BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Vocational Nurse	§	AGREED
License Number 126971	§	
issued to JANICE LYNN TITTLE	§	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 B considered the matter of JANICE LYNN TITTLE, Vocational Nurse License Number 12 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 informal proceedings, notice and hearing, and agreed to the entry of this Order offered on August 31, 2009, 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 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 Vernon Regional Junior College, Vernon, Texas on September 1, 1989. Respondent was licensed to practice vocational nursing in the State of Texas on December 7, 1989.

5. Respondent's nursing employment history includes:

01/1989 - 02/1996	Unknown	
03/1996 - 10/1996	Charge Nurse	Coronado Nursing Center Abilene, Texas

Respondent's nursing employment history continued:

11/1996 - 07/1997	Unknown	
08/1997 - Unknown	Charge Nurse	Care Inn of Abilene Abilene, Texas
04/2006 - 01/2008	Charge Nurse	Coronado Nursing Center Abilene, Texas
02/2008 - Present	Unknown	

6. On or about December 2, 2003, Respondent's license to practice vocational nursing in the State of Texas was Reprimanded through an Agreed Board Order by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Agreed Board Order, dated December 2, 2003, is attached and incorporated herein by reference as part of this Order.

7. At the time of the initial incident in Finding of Fact Number Eight (8), Respondent was employed as a Charge Nurse with Coronado Nursing Center, Abilene, Texas, and had been in this position for one (1) year and nine (9) months.

8. On or about January 3, 2008, while employed as a Charge Nurse with Coronado Nursing Center, Abilene, Texas, Respondent failed to appropriately assess and intervene, including notification of the physician, when Resident WH, who was being treated for an upper respiratory infection and had repeatedly asked to go to the Emergency Room, complained of "not being able to breathe." Rather than perform a focused assessment, including checking the nail beds for color and capillary refill, temperature, respiratory characteristics, and lung sounds, and notifying the physician of the resident's complaint of breathing difficulty, Respondent admonished the resident to keep on his oxygen, which he had been removing. Respondent administered a breathing treatment and documented in the medical record that the resident stated he was "not getting any better." Respondent's conduct unnecessarily delayed medical interventions which could have helped stabilize the patient and/or prevent complications, including possible respiratory failure and/or demise.

9. On or about January 3, 2008, while employed as a Charge Nurse with Coronado Nursing Center, Abilene, Texas, Respondent failed to document in the medical record of the aforementioned Resident WH regarding a fall he sustained while trying to obtain his phone at approximately 2230 hours. Although Respondent was not the assigned nurse at the time the resident was discovered on the floor, she was present and assessed the resident but did not document her assessment information. Consequently, there was no documentation in the resident's medical record concerning the fall. Respondent's conduct resulted in an inaccurate medical record, and was likely to injure the resident in that subsequent care givers would not have accurate information on which to base their care decisions.

10. On or about January 3, 2008, through January 5, 2008, while employed as a Charge Nurse with Coronado Nursing Center, Abilene, Texas, Respondent provided information which was false, deceptive or misleading regarding Resident WH, when she denied to the Director of Nursing and the facility Administrator that the resident has sustained a fall. Additionally, Respondent attempted to gain the collaboration of another staff member to perpetrate false information regarding the incident. Respondent's conduct was deceptive and resulted in an incomplete initial investigation by the facility.

11. On or about January 4, 2008, while employed as a Charge Nurse with Coronado Nursing Center, Abilene, Texas, Respondent failed to ensure that appropriate and timely interventions were provided when she checked on Resident WH at 0200 hours and found him unresponsive. Instead of assisting the other nurses, Respondent left the area, saying that she was not supposed to be on that side of the building and that she was returning to her assigned area of the building. EMS was not summoned until at least an hour after Respondent discovered the patient to be unresponsive. At the hospital it was revealed that the resident had a temperature of 102.3 degrees, he was treated for acute respiratory failure and subsequently expired that afternoon due to severe hypotension. Respondent's conduct was likely to harm the patient from delayed emergent medical care and may have contributed to the resident's demise.

12. In response to the incidents in Findings of Fact Numbers Seven (8) and Eleven (11), Respondent states that her documentation at 2130 hours shows that she did check on her patient, she assessed the resident's physical/respiratory status, took his vital signs, which were within normal limits, determined his O2 saturation level to be at 91%, and administered a breathing treatment. According to Respondent, when she asked the resident how he felt after completion of the treatment, at around 2140 hours, he said that he felt better and would wait to see about going to the hospital. Although not documented in the medical record, Respondent indicated in a written statement to the facility that she had attempted to contact the resident's son to inform him of the resident's requests to go to the hospital, and that when the resident was sitting up in the wheel chair his skin was pink and she did not see any sign of labored breathing. Respondent states that she was assigned to a different station, Station II, at 2200 hours, where she worked until 0600 hours, and was not responsible for Resident WH after she was reassigned. Respondent asserts that she left the keys on Station I and the other two nurses on Station I had to take over her halls, that because she was reassigned to Station II, she was no longer responsible for the patients on Station I halls, including Resident WH, and that her only responsibility after 2200 hours was for her assigned patients on Station II halls. Respondent states that the only reason she was on Station I at around 0100 hours was to do the paperwork and charting that she had not gotten to do before going to Station II. Respondent contends that she finished the paperwork at 0200 hours and she "just had a feeling" that she needed to check on Resident WH because the other two nurses told her that they had not checked on him when she asked. Respondent states she found the resident unresponsive and immediately called out to the other two nurses to get to his room STAT; when the nurses arrived they told her to "go on to" Station II and they would take care of the resident. Respondent maintains that she was not the resident's assigned nurse and the other two nurses, who were responsible for him, took his vital signs and O2 saturation.

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)(D),(1)(M),(1)(P)&(2)(A) and 217.12(1)(A),(1)(B),(4)&(6)(H).

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 126971, heretofore issued to JANICE LYNN TITTLE, 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 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 multistate licensure privilege, if any, to practice 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, 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. *Information regarding Board-approved courses in Texas Nursing Jurisprudence may be found at the Board's website 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: 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://www.learningext.com/products/generalce/critical/ctabout.asp.*

(5) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars ($500.00). RESPONDENT SHALL pay this fine within forty-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, 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 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 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 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 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.

(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 or a Licensed Vocational 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.

(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 or Licensed Vocational 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 licence and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice 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 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 license to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 19TH day of September, 2009.

Janice Lynn Tittle

JANICE LYNN TITTLE, Respondent

Sworn to and subscribed before me this 19 day of September, 2009.

SEAL

AMY M. MAYFIELD
Notary Public, State of Texas
My Commission Exp 10-02-2010

Amy M. Mayfield

Notary Public in and for the State of _____

Approved as to form and substance.

Daniel L. Barnes

Daniel L. Barnes, Attorney for Respondent

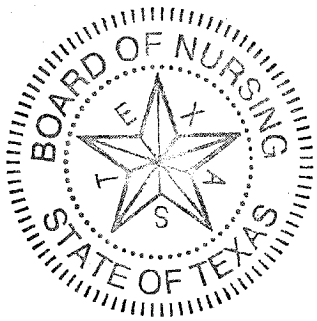
Signed this 19TH day of September, 2009.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 19th day of September, 2009, by JANICE LYNN TITTLE, Vocational Nurse License Number 126971, and said Order is final.

Effective this 22nd day of October, 2009.

Katherine A. Thomas

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



BOARD OF VOCATIONAL NURSE EXAMINERS	§	STATE OF TEXAS
VS	§	
JANICE LYNN TITTLE	§	COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the matter of vocational nurse license number 126971, held by JANICE LYNN TITTLE hereinafter called Respondent.

A sworn Complaint has been filed and served on the Respondent, which alleges violations of the Texas Occupations Code, Chapter 302, and grounds to take disciplinary action against Respondent.

An informal conference was held on October 2, 2003, at the office of the Board of Vocational Nurse Examiners. The conference was conducted by Terrie L. Hairston, R.N., C.H.E., Hearing Officer, assisted by Ms. Rachel Gomez, LVN, member of the Board of Vocational Nurse Examiners. Respondent was present and was represented by counsel.

The conference was attended by Shelly Johnson, LVN, Investigator for the Board, and Mr. Eugene Clayborn, Assistant Attorney General. By their notarized signature on this Order, Respondent does hereby waive the right to Notice of Formal Hearing and a Formal Hearing of the Complaint before the Board, and to judicial review of this disciplinary action after this Order is ratified by the Board.

After reviewing the Complaint and information provided at the informal conference, Respondent agrees to the entry of an Order dispensing with the need for further proceedings on the Complaint. By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the allegations stated in the Complaint. By Respondent's signature on this Order, Respondent acknowledges that they have read and understood this Order and have approved it for consideration by the Board. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas employers.

ORDER OF THE BOARD

NOW THEREFORE, IT IS ORDERED, that license number 126971, heretofore issued to JANICE LYNN TITTLE to practice vocational nursing in the State of Texas be, and the same is hereby **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent shall successfully complete nursing program course(s) encompassing the following areas of study: **Legal Aspects of Nursing** (to include Charting), and submit documentation of successful course completion to the Board office within the first six (6) months of the Board's ratification of this Order. Respondent shall be responsible for locating said course(s) and obtaining prior written approval of Board staff prior to committing to said course(s). Said course(s) shall be through correspondence (through a recognized provider), in-house at a community college, university or nursing program, and/or tutored by a state approved, licensed nursing program faculty member. The expense of said course(s) shall be borne by Respondent. Failure to successfully complete said course(s) within the time frame stipulated, shall be considered a violation of this Order.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until ratified by a majority of the Board present and voting, at its next regularly called session.

Dated this the 2nd day of October 2003.

APPROVED:

J. LUKE DOW
Attorney for Respondent

Signature of Respondent

1625 N. 19th
Current Address

Abilene, TX 79601
City, State and Zip

325 670-9416
Area Code and Telephone Number

The State of Texas
County of TRAVIS

Before me, the undersigned authority, on this day personally appeared JANICE LYNN TITTLEwho being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me this the 2nd day of October 2003.

EARL E STEARNS, JR
NOTARY PUBLIC
State of Texas
Comm. Exp. 04-06-2007

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Terrie L. Hairston, R.N., C.H.E.,
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 2nd day of DECEMBER, 2003.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Board Order, notarized on the 2nd day of October 2003 by JANICE LYNN TITTLE, license number 126971 and that Said Order is Final.

Effective this 2nd day of December, 2003.

Terrie L. Hairston, R.N., C.H.E.,
Executive Director
On Behalf of Said Board

CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of December, 2003, a true and correct copy of the foregoing **BOARD ORDER** was served by placement in the U.S. Mail first class mail, and addressed to the following person(s):

JANICE LYNN TITTLE
1625 NORTH 19th STREET
ABILENE, TEXAS 79601

J. LUKE DOW
COLDWELL & DOW, P.C.
ATTORNEY AT LAW
515 CONGRESS AVE, STE 2515
AUSTIN, TEXAS 78701

Terrie L. Hairston, R.N., C.H.E.,
Executive Director
Agent for the Board of Vocational Nurse Examiners