



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 BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Vocational Nurse License Number 140427 § AGREED
issued to TAMERA SUE NICHOLSON § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereina referred to as the Board, considered the matter of TAMERA SUE NICHOLSON, Vocatic Nurse License Number 140427, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 302.402(a)(10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on March 31, 2005, 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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from North Central Texas College, Gainesville, Texas, on August 21, 1992. Respondent was licensed to practice vocational nursing in the State of Texas on December 6, 1992.

5. Respondent's vocational nursing employment history includes:

12/92 to 10/96	Unknown
10/96 to 8/97	LVN, Office Nurse Norman M. Minsky, MD Plano, Texas
8/97 to 8/99	LVN, Office Nurse Stephen Alan Schulman, MD Denton, Texas
11/99 to present	LVN, Home Health First Choice Children's Home Care Richardson, Texas
5/02 to 8/02	LVN, Agency Nurse Staff Search Healthcare Dallas, Texas

6. On September 15, 1998, Respondent's license to practice vocational nursing was issued the sanction of a fine through an Agreed Board Order, by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the Agreed Board Order and Order of the Board dated September 15, 1998, is attached and incorporated by reference as a part of this Order.
7. At the time of the initial incident in Finding of Fact Number Eight (8), Respondent was employed as an Agency Nurse with Staff Search Healthcare, Dallas, Texas, and was on assignment with Pathways Health Services, Dallas, Texas, and had been in this position for less than one (1) month.
8. On or about July 28, 2002, while employed with Staff Search Healthcare, Dallas, Texas, and on assignment with Pathways Health Services, Dallas, Texas, Respondent failed to notify the physician or her supervisor of the change in status of Patient BH when the patient had pain and decreased use of the left arm beginning at 8:00 a.m. Subsequently, the patient was taken to the emergency department that evening, for an evaluation which revealed a spiral fracture of the left humerus. Respondent's conduct was likely to injure the patient from a delay in medical care.
9. On or about July 28, 2002, while employed with Staff Search Healthcare, Dallas, Texas, and on assignment with Pathways Health Services, Dallas, Texas, Respondent failed to institute appropriate nursing interventions, including ensuring a complete medical examination for Patient BH when the patient had pain, guarding, and decreased use of the left arm. The symptoms were first noted by Respondent at 8:00 a.m. Subsequently, the patient was taken to the emergency department that evening, for an evaluation which revealed a spiral fracture of the left humerus. Respondent's conduct was likely to injure the patient from a delay in medical care.

10. On or about July 28, 2002, while employed with Staff Search Healthcare, Dallas, Texas, and on assignment with Pathways Health Services, Dallas, Texas, Respondent failed to document the administration of Advil on the Medication Administration Record of Patient BH. Respondent documented the administration of the medication in the narrative note only. Respondent's conduct resulted in an incomplete medical record and was likely to injure the patient in that subsequent caregivers would have relied on her documentation while providing further care to the patient.
11. Formal Charges were filed on February 10, 2005.
12. Formal Charges were mailed to Respondent at her address of record on February 25, 2005.

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 302.402(a)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §239.11(3)&(27)(A).
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 140427, heretofore issued to TAMERA SUE NICHOLSON, 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 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 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 privilege, if any, to practice 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 license issued to TAMERA SUE NICHOLSON, 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 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 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 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 VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify each present employer in 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 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 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 vocational nurse.

(7) 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.

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

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice 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 license to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 6 day of May, 2005.

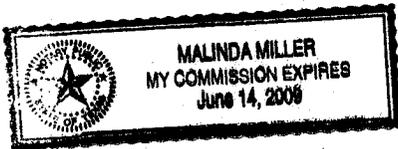
Tamera Sue Nicholson
TAMERA SUE NICHOLSON, Respondent

Sworn to and subscribed before me this 6 day of May, 2005.

SEAL

Malinda Miller

Notary Public in and for the State of Texas



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 6th day of May, 2005, by TAMERA SUE NICHOLSON, Vocational Nurse License Number 140427, and said Order is final.

Effective this 14 day of June, 2005


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

BOARD OF VOCATIONAL NURSE EXAMINERS * STATE OF TEXAS
VS. *
*
*
TAMERA SUE NICHOLSON * COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners the matter of vocational nurse license number 140427 held by TAMERA SUE NICHOLSON, hereinafter called Respondent.

By letter, the Board of Vocational Nurse Examiners sent preliminary notice to Respondent of its intent to take disciplinary action with respect to said license held by Respondent, as a result of a complaint and subsequent investigation. Said investigation produced evidence indicating that Respondent has engaged in unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public, in violation of Article 4528c, Section 10 (a) (9), Revised Civil Statutes of Texas, in the following manner:

- a. Respondent is a vocational nurse, licensed by the State of Texas, and holds license number 140427.
- b. On or about March 1998 the Board of Vocational Nurse Examiners conducted a random continuing education audit regarding Respondent's licensure. Said audit revealed that Respondent had failed to complete twenty (20) contact hours of continuing education between March 01, 1996 and February 28, 1998 as required by the Board of Vocational Nurse Examiners (Board) Rules and Regulations.

SEP 08 1998

c. Furthermore, on or about March 04, 1998 Respondent submitted her license renewal form to the Board office. On said form Respondent falsely answered "yes" to the question "Have you acquired twenty (20) contact hours of continuing education in the renewal period just completed?".

d. Board Rule 237.14 states that twenty (20) contact hours of continuing education within the two (2) years immediately preceding renewal of licensure are required.

By Respondent's signature on this Order, Respondent neither admits nor denies the truth of the matters previously set out in this Order with respect to the above mentioned investigation. 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.

By their notarized signature on this Order, Respondent does hereby waive the right to a formal Complaint, Notice of Hearing and a Public Hearing held before an Administrative Law Judge with the State Office of Administrative Hearings, and to judicial review of this disciplinary action. 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 TAMERA SUE NICHOLSON shall pay an administrative fine in the amount of \$250.00, in the form of a cashier's check or money order, payable to the Board of Vocational Nurse Examiners, within thirty (30) days of the date of the Board's endorsement of this Order. Said fee shall be sent to the Board office, addressed to the "Board Accountant".

Respondent shall successfully complete the required twenty (20) contact hours of Mandatory Continuing Education (C.E.) as defined in Board Rule 237.14 and submit documentation of successful completion of the C.E. requirements to the Board office within thirty (30) days of the endorsement of this Order.

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

Dated this the 28th day of August, 1998.

J. Nicholson
Signature of Respondent

624 W. University Suite #275
Current Address

Denton, Tx.
City, State and Zip

940 / 591-0131
Area Code and Telephone Number

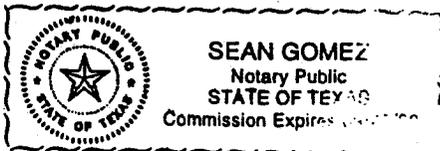
AGREED BOARD ORDER
RE: TAMERA SUE NICHOLSON, LVN #140427
PAGE 3

00140427

The State of Texas
County of DENTON

Before me, the undersigned authority, on this day personally appeared TAMERA SUE NICHOLSON, who 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 on this the 28th day of AUGUST, 1998.

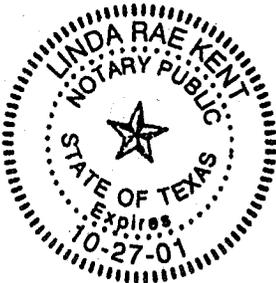


Sean Gomez

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 9-25-99

Marjorie A. Bronk, RN
Marjorie A. Bronk, RN
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 15th day of September, 1998.



Linda Rae Kent
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

AGREED BOARD ORDER
RE: TAMERA SUE NICHOLSON, LVN #140427
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ENDORSEMENT OF THE BOARD
To The Agreed Board Order
in the matter of Vocational Nurse
License No. 140427
Issued to Tamera Sue Nicholson

At its regularly called session, on the 15th day of September 1998, came on to be considered the indicated Agreed Board Order pertaining to Tamera Sue Nicholson. The Board having reviewed the contents of said Order, the Order should be, and is hereby, endorsed as an Order of the Board and made an official act of the Board of Vocational Nurse Examiners for the State of Texas.

Said Order is rendered on this the 15th day of September 1998.

<i>Ginger Brennes</i>	<i>Cathy Parrott</i>
<i>Melody Hart Vn</i>	<i>Vangie [unclear]</i>
<i>Betty Amos</i>	<i>Kellie [unclear]</i>
<i>Janelle Douets</i>	
<i>[unclear]</i>	
<i>Alina [unclear]</i>	
<i>[unclear]</i>	
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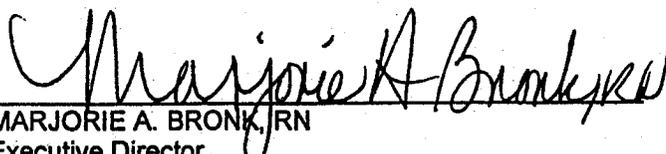
00140427

BOARD ORDER
RE: TAMERA SUE NICHOLSON, LVN #140427
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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of September 1998, a true and correct copy of the foregoing Order was served by placement in the U.S. Mail, first class, and addressed to the following person(s):

TAMERA SUE NICHOLSON
624 WEST UNIVERSITY
SUITE 275
DENTON, TX 76205


MARJORIE A. BRONK, RN
Executive Director
Agent for the Board of Vocational Nurse Examiners