BOARD OF VOCATIONAL NURSE EXAMINERS	*	STATE OF TEXAS
VS.	*	
ERNIE CORNELIA MURPHY	*	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 126821 held by ERNIE CORNELIA MURPHY, *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 Board's opinion, is likely to deceive, defraud, or injure the public, in violation of Texas Occupations Code, Chapter 302, Section 302.402 (a) (10), in the following manner:

I.

a. Respondent was employed as a licensed vocational nurse with IHS Hospital at Plano, in Plano, Texas, from about January 4, 2000 to about October 16, 2001.

b. While so employed at said facility, from about March 31, 2001 to about October 4, 2001, Respondent was responsible for discrepancies in the administration and documentation of medications that concerned patients assigned to said facility, to-wit:

On or about March 31, 2001, Respondent documented that she had started a tube feeding for patient RP with Resource DM at a rate of 50cc/hr. It was later discovered that Respondent had hung Fiber Source formula for said tube feeding versus Resource DM.

On or about May 9, 2001, Respondent failed to follow a physician's order to administer Vancomycin 1gm IVPB to patient MK.

On or about June 11, 2001, Respondent failed to document that she had administered Neurontin 600mg to patient DW.

On or about October 4, 2001, Respondent documented that she had administered nine (9) units of Novolin Reg Insulin to patient JH. It was later learned that said Insulin had not been administered to patient JH, but that instead, said Insulin had been placed in a syringe, in the drawer of a medication cart.

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, subject to ratification by the Board of Vocational Nurse Examiners that license number 126821, heretofore issued to ERNIE CORNELIA MURPHY 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, & Documentation), 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 16th day of August, 2003.

NOTARY PUBLIC STATE OF TEXAS
Linda Calderilla
My Commission Expires
April 23, 2006

Ernie Murphy
Signature of Respondent

Linda Calderilla
08-16-03

_____
Current Address

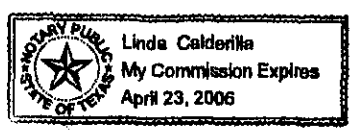
_____
City, State and Zip

_____/_____
Area Code and Telephone Number

The State of Texas
County of Collin

Before me, the undersigned authority, on this day personally appeared ERNIE CORNELIA MURPHY, 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 16th day of August, 2003.



Linda Calderilla
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 September, 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 16th day of August, 2003 by Respondent, license number 126821 and that Said Order is Final.

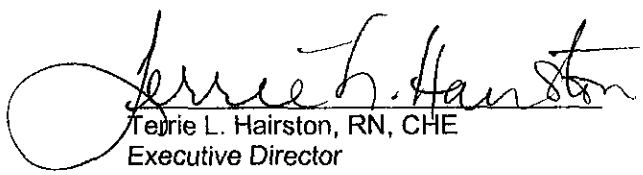
Effective this 9th day of September, 2003

Terrie L. Hairston, RN, CHE
Executive Director
On Behalf of Said Board

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of September, 2003, a true and correct copy of the foregoing **BOARD ORDER** was served by placement in the U.S. Mail, first class, and addressed to the following person(s):

ERNIE CORNELIA MURPHY
409 ROSE DR
ALLEN, TX 75002



Terrie L. Hairston, RN, CHE
Executive Director
Agent for the Board of Vocational Nurse Examiners

Patch 1

Name: TERESA LOUISE NAJERA

RN License Number: 147061

Date of Order: 12/14/2004

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
****

In the Matter of License Number 147061	§	REINSTATEMENT
issued to TERESA LOUISE NAJERA	§	AGREED ORDER

On this day came to be considered by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the Petition for Reinstatement of vocational nurse license number 147061, held by TERESA LOUISE NAJERA, hereinafter referred to as Petitioner.

An informal conference was held on October 5, 2004, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was represented by William F. Kemp, Attorney at Law. In attendance were Mary Beth Thomas, MSN, RN, Director of Nursing, Executive Director's Designee; E. Joy Sparks, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; Michele Delisle, RN, Investigator; Christina Murphey, Nurse Intern; and Carolyn Hudson, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.

2. Petitioner waived notice and hearing, and consented to the entry of this Order.

3. Petitioner received a certificate in vocational nursing from Central Texas College, Brady, Texas, on August 27, 1993. Petitioner was originally licensed to practice vocational nursing in the State of Texas on June 1, 1994.

4. Petitioner's vocational employment history included:

6/94 - 7/94	LVN-Field Nurse	Heart of Texas Memorial Hospital Home Health Brady, Texas
7/94 - 5/95	LVN-School Nurse	Brady ISD Brady, Texas
6/95 - 8/95	LVN-Clinic Nurse	Christus Spohn (formerly Bee Co. Regional Medical Center) Beeville, Texas
8/95 - 10/95	LVN-Floor Nurse	Hillside Lodge Convalescent Center Beeville, Texas
11/95 - 7/96	LVN-Floor Nurse	Shuffield Nursing Homes 1 and 3 Brady, Texas
8/96 - 11/97	Not employed in nursing	
12/97 - 2/98	LVN-Floor Nurse	Riverside Healthcare & Rehab Center San Angelo, Texas
3/98 - 12/98	LVN-Floor Nurse	Concho Health and Rehab Center Eden, Texas
1/99 - 4/99	LVN-Field Nurse	Girling Health Care Brownwood, Texas
5/99 - 6/00	LVN-Clinic Nurse	Eden Detention Center Eden, Texas
6/00 - 8/00	Not employed in nursing	
8/00 - 11/02	LVN-Floor Nurse	Brownwood Regional Medical Center Brownwood, Texas
11/02 - present	Not employed in nursing	

5. On September 10, 2002, Petitioner's license to practice vocational nursing in the State of Texas was revoked by the Board of Vocational Nurse Examiners for the State of Texas. A copy of the September 10, 2002, Order and Complaint, is attached and incorporated, by reference, as a part of this Order.

6. On or about June 30, 2004, Petitioner submitted a Petition for Reinstatement of her License to practice vocational nursing in the State of Texas.

7. Petitioner presented the following in support of her petition:

   7.1. Letter of support, dated May 14, 2004, written by Shannon DeLa Cruz, RN. Ms. DeLa Cruz states that she was Petitioner's charge nurse for over two (2) years, and Petitioner was always pleasant. Ms. DeLa Cruz believes it would be beneficial to the nursing profession, in this time of need, to reinstate Petitioner's license.

   7.2. Letter of support, dated May 15, 2004, written by Patricia Erin Plaster. Ms. Plaster states that she worked with Petitioner for over two (2) years as a nurse tech. Ms. Plaster states that Petitioner was very caring, considerate, and respectful of her patients. Ms. Plaster states that she could count on Petitioner to follow up on any concerns she would have about their mutual patients.

   7.3. Letter of support, not dated, written by Shonda Beard, LVN. Ms. Beard states that she met Petitioner at a hospital when she was in nursing school, and has known Petitioner for three (3) years. Ms. Beard states that Petitioner was a good nurse and was always there to give great patient care.

   7.4. Letter of support, not dated, written by Billie Garza, Petitioner's mother. Ms. Garza states that everyone that has worked with Petitioner, as well as patients, states that she is a terrific and dedicated nurse. Ms. Garza states that the hospital Petitioner worked at has recognized not only her ability and knowledge as a nurse, but her compassion, love, and dedication.

   7.5. Verification of successful completion of twenty (20) Type I Continuing Education Contact Hours.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that the petition of TERESA LOUISE NAJERA, license number 147061, to practice vocational nursing in the state of Texas, be and the same is hereby GRANTED SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies 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 §211.01 et. seq. and the stipulations contained in this Order:

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's multistate licensure privilege, if any, to practice vocational nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is encumbered by this Order, Petitioner 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 Petitioner wishes to work.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has paid all re-registration fees and is issued a license to practice vocational nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to TERESA LOUISE NAJERA, shall be subject to the following agreed post-licensure stipulations:

(2) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing jurisprudence. PETITIONER 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 must include vocational nurses. It must 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. PETITIONER 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 PETITIONER's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses can be found on the Board's website www.bne.state.tx.us (under BNE events).*

(3) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing documentation. PETITIONER 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. PETITIONER SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify PETITIONER'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, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK

CONTINUED ON NEXT PAGE

PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. 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 agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice vocational nursing in the state of Texas. 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 30 day of October, 2004.

Teresa Louise Najera

TERESA LOUISE NAJERA, Petitioner

Sworn to and subscribed before me this 30th day of October, 2004.

SEAL

Notary Public in and for the State of Texas

EVA HERNANDEZ
Notary Public, State of Texas
My Commission Expires
March 15, 2006

Approved as to form and substance.

William F. Kemp

William F. Kemp, Attorney for Petitioner

Signed this 1 day of November, 2004.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 30th day of October, 2004, by TERESA LOUISE NAJERA, license number 147061, and said Order is final.

Effective this 14th day of December, 2004.

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

IN THE MATTER OF PERMANENT	§	BEFORE THE BOARD
	§	
OF	§	VOCATIONAL NURSE EXAMINERS
	§	
LICENSE NUMBER #147061	§	IN AND FOR THE
	§	
ISSUED TO	§	STATE OF TEXAS
	§	
TERESA NAJERA	§	

DEFAULT ORDER

TO: TERESA NAJERA
705 EAST 4th STREET
BRADY, TEXAS 76825

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 147061 held by TERESA NAJERA hereinafter called "Respondent".

A sworn Complaint has been filed in accordance with the TEX. OCC. CODE ANN. § 302.403 & § 302.404 and served on the Respondent, pursuant to TEX. GOV'T CODE ANN. Chapter 2001 (Vernon 2000), 22 TEX. ADMIN. CODE (TAC) § 239.23 (1999); which alleges violations of the Texas Occupations Code, Chapter 302, and grounds to take disciplinary action against Respondent.

During open meeting on September 10, 2002, at Austin, Texas, the Board finds that, after proper and timely notice was given in the above-styled case, Respondent has failed to file an "Answer to Appear".

The Board, after review and due consideration of Respondent's failure to enter an appearance, in accordance with 22 TEX. ADMIN. CODE (TAC) § 239.46 (2000), ratifies and adopts the Default Order.

NOW, THEREFORE, IT IS ORDERED that License Number #147061 heretofore issued to TERESA NAJERA to practice vocational nursing in the State of Texas be, and the same is hereby, **REVOKED**.

Appeals from a final decision or Order of the Board must be made pursuant to the requirements of the Administrative Procedure Act, TEX. GOV'T CODE, ANN., Chapter 2001, § 2001.146, as amended. A motion for rehearing must be filed the Board within 20 days from the date of this notice, as a jurisdictional prerequisite to an Appeal.

Terrie L. Hairston

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 10th day of September, 2002.

SANDY GARDNER
Notary Public, State of Texas
My Commission Expires
April 13, 2003

Sandy Gardner

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 4/13/03

WHEREFORE, PREMISES CONSIDERED, the Board of Vocational Nurse Examiners for the State of Texas does hereby ratify and adopt the Default Order, on the 10th day of September, 2002, that Said Order is Final in the matter of TERESA NAJERA, LVN #147061.

Effective this 10th day of September, 2002.

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

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of September, 2002, a true and correct copy of the foregoing **DEFAULT ORDER** was served by placement in the U.S. Mail first class mail, and addressed to the following person(s):

TERESA NAJERA
705 EAST 4th STREET
BRADY, TEXAS 76825

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