

BEFORE THE 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.
Katherine A. Thomas
Executive Director of the Board

In the Matter of Vocational Nurse § AGREED
License Number 82862 and Registered Nurse §
License Number 606270 §
issued to RISA GREENMYER FALKENBERRY § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of RISA GREENMYER FALKENBERRY, Vocational Nurse License Number 82862, and Registered Nurse License Number 606270, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1) and (10), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered 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.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice vocational nursing is currently in delinquent status. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from North Harris Montgomery County Community College, Houston, Texas, in June 1979. Respondent was licensed to practice vocational nursing in the State of Texas on October 16, 1979. Respondent received an Associate Degree in Nursing from North Harris Montgomery County Community College, Houston, Texas, in May 1994. Respondent was licensed to practice professional nursing in the State of Texas on July 11, 1994.

5. Respondent's vocational and professional nursing employment history includes:

3/84 - 6/98	LVN/RN	Huntsville Medical Center Huntsville, Texas
9/98 - 5/99	Staff Nurse	Lake June Rehabilitation Center Lake June, Texas
12/99 - 4/04	Charge Nurse	Health South Medical Center Dallas, Texas
4/04 - 11/04	Staff Nurse	Trophy Club Medical Center Trophy Club, Texas
12/04 - present	Staff Nurse	Select Specialty Hospital Carrollton, Texas

6. On July 20, 2006, Respondent was issued the sanction of a Warning with Stipulations by the Texas Board of Nursing. A copy of the July 20, 2006, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

7. On or about July 30, 2006, while employed with Select Specialty Hospital, Carrollton, Texas, Respondent failed to comply with the Agreed Order issued to her on July 20, 2006, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Six (6) of the Agreed Order which states, in pertinent part that:

(6) RESPONDENT SHALL CAUSE each present employer in professional or vocational 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....

8. On or about October 31, 2006, January 31, 2007, April 30, 2007, and July 31, 2007, while employed with Select Specialty Hospital, Carrollton, Texas, Respondent failed to comply with the Agreed Order issued to her on July 30, 2006, by the Texas Board of Nursing. Noncompliance is the result of her failure to comply with Stipulation Number Eight (8) of the Agreed Order which states, in pertinent part that:

(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 professional or vocational nursing....

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)(1) and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(11)(B).
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 82862, and Registered Nurse License Number 606270, heretofore issued to RISA GREENMYER FALKENBERRY, including revocation of Respondent's licenses to practice vocational and professional 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 REPRIMAND 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 is 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 pay a monetary fine in the amount of one thousand five hundred dollars (\$1500.00). RESPONDENT SHALL pay this fine within ninety (90) 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.

(2) The Order of the Board issued to RESPONDENT on July 20, 2006, is still in effect in its entirety and RESPONDENT SHALL be responsible for completing the terms of that Order.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license 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

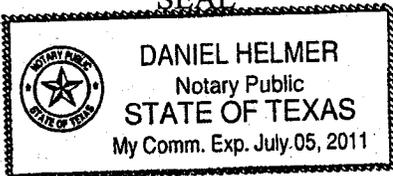
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that 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 vocational and professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 10th day of June, 2010.

Risa Greenmyer Falkenberg
RISA GREENMYER FALKENBERRY, Respondent

Sworn to and subscribed before me this 10th day of June, 2010.

SEAL



[Signature]
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 18th day of June, 2010, by RISA GREENMYER FALKENBERRY, Vocational Nurse License Number 82862, and Registered Nurse License Number 606270, and said Order is final.

Effective this 22nd day of July, 2010.



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse License	§	
Number 606270, and Vocational Nurse	§	AGREED
License Number 82862, issued to	§	ORDER
RISA GREENMYER FALKENBERRY	§	

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of RISA GREENMYER FALKENBERRY, Registered Nurse License Number 606270 and Vocational Nurse License Number 82862, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on March 18, 2006, 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.
2. Respondent waived representation by counsel, informal conference, 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 and holds a license to practice vocational nursing in the State of Texas which is in delinquent status.

4. Respondent received a Certificate in Vocational Nursing from North Harris Montgomery County Community College, Houston, Texas, in June 1979, and received an Associate Degree in Nursing from North Harris Montgomery County Community College, Houston, Texas, in May 1994. Respondent was licensed to practice vocational nursing in the State of Texas on October 16, 1979 and was licensed to practice professional nursing in the State of Texas on July 11, 1994.

5. Respondent's professional and vocational nursing employment history includes:

03/84 - 06/98	Staff Nurse LVN & RN	Huntsville Medical Center Huntsville, Texas
09/98 - 05/99	Staff Nurse	Lake June Rehabilitation Center Lake June, Texas
12/99 - 04/04	Charge Nurse	Health South Medical Center Dallas, Texas
04/04 - 11/04	Staff Nurse	Trophy Club Medical Center Trophy Club, Texas
2005 - Present	Staff Nurse	Select Specialty North Dallas Hospital Carrollton, Texas

6. At the time of the incidents, Respondent was employed as a Staff Nurse with Trophy Club Medical Center, Trophy Club, Texas, and had been in this position for six (6) months.

7. On or about October 8, 2004, while employed with Trophy Club Medical Center, Trophy Club, Texas, Respondent withdrew Tylox two (2) tabs at 1560 from the Pyxis Medication Dispensing System for Patient Medical Record Number 1560, which was in excess dosage of the physician's order. The physician's order was for Tylox 1 Tab every three (3) hours as needed for moderate pain. Respondent documented the administration of two tabs in the nurse's notes and documented one (1) tab in the Medication Administration Record (MAR). Respondent's conduct exposed the patient unnecessarily to a risk of harm in that the administration of Tylox in excess of the physician's order could result in the patient suffering from adverse reactions.

8. On or about October 8, 2004, while employed with the aforementioned facility, Respondent administered Norco at 2100 and Tylox two (2) tabs at 2330 to Patient Medical Record Number 1560. The physician's order was for Tylox one (1) tab, which resulted in the patient receiving an overdose of acetaminophen (the maximum is four (4) grams in twenty-four (24) hours). Respondent's conduct exposed the patient unnecessarily to a risk of harm in that the administration of medications in excess dosage of the physician's order could result in the patient suffering from adverse reactions.

9. On or about October 8, 2004, while employed with the aforementioned facility, Respondent transcribed a physician's order for Norco 10mg prior to the physician giving the order for patient medical record number 1560. The physician ordered Norco 5mg which resulted in another staff member administering two doses of Norco 10mg. Respondent's conduct exposed the patient unnecessarily to a risk of harm in that the administration of Norco in excess dosage of the physician's order could result in the patient suffering from adverse reactions.
10. On or about October 8, 2004, while employed with the aforementioned facility, Respondent withdrew Ambien from the Pyxis Medication Dispensing System at 2052 for Patient Medical Record Number 1560; however, Respondent documented the administration of the medication on the MAR at 2330 and in the Nurse's Notes at 2100. Respondent's conduct exposed the patient unnecessarily to a risk of harm in that subsequent care givers would rely on her documentation to further medicate the patient.
11. On or about October 9, 2004, while employed with the aforementioned facility, Respondent administered Norco and Ambien to Patient Medical Record Number 1754 instead of to Patient Medical Record Number 1560, as ordered by the physician. Respondent's conduct exposed the patient unnecessarily to a risk of harm in that the administration of medications without a physician's order could result in the patient suffering from adverse reactions.
12. On October 9, 2004, while employed with the aforementioned facility, Respondent withdrew Ambien one (1) tab at 2213 from the Pyxis Medication Dispensing System for Patient Medical Record Number 1560, but failed to document the administration in the patient's MAR and Nurse's Notes. Respondent's conduct exposed the patient unnecessarily to a risk of harm in that subsequent care givers would rely on her documentation to further medicate the patient.
13. On October 8, 2004, while employed with the aforementioned facility, Respondent withdrew Tylox one (1) tab at 2214 from the Pyxis Medication Dispensing System for Patient Medical Record Number 1560, but failed to document the administration in the patient's MAR. Respondent's conduct exposed the patient unnecessarily to a risk of harm in that subsequent care givers would rely on her documentation to further medicate the patient.
14. On October 8, 2004, while employed with the aforementioned facility, Respondent failed to administer the midnight dose of a scheduled and numbered intravenous piggyback (IVPB) antibiotic to Patient Medical Record Number 1560, as ordered by the physician. Respondent failed to document the reason why the patient refused. Respondent's conduct exposed the patient unnecessarily to a risk of harm in that failure to administer medications as ordered by the physician could have resulted in nonefficacious treatment.

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)(C)&(D), and 22 TEX. ADMIN. CODE §217.12(1).
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 606270 and Vocational Nurse License Number 82862, heretofore issued to RISA GREENMYER FALKENBERRY, including revocation of Respondent's licenses to practice professional and vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Professional and Vocational Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privileges, if any, to practice professional and vocational nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure 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 deliver the wallet-sized licenses issued to RISA GREENMYER FALKENBERRY, to the office of the Board of Nurse Examiners within ten (10) days from the date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence. 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) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(3) 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(4) 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED OR A LICENSED VOCATIONAL 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 (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify each present employer in professional or vocational 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 professional or vocational

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 professional or vocational 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 professional or vocational nurse.

(7) 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.

(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 professional or vocational 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) months for one (1) year of employment as a professional or vocational nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued unencumbered licenses and multistate licensure privileges, if any, to practice professional and vocational nursing in the State of Texas.

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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 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 professional and vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 2nd day of June, 2006.

Risa Greenmyer Falkenberg
RISA GREENMYER FALKENBERRY, Respondent

Sworn to and subscribed before me this 02 day of June, 2006.

SEAL

Safieh Armand
Notary Public in and for the State of Tx



WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 2nd day of June, 2006, by RISA GREENMYER FALKENBERRY, Registered Nurse License Number 606270 and Vocational Nurse License Number 82862, and said Order is final.

Effective this 20th day of July, 2006.



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