BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 501940	§	
and Vocational Nurse	§	
License Number 93035	§	
issued to PAULA E. PEARCE	§	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 Board, considered the matter of PAULA E. PEARCE, Registered Nurse License Number 501940 and Vocational License Number 93035, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10),(12)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on August 30, 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 licenses.

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.

4. Respondent received a Certificate in Vocational Nursing from Paris Junior College, Paris, Texas, on August 19, 1981, and an Associate Degree in Nursing from Paris Junior College, Paris, Texas on May 1, 1982. Respondent was licensed to practice vocational nursing in the State of Texas on December 11, 1981 and professional nursing in the State of Texas on September 15, 1982.

5. Respondent's nursing employment history includes:

9/1982 - 1/1994	Unknown	
2/1994 - 2/1994	Registered Nurse	East Texas Medical Center Mt. Vernon, Texas
3/1994 - 6/1994	Unknown	
7/1994 - 7/2000	Registered Nurse	TRMC Mt. Vernon, Texas
8/2000 - 8/2001	Unknown	
9/2001 - 4/2006	Registered Nurse	East Texas Medical Center Mt. Vernon, Texas
4/2006 - 11/2006	RN Case Manager	GHS Skilled Services Mt. Vernon
11/2006 - 6/2008	Registered Nurse	East Texas Medical Center Mt. Vernon, Texas
7/2008 - Present	Unknown	

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Registered Nurse with East Texas Medical Center, Mt. Vernon, Texas, and had been in this position for one (1) year and nine (9) months.

7. On or about August 28, 2007 through June 2, 2008, while employed with East Texas Medical Center - Mt. Vernon, Mt. Vernon, Texas, Respondent lacked fitness to safely practice in that Respondent:
   - had an irregular walking stride and speech pattern;
   - Respondent was observed sleeping while on duty on numerous occasions;
   - made inappropriate documentation in patients' medical records which included "sleepy marks" whereby it appeared Respondent's pen slid across the paper because Respondent fell asleep while charting; and
   - almost made a medication error which was intercepted by another staff nurse.

   Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

8. In response to Finding of Fact Number Seven (7), Respondent states she has been diagnosed

with hydrocephalus and has undergone a Placement of Right frontal VOP. Respondent denies knowledge of sleeping while on duty, and is unsure about the "sleepy" mark. Respondent also denies knowledge of making any medication errors.

9. On February 20, 2009, the Board received a letter from Norman J. Torres, M.D., The Greater Houston Neurosurgery Center, P.A., who states Respondent was initially seen on October 7, 2008 for complaints of ataxia (gait problems), urinary incontinence and cognitive problems (particularly memory). On November 3, 2008, Respondent underwent Placement of Right frontal VOP shunt performed by Dr. Michael Knox and underwent a repeat neurocognitive examination by Dr. Knox, which indicated normal findings and were much improved from her pre-op evaluation. On February 20, 2009, Dr. Torres states that Respondent presented with an MRI of the brain which indicated Normal Pressure Hydrocephalus and had a high volume of lumbar puncture that showed marked improvement of all her symptoms. Dr. Torres concludes that Respondent would be able to resume working at full capacity here in the State of Texas without any activity restrictions in exercising her job duties.

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),(12)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.12(5) and 22 TEX. ADMIN. CODE §217.11(1)(D).

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 501940 and Vocational Nurse License Number 93035, heretofore issued to PAULA E. PEARCE, including revocation of Respondent's licenses 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 licenses 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, 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.*

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 A VOCATIONAL NURSE LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(2) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on conditions on RESPONDENT'S licenses. 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 licenses. 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.

(3) 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.

(4) 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.

(5) 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.

(6) RESPONDENT SHALL CAUSE her treating neurosurgeon, Norman J. Torres, M.D., to submit written reports, on forms provided by the Board, as to the RESPONDENT'S progress in treatment, rehabilitation and capability to safely practice nursing. The report must indicate whether or not the RESPONDENT'S stability is sufficient to provide direct patient care

safely. Such reports are to be furnished each and every month for three (3) months for one (1) year employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, 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 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 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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 12 day of Oct., 2010

Paula E. Pearce

PAULA E. PEARCE, Respondent

Sworn to and subscribed before me this 12 day of Oct., 2010

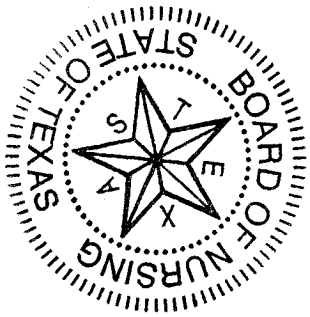
SEAL

NOTARY PUBLIC STATE OF TEXAS
BRANDI FOSTER
Notary Public
STATE OF TEXAS
My Comm. Exp. 12-11-10

Brandi Foster

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 12th day of October, 2010, by PAULA E. PEARCE, Registered Nurse License Number 501940 and Vocational Nurse License Number 93035, and said Order is final.



Effective this 9th day of November, 2010.

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