. Patient RE was involved in numerous incidents of aggressive behavior toward staff and patients, including hitting, kicking, verbal abuse, and on October 8, 2008, Patient RE bit the thumb of another patient. Respondent's conduct exposed the patients and staff unnecessarily to a risk of physical and emotional injury.

8. In response to Finding of Fact Number Seven (7), Respondent states that she began in the position of Director of Nursing at Wellington Oaks on July 7, 2008. A majority of the facility residents have psychiatric diagnosis and display numerous behavioral problems. The facility takes residents who act out, have hallucinations, experience delusions. They have in-services on the topic of behavior many times a year. On August 14, 2008, only one month after Respondent began working she was informed that they were admitting a patient who was currently at a psychiatric hospital. The resident was agitated several hours after his arrival to the facility. The facility psychiatrist attempted to interview the resident without success. After the resident's behavior escalated they obtained a helmet he had worn at the other facility but he removed it. The resident would slide out of his specialty chair, and staff was working hard to keep the resident and others safe. Respondent states that she and the social worker were finding it difficult to find placement for the resident due to the behavioral problems. The psychiatric hospital he came from would not take him back and the local county hospital that had inpatient psychiatric unit would not take him because of his physical problems (head injury). The incident resulting in the resident biting another resident's finger did not result in broken skin. They immediately reported to the Texas Department on Aging and Disability Services as required. After the surveyor arrived the resident was placed on 1:1 observation to protect him and the other residents until they could get a mental health warrant. The next day the resident was transferred to John Peter Smith Hospital (JPS) under a mental health warrant, later that same day JPS called Respondent and told her they were sending him back and she refused. In every instance in which an impulsive outburst occurred, staff reacted to redirect or protect the Resident.

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)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A)&(M) and 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 592683, heretofore issued to DENISE PARKS OYLER, including revocation of Respondent's license(s) 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 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 a course in "Detecting and Preventing Abuse and Neglect ...," a five (5) contact hour workshop presented in various locations by the Texas Department of Aging and Disability Services. In order to receive credit for completion of this workshop, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this workshop 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 website: <http://www.dads.state.tx.us/providers/Training/jointtraining.cfm> or by contacting (512) 438-2201.*

(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://ncsbn.hivelive.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.

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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 violation 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 23rd day of NOVEMBER, 2010.

Denise Parks Oyler
DENISE PARKS OYLER, Respondent

Sworn to and subscribed before me this 23rd day of NOVEMBER, 2010.

SEAL

Luanne Crater
Notary Public in and for the State of California



Approved as to form and substance.

Glen D. Sanborn
Glen D. Sanborn, Attorney for Respondent

Signed this 14th day of DECEMBER, 2010.

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 23rd day of December, 2010, by DENISE PARKS OYLER, Registered Nurse License Number 592683, and said Order is final.



Effective this 15th day of December, 2010.

A handwritten signature in cursive script, reading 'Katherine A. Thomas', is written over a horizontal line.

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