BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 576550	§	
issued to CHERYL ANITA UDENSI	§	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 B considered the matter of CHERYL ANITA UDENSI, Registered Nurse License Number 576550, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(8),(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 September 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 license(s).

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 Baccalaureate Degree in Nursing from Mobile College, Mobile, Alabama, on April 29, 1989, and received a Master's Degree in Nursing from Uniformed Services University of Health Science, Bethesda, Maryland, on May 16, 1998. Respondent was licensed to practice professional nursing in the State of Alabama on August 21, 1989; was licensed to practice professional nursing in the State of Texas on February 10, 1992; was licensed to practice professional nursing in the State of Ohio on May 17, 1993; was licensed to practice professional nursing in the State of Maryland on December 20, 1999; was licensed to practice professional nursing in the State of Delaware on March 8, 2000; and became Board authorized as a Family Nurse Practitioner in the State of Texas on December 18, 2001.

5. Respondent's nursing employment history includes:

8/1989 - 7/1990	Critical Care RN	University of South Alabama Medical Center Mobile, Alabama
8/1990 - 2/1993	Staff Nurse	United States Air Force Fort Worth, Texas
3/1993 - 7/1996	Asst. Nurse Mgr.	United States Air Force Fort Worth, Texas
8/1996 - 5/1998	Student	United States Air Force Bethesda, Maryland
6/1998 - 7/2001	Family Nurse Practitioner	United States Air Force Bethesda, Maryland
8/2001 - 3/2005	Family Nurse Practitioner	Lackland Air Force Base San Antonio, Texas
4/2005 - 6/2005	Staff Nurse	Lackland Air Force Base San Antonio, Texas
7/2005 - 12/2006	Temporary Disabled Retired List	United States Air Force San Antonio, Texas
7/2005 - 12/2006	Family Nurse Practitioner	San Antonio State Hospital San Antonio, Texas
1/2007 - 4/2008	Family Nurse	Ramstein Air Force Base Ramstein, Germany
4/2008 - 6/2009	Clinical Nurse	Ramstein Air Force Base Ramstein, Germany
7/2009 - 5/2010	Staff Development Clinical Nurse	Lackland Air Force Base San Antonio, Texas
6/2010 - Present	Unemployed	

6. At the time of the initial incident, Respondent was employed as a Family Nurse Practitioner with San Antonio State Hospital, San Antonio, Texas, and had been in this position for one (1) month.

7. On or about December 2005, Respondent applied for and obtained, effective January 23, 2006, controlled substances registration with the Texas Department of Public Safety without first obtaining approval for prescriptive authority from the Board of Nursing, as required. Respondent's conduct was likely to deceive the Public.

8. On or about January 23, 2006, through October 2007, while employed as a Family Nurse Practitioner under the delegated supervision of James E. Soler, MD, San Antonio, Texas, Respondent prescribed and/or dispensed samples of dangerous medications and controlled substances to patients without approval for prescriptive authority from the Board of Nursing, as required. Respondent's conduct was likely to deceive the Public.

9. On or about October 14, 2008, while employed as a Family Nurse Practitioner in the United States Air Force, Washington, District of Columbia, Respondent's clinical privileges were revoked in response to "consistently displayed deficits in the ability to safely and effectively correlate and apply clinical knowledge, and lack of appropriate judgement skills required to comprehend and assimilate key aspects of the patient encounter necessary to synthesize safe and appropriate care planning. These deficiencies in both knowledge and reasoning could potentially result in missed diagnoses, improper management of patient conditions, medication errors, and subsequent harm to patients."

10. In response to the incidents in Findings of Facts Numbers Seven (7) through Nine (9), Respondent admits she applied for and obtained controlled substances registration with the state Department of Public Safety without first obtaining approval for prescriptive authority from the Board of Nursing as required. Respondent states she did not realize the mistake until receiving the letter of investigation from the State Board of Nursing which indicated that it was required to obtain Board authorization prior to registering with the Texas Department of Public Safety. Regarding the United States Air Force clinical privileges, Respondent states she was the victim of an ongoing saga where people waged a relentless campaign of professional assassination against her.

11. On or about June 2, 2010, Respondent underwent a Neuropsychological Evaluation conducted by Sean G. Connally, PhD. According to Dr. Connally, there is no clear evidence of any lateralized or localized dysfunctioning, other than some mild, global cognitive processing and memory dysfunctioning. However, any neurocognitive dysfunctioning does raise questions about extent of and affect on daily cognitive processing, especially in a demanding and stressful work environment. Dr. Connally believes that individuals with results such as Respondent can be at risk for concentration and attention span problems, particular difficulty in dealing with stress and pressure, being easily fatigued, and difficulties with multi-tasking and coping with being rushed or pressured. While these individuals have the intellectual resources for performing a variety of cognitive tasks, including clinical decisions, particularly familiar ones, speed and comprehensiveness of processing an array of information may be affected with difficulty following more than one instruction at a time. As a result, Dr. Connally recommends that Respondent have a period of supervision in a familiar clinical practice setting which utilizes Respondent's clinical experiences and expertise, and that this period of monitoring assist in making a final decision regarding her fitness to practice.

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)(8),(10),(12)&(13) Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(M)&(4)(B), 217.12(1)(A),(1)(B)&(5), 222.2(a)(2) and 222.6(a).

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 576550, heretofore issued to CHERYL ANITA UDENSI, including revocation of Respondent's license(s) 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 LIMITED LICENSE 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 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 Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) While under the terms of this Order, RESPONDENT SHALL NOT practice as a nurse in any critical care area. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(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 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.*

(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.*

(4) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars ($500.00). RESPONDENT SHALL pay this fine within forty-five (45) 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, 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 NON-CRITICAL CARE CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR THREE (3) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH THIRTY-SIX (36) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WITH ADVANCED PRACTICE AUTHORIZATION WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) 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.

(6) 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.

(7) RESPONDENT SHALL be supervised by a Family Nurse Practitioner or physician who is on the premises and who has been approved by the Board. Respondent must provide a list of three (3) physicians and/or three (3) Family Nurse Practitioners from which the Board shall select an approved supervisor. For each physician and/or Family Nurse Practitioner, the list must include the following for each: name, license number or social security number, educational background and professional employment history. The supervising physician or Family Nurse Practitioner 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. 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.

(8) 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 physician or Family Nurse Practitioner who supervises the RESPONDENT. These reports shall be submitted by the supervisor to the office of the Board at the end of each three (3) month period for three (3) years of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the stipulations of this Order, RESPONDENT may petition the Board for approval to return to clinical practice in critical care settings, should RESPONDENT so desire; however, RESPONDENT SHALL NOT practice as a nurse in any critical care area until such time that the Board grants final approval for Respondent to return to clinical practice in critical care settings, if ever.

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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 license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 07 day of October, 2010.

CHERYL ANITA UDENSI, Respondent

Sworn to and subscribed before me this 07 day of October, 2010.

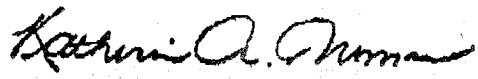
SEAL

Notary Public in and for the State of Texas

ADRIAN ARELLANO
Notary Public
STATE OF TEXAS
My Comm. Exp. 11-12-13

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 7th day of October, 2010, by CHERYL ANITA UDENSI, Registered Nurse License Number 576550, and said Order is final.

Effective this 9th day of November, 2010.



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