BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 47821	§	
issued to SANDRA IRENE BARBER	§	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 Bo considered the matter of SANDRA IRENE BARBER, Vocational Nurse License Number 47821, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on March 15, 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 New Braunfels Independent School District School of Vocational Nursing, New Braunfels, Texas, on September 21, 1970. Respondent was licensed to practice vocational nursing in the State of Texas on March 27, 1971.

5. Respondent's nursing employment history includes:

1971 - 08/2006	Unknown

Respondent's nursing employment history continued:

09/2006 - 01/2007	Not Employed in Nursing	
02/2007 - 03/2007	Staff Nurse	Colonial Manor Care Center New Braunfels, Texas
04/2007 - 09/2007	Staff Nurse	Westside Campus of Care Fort Worth, Texas
10/2007 - 11/2007	Staff Nurse	Rambling Oaks Extensive Care Lewisville, Texas
12/2007 - Unknown	Staff Nurse	Denton Rehabilitation and Nursing Center Denton, Texas

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Rambling Oaks Extensive Care, Lewisville, Texas, and had been in this position for one (1) month.

7. On or about November 29, 2007, while employed with Rambling Oaks Courtyard Extensive Care, Lewisville, Texas, Respondent failed to provide privacy of Resident JV and violated the patient's rights when she removed the resident's clothing moved him with a mechanical lift onto his bed. Respondent's conduct may have caused distress for the resident.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that the resident refused to let the Certified Nurses' Aide (CNA) perform incontinent care when the resident was soaked with urine. Respondent and the CNA waited "a reasonable amount of time" until the resident would normally go to bed and again approached the resident to allow them to perform incontinent care. The resident again refused. Respondent was afraid an extended amount of time would be detrimental to the resident's skin and tried to explain that to the resident but the resident did not seem to understand. They carefully attached a mechanical lift to the resident, performed incontinent care, and placed him in his bed.

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)(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B)&(1)(E).

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 47821, heretofore issued to SANDRA IRENE BARBER, 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 <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 "Resident Rights and Quality of Life," a 6.3 contact hours 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: www.dads.state.tx.us/business/ltcr/Training/jointtraining.cfm or by contacting (512) 438-2201.*

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.

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 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 15th day of June, 2010.

Sandra Barber

SANDRA IRENE BARBER, Respondent

Sworn to and subscribed before me this 15th day of June, 2010.

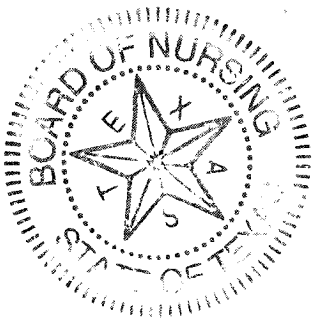
SEAL

RISE CALDWELL
NOTARY PUBLIC
STATE OF TEXAS
EXPIRES
11-22-2010

Rise Caldwell

Notary Public in and for the State of TX

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 15th day of June, 2010, by SANDRA IRENE BARBER, Vocational Nurse License Number 47821, and said Order is final.



Effective this 21st day of June, 2010.

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