BEFORE THE TEXAS BOARD OF NURSING

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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

In the Matter of Registered Nurse	§	AGREED
License Number 451109 and	§	
Vocational Nurse	§	
License Number 82152	§	
issued to ELIZA WOLISTEAN YOUNG	§	ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Boa produced evidence indicating that ELIZA WOLISTEAN YOUNG, hereinafter referred to as Respondent, Registered Nurse License Number 451109 and Vocational Nurse License Number 82152, may have violated Section 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on April 6, 2010, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by John Shepperd, Attorney at Law. In attendance were Mary Beth Thomas, PhD, RN, Director of Nursing, Executive Director's Designee; Kyle Hensley, Assistant General Counsel; Nikki Hopkins Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Dominique Mackey, Investigator; Terry Washington, Investigator; and Amy Grissom, RN, Investigator.

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 notice and hearing, and consented to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in the State of Texas. Respondent's license to practice vocational nursing in the State of Texas is currently in "delinquent" status.

4. Respondent received a Baccalaureate Degree in Nursing from Henderson State University, Arkadelphia, Arkansas on May 1, 1979. Respondent was licensed to practice vocational nursing in the State of Texas on October 18, 1979, and was licensed to practice professional nursing in the State of Texas on December 12, 1979.

5. Respondent's nursing employment history includes:

10/1979-11/1980	Charge Nurse	Good Shepherd Hospital Longview, Texas
12/1980-1/1982	Charge Nurse Emergency Room	Marshall Memorial Hospital Marshall, Texas
2/1982-5/1985	Head Nurse	Louisiana State University Medical Center Shreveport, Louisiana
6/1985-7/1987	RN-Surgery	Longview Regional Hospital Longview, Texas
8/1987-12/1987	Unknown	
1/1988-7/1988	Assistant Director of Nursing	Summer Meadows Nursing Home Longview, Texas
7/1988-12/1993	Charge Nurse Oncology unit	Good Shepherd Medical Center Longview, Texas
12/1993-5/1997	Charge Nurse Med/Surg	Laird Memorial Hospital Kilgore, Texas
5/1997-12/1997	Assistant Director of Nursing/Admin.	A-1 Nursing Care, INC Tyler, Texas
1/1998-3/1998	Director of Nursing Advanced Admin.	Mobile Care Home Health Daingerfield, Texas
4/1998-6/1998	Medicare Coordinator Skilled Unit	IHS Nursing Home Longview, Texas
6/1998-8/1998	Administrator	Y.D.'s Home Health Services Longview, Texas
8/1998-9/1998	Assistant Admin.	Abacus Home Health Care Solution Longview, Texas

Respondent's nursing employment history continued:

9/1998-2/1999	Charge Nurse	ColumbiaLongview Regional Hospital Longview, Texas
5/1999-5/2001	Charge Nurse	Highland Pines Nursing Center Longview, Texas
5/2001-7/2003	House Supervisor	Meadow Pines Hospital Children's Comprehensive Services Longview, Texas
8/2003-11/2006	RN Charge Nurse	Laird Memorial Hospital Kilgore, Texas
12/2006-7/2007	RN	All American Home Health Longview, Texas
8/2007-6/2008	RN	Arcadia Pathway Longview, Texas
7/2008-Present	RN	Behavioral Hospital Longview, Texas

6. At the time of the initial incident, Respondent was employed as a RN Charge Nurse with Laird Memorial Hospital, Kilgore, Texas, and had been in this position for three (3) years and one (1) month.

7. On or about September 6, 2006, while employed with Laird Memorial Hospital, Kilgore, Texas, Respondent failed to immediately intervene when she was alerted by a Mental Health Technician (MHT) that Patient WB was having a change in medical status, including grunting with each breath and a large, watery stool. The MHT had called for a nurse to assess the patient and Respondent instructed an LVN on duty to see what the MHT needed. Respondent failed to ensure the LVN followed her instructions and so several minutes passed before the Respondent, after being summoned again by the MHT, responded to Patient WB's room where she found him to be without pulse and respirations, at which time she attempted to obtain a blood pressure, listened to his lungs for breath sounds and shook the patient in an attempt to wake him up. After several minutes the Respondent instructed a Code Blue be called. The patient was pronounced deceased after an unsuccessful attempt by the code team to resuscitate him. Respondent's conduct in delaying the code blue may have contributed to the patient's demise.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states she instructed the LVN on duty at that time to go assist the tech with Patient WB when the tech asked for assistance and she thought that was where the LVN was going when he left the nurses' station. It wasn't until a few minutes later, when the tech again asked for help and she

went to the patient's room, that she realized the LVN had not gone to the patient's room. She states once she arrived in Patient WB's room, she could see he was in trouble and so she began her assessment; she took his pulse, it was weak; she checked his respirations, they were shallow and he was using accessory muscles to breath; she asked for a blood pressure cuff; and she repeatedly tried to wake the patient by shaking him and calling his name. Respondent states, once the blood pressure machine arrived in the room, she took the patient's blood pressure and could not get a reading. At this point she decided the patient might be "crashing" and looked around for some one to call a code blue. Spotting the LVN in the room she asked him to go call the code and asked for the Crash Cart to be brought to the room. She states the code team and the crash cart arrived at the same time, and since she was not ACLS certified, she assisted in getting supplies for the code team and let them do their jobs. Respondent states that her documentation in the medical record was not an accurate representation of the time line in which events took place, stating that it wasn't fifteen (15) minutes before the code was called, as her documentation indicates, but much less time.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(D),(1)(M),(2)(A)&(3)(A) and 217.12(1)(A),(1)(D),(1)(F)&(4).

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 451109 and Vocational Nurse License 82152, heretofore issued to ELIZA WOLISTEAN YOUNG, 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.*

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in physical assessment. RESPONDENT SHALL obtain Board approval of the

course prior to enrollment. 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. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. 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 a course in nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation.

RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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.*

(4) 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.*

(5) RESPONDENT SHALL, within sixty (60) days of entry of this Order, successfully complete a course in Basic Cardiopulmonary Life Support for Healthcare Providers. RESPONDENT SHALL obtain Board approval of the course and instructor prior to enrollment. 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 course shall be a minimum of eight (8) contact hours in length. The course's content shall include: Adult, Infant, and Child 1- and 2-Rescuer CPR; Adult, Infant, and Child Foreign Body Airway Obstruction for both responsive and unresponsive victims; and Adult Automated External Defibrillation. In order to receive credit for completion of this workshop, RESPONDENT SHALL obtain the Verification of Course Completion form from the Board's website, http://www.bon.state.tx.us/disciplinaryaction/pdfs/i17.pdf, and

SHALL SUBMIT the Verification of Course Completion form to the Board's office, to the attention of Monitoring, after having the form completed and signed by the course instructor. RESPONDENT SHALL also submit a front and back copy of the course completion card along with the Verification of Course Completion form. 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.

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 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 A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD.

(6) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the 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 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 future employer prior to accepting an offer of employment.

(7) 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.

(8) 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 nursing experience in a hospital setting. RESPONDENT is allowed to work additional shifts, with supervision available, in the event of sick call ins, on the day or evening shifts and on the same unit where the RESPONDENT customarily works, with the advance approval of RESPONDENT'S supervisor, while RESPONDENT is employed with Behavioral Hospital, Longview, Texas. If the RESPONDENT's employment changes, 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.

(9) 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.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's licenses to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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 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 2ND day of August, 2010.

Eliza W. Young RN

ELIZA WOLISTEAN YOUNG, Respondent

Sworn to and subscribed before me this 2ND day of AUGUST, 2010.

SEAL
DAVID M. CORNETT
Notary Public State of Texas
COMM. EXP. 8-22-2011

David M. Cornett

Notary Public in and for the State of Texas

Approved as to form and substance.

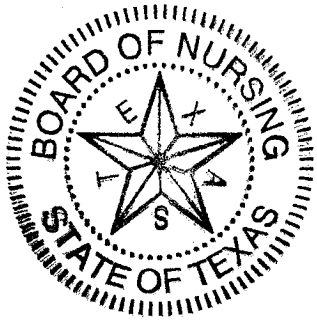
John Shepperd

John Shepperd, Attorney for Respondent

Signed this 11th day of August, 2010.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 2nd day of August, 2010, by ELIZA WOLISTEAN YOUNG, Registered Nurse License Number 451109 and Vocational Nurse License Number 82152, and said Order is final.

Effective this 14th day of September, 2010.



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