BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 208700	§	
issued to NICOLE ASHWORTH JACKSON	§	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 NICOLE ASHWORTH JACKSON, a/k/a NICOLE LASHAWANE JACKSON, Vocational Nurse License Number 208700, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(2)(10)&(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 10, 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from Lamar Salter Technical Institute Practical Nurse Program, Leesville, Louisiana, on May 12, 2006. Respondent was licensed to practice vocational nursing in the State of Texas on February 12, 2007.

5. Respondent's nursing employment history includes:

06/2006-10/2006	GVN/LVN Merryville Nursing Center Merryville, LA

Respondent's nursing employment history continued:

10/2006-06/2007	Staff Nurse Vista Hills Health Care Center El Paso, Texas
07/2007-10/2007	Staff Nurse Westwood Manor Nursing Home Deridder, LA
10/2007-02/2008	Nurse/PRN Regent Care Center El Paso, Texas
02/2008-Present	Nurse/PRN Nazareth Hall Nursing Center El Paso, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Licensed Vocational Nurse with Regent Care Center, El Paso, Texas, and had been in this position for approximately two (2) weeks.

7. On or about February 16, 2008, while employed with Regent Care Center, El Paso, Texas, Respondent failed to administer "Ativan 1mg PO" to Patient MR#2003158, as ordered. Instead, Respondent administered "Ativan 0.5mg PO." Respondent's failure may have denied Patient 2003158 of the intended therapeutic effect of the ordered medication.

8. In response to Finding of Fact Number Seven (7), Respondent states that the order on the Medication Administration Record (MAR) was to administer one (1) tablet of "Ativan" to said patient. However, the tablets provided were "Ativan 0.5mg."

9. On or about February 16, 2008, while employed with Regent Care Center, El Paso, Texas, Respondent failed to administer "Novolog Insulin" to Patient MR# 20034880 per sliding scale, as ordered. Respondent administered "Novolog Insulin 9 units" for a blood glucose reading of "305", instead of "Novolog Insulin 12 units" as required. Respondent's action may have denied Patient MR# 20034880 of the intended therapeutic effect of the ordered medication.

10. On or about February 16, 2008 through February 17, 2008, while employed with Regent Care Center, El Paso, Texas, Respondent failed to administer "Regular Insulin" to Patient MR# 20032227 per sliding scale, as follows;

Time	Date	Blood Glucose Reading	Amount to be administered per sliding scale	Amount administered by Respondent
11am	02/16/2008	133	2 units	0
11am	02/17/2008	119	2 units	0
4 pm	02/16/2008	102	2 units	0
8 pm	02/16/2008	115	2 units	0
8 pm	02/17/2008	103	2 units	0

Respondent's failure may have denied Patient MR#20032227 of the intended therapeutic effect of the ordered medication.

11. On or about February 17, 2008, while employed with Regent Care Center, El Paso, Texas, Respondent failed to administer "Regular Insulin 2 units" to Patient MR# 20032060 per sliding scale for a blood glucose reading of "160", as required. Respondent's failure may have denied Patient MR# 20032060 of the therapeutic effects of the ordered medication.

12. In response to Findings of Fact Numbers Nine (9), Ten (10), and Eleven (11), Respondent admits to failing to administering insulin per sliding scale as ordered. Respondent adds that she cared for said patients her entire sixteen (16) hour shift, and that none of the patients suffered any ill effects as a result of her errors. Respondent adds that she performed additional blood glucose tests for said patients, and the results remained within an acceptable range.

13. On or about February 17, 2008, while employed with Regent Care Center, El Paso, Texas, Respondent failed to administer "Coumadin 5mg PO" to Patient MR# 2003196, as ordered. Respondent's actions may have denied Patient MR# 2003196 of the therapeutic effects of the ordered medication.

14. In response to Finding of Fact Number Thirteen (13), Respondent states that she was distracted by a telephone call during her preparation to administer the medication. Respondent states that Patient MR# 2003196 suffered no ill effect from the missed dose of medication.

15. On or about February 17, 2008, while employed with Regent Care Center, El Paso, Texas, Respondent failed to administer "Duragesic Patch 50mcg" to Patient MR# 20032130, as ordered. Respondent's failure may have exposed said patient to unnecessary pain and suffering.

16. In response to Finding of Fact Number Fifteen (15), Respondent admits to failing to replace Patient MR# 20032130's "Duragesic Patch." However, Respondent adds that the physician's order was to change the "Duragesic Patch" every seventy two (72) hours, but did not specify a time. Respondent states that she was a "as needed nurse," and that the full time staff should have clarified this order.

17. On or about February 17, 2008, while employed with Regent Care Center, El Paso, Texas, Respondent failed to administer "Avandia 4mg PO" to patient MR# 2003308, as ordered. Respondent's failure may have denied said patient of the therapeutic effects of the ordered medication.

18. In Response to Finding of Fact Number Seventeen, Respondent admits to failing to administer "Avandia 4mg PO" as ordered. However, she adds that this was a new order, and the medication was not yet available.

19. On or about May 31, 2009, Respondent submitted an Online Applications for License Renewal to the Texas Board of Nursing, in which she provided false, deceptive, and/or misleading information in that she answered "No" to the following question:

    Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal...

    " been arrested or have any pending criminal charges?"

    On April 5, 2008 Respondent was arrested at Army Fort Belvoir, Virginia, and charged with Assault. Respondent's conduct was deceiving and may have affected the Board's decision to license her.

20. Respondent failed to respond to Finding of Fact Number Nineteen (19).

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)(2), (10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B), (1)(C) & (1)(N), and 22 TEX. ADMIN. CODE §217.12(1)(B), (4) & (6)(H) & (I).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 208700, heretofore issued to NICOLE ASHWORTH JACKSON, 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 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 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 <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.*

(2) RESPONDENT SHALL, within one (1) year of entry of this Order successfully complete a course in medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper

administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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 two hundred and fifty ($250) dollars. RESPONDENT SHALL pay this fine within fourth 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, 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.

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

NANCY M. GARCIA
Notary Public
STATE OF TEXAS
My Comm. Exp. 07-06-11

Signed this 24 day of Sept., 2010.

Nicole Jackson

NICOLE ASHWORTH JACKSON, Respondent

Sworn to and subscribed before me this 24th day of September, 2010.

SEAL

Notary Public in and for the State of Texas.

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 24th day of September, 2010, by NICOLE ASHWORTH JACKSON, Vocational Nurse License Number 208700, and said Order is final.

Effective this 30th day of September, 2010.

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