



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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse           §     AGREED  
License Number 122973                       §  
issued to JOYCE ELAINE PELS               §     ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JOYCE ELAINE PELS, Vocational Nurse License Number 122973, 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 proceedings, notice and hearing, and agreed to the entry of this Order offered on May 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.
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 North Central Texas College, Gainesville, Texas, on August 14, 1987. Respondent was licensed to practice vocational nursing in the State of Texas on December 8, 1988.
5. Respondent's nursing employment history includes:

1988 - 1995	Licensed Vocational Nurse (LVN)	Denton State School Denton, Texas
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Respondent's nursing employment history continued:

1988 - 2001	LVN	Hilltop Haven Gunter, Texas
2000	LVN	Wilson N. Jones Hospital Sherman, Texas
2002 - 2004	LVN	Gainesville State School Gainesville, Texas
2005	LVN	Collinsville Care Center Collinsville, Texas
2006 - 2007	LVN	Care Inn of Sanger Sanger, Texas
2007	LVN	Whitesboro Health & Rehabilitation Center Whitesboro, Texas
2008 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Care Inn of Sanger, Sanger, Texas, and had been in this position for one (1) year, four (4) months.
7. On or about October 4, 2007, while employed with Care Inn of Sanger, Sanger, Texas, Respondent neglected and/or contributed to the neglect of Resident B. Huggins (BH) when she requested that her blood sugar be checked. Respondent touched her arm and told her she wasn't sweating. Respondent's conduct delayed the onset of patient care which was required to prevent the development of clinical complications resulting from decreased blood sugar.
8. On or about October 4, 2007, while employed with Care Inn of Sanger, Sanger, Texas, Respondent inappropriately restrained Resident BH by grabbing her arms and holding them down. Respondent's conduct was likely to injure the Resident in that the use of excessive force to restrain the Resident put the Resident at risk for physical injury.
9. On or about October 4, 2007, while employed with Care Inn of Sanger, Sanger, Texas, Respondent inappropriately threatened to give Resident BH a shot and told the resident that she wasn't going to like it. Respondent's conduct was unprofessional in that it created an atmosphere in which the resident possibly felt unsafe.

10. In response to the incidents in Findings of Fact Numbers Seven (7) through Nine (9), Respondent states that she had given report to the oncoming nurse and was finishing a chart getting ready to leave when Resident BH came to the nurses' station stating that her blood sugar was low. Respondent states she touched her arm and told her that someone would check her blood sugar. The oncoming charge nurse appeared to be following up with Resident BH so Respondent continued charting so she would not have overtime. The next thing Respondent knew, Resident BH came running up the hallway, fists clenched, cursing, and very agitated. Respondent was concerned for the other residents' safety. Respondent first attempted to verbally redirect the Resident. Resident BH hit Respondent in the face around the left eye area. During this time, Respondent placed her arms around Resident BH securing her arms to body to prevent harm to herself or others. Several staff members arrived and started offering her milk. As she calmed down, Respondent released her arms, then removed herself from the situation. Respondent denies telling the Resident that she would give her a shot. The Resident has a history of drug seeking. The only thing Respondent can assume is that the Resident wanted a shot or thought Respondent had refused to give her a shot and became angry.

#### 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)(A),(1)(B)&(1)(M) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(4).
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 122973, heretofore issued to JOYCE ELAINE PELS, including revocation of Respondent's license to practice vocational 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 REMEDIAL EDUCATION, 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 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 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 “Detecting and Preventing Abuse and Neglect,” a six (6) contact hour workshop presented in various locations by the Texas Department of Aging and Disability Services. In order to receive credit for completion of this workshop, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this workshop 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 website: <http://www.dads.state.tx.us/providers/training/jointtraining.cfm> or by contacting (512) 438-2201.*

(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://www.learningext.com/products/generalce/critical/ctabout.asp>*

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.

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RESPONDENT'S CERTIFICATION

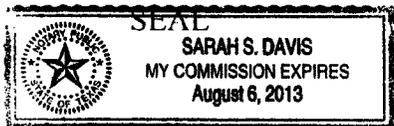
I understand that I have the right to legal counsel prior to signing this Agreed Order.

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 to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 7 day of July, 2010.

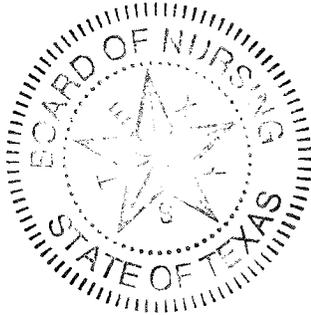
Joyce Elaine Pels  
JOYCE ELAINE PELS, Respondent

Sworn to and subscribed before me this 7 day of July, 2010.



Sarah S. Davis  
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 7<sup>th</sup> day of July, 2010, by JOYCE ELAINE PELS, Vocational Nurse License Number 122973, and said Order is final.



Effective this 19<sup>th</sup> day of July, 2010.

A handwritten signature in cursive script that reads "Katherine A. Thomas".

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