

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse	§	AGREED
License Number 255284 and Vocational Nurse License	§	
Number 41926, issued to JUNE J. SIVITS	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JUNE J. SIVITS, Registered Nurse License Number 255284 and Vocational Nurse License Number 41926, 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 conference, notice and hearing, and agreed to the entry of this Order offered on July 29, 2008, 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 professional nursing in the State of Texas. Respondent's license to practice vocational nursing in the State of Texas is currently in "delinquent" status.
4. Respondent received a Certificate in Vocational Nursing from Odessa College, Odessa, Texas, on October 31, 1968, and received an Associate Degree in Nursing from Odessa College, Odessa, Texas, on May 1, 1981. Respondent was licensed to practice vocational nursing in the State of Texas on March 22, 1969, and was licensed to practice professional nursing in the state of Texas on September 8, 1981.

5. Respondent's nursing employment history includes:

03/1969 - 10/1981	Unknown	
11/1981 - 09/1983	Staff/Charge Nurse	Bridgeport Hospital Bridgeport, Texas
10/1983 - 08/1988	Charge Nurse	Jack County Hospital Jacksboro, Texas
09/1988 - 12/1988	Unknown	
01/1989 - 04/1991	Infirmiry Supervisor	Abilene State School Abilene, Texas
05/1991 - 07/1991	Unknown	
08/1991 - 03/1992	Part Time Nurse	Bridgeport Care Center Bridgeport, Texas
04/1992 - 05/1992	Home Health Nurse	Family Services Home Health Bridgeport, Texas
06/1992 - 10/1992	Unknown	
11/1992 - 12/1992	Director of Nurses	Bridgeport Care Center Bridgeport, Texas
01/1993 - 07/1994	Director of Nurses	Decatur Convalescent Center Decatur, Texas
08/1994 - 12/1994	Director of Nurses	Bridgeport Care Center Bridgeport, Texas
01/1995 - 06/1995	Unknown	
07/1995 - 09/1995	Charge Nurse	River Oaks Nursing Center Fort Worth, Texas
10/1995	Unknown	
11/1995 - 05/1999	Charge Nurse	Bellmire Health Care Bowie, Texas

Respondent's nursing employment history continued:

05/1999	Charge Nurse	Crescent Care Bridgeport, Texas
06/1999 - 10/1999	Not Employed in Nursing	
11/1999 - 07/2002	Charge Nurse & Weekend Supervisor	Autumn Years Lodge Fort Worth, Texas
08/2002 - 01/2003	Unknown	
02/2003 - 11/2004	Registered Nurse	Bellmire Health Care Bowie, Texas
08/2003 - 12/2004	Director of Nurses	Nocona Care Center Nocona, Texas
01/2005 - 07/2005	Charge Nurse	Bowie Nursing Center Bowie, Texas
08/2005 - 05/2006	Director of Nurses	Wichita Falls Care Center Wichita Falls, Texas
06/2006 - 08/2006	Staff Nurse	Wichita Falls Care Center Wichita Falls, Texas
09/2006 - Unknown	Staff Nurse	August Healthcare Bridgeport Bridgeport, Texas

6. On or about September 22, 1993, Respondent's license to practice professional nursing in the State of Texas was issued the sanction of Reprimand through a Consent Order by the Board. A copy of the Consent Order, Findings of Fact, Conclusions of Law, and Respondent's Statement of Agreement, dated September 22, 1993, is attached and incorporated herein by reference as part of this Order.
7. On or about July 20, 2000, Respondent's license to practice professional nursing in the State of Texas was issued the sanction of Reprimand with Stipulations through an Agreed Order by the Board. A copy of the Agreed Order, Findings of Fact, Conclusions of Law, and Order, dated July 20, 2000, is attached and incorporated herein by reference as part of this Order.
8. At the time of the initial incident, Respondent was employed as a Director of Nurses with Wichita Falls Care Center, Wichita Falls, Texas, and had been in this position for seven (7) months.

9. On or about March 19, 2006, through June 19, 2006, while employed as Director of Nurses with Wichita Falls Care Center, Wichita Falls, Texas, Respondent failed to assess and intervene when Resident Number 00178 began refusing to take his necessary medications for his psychiatric disorders. Consequently, the resident experienced a change of condition, which created an unsafe environment for other residents, and began exhibiting altered behavioral patterns and escalating behaviors. Respondent's conduct unnecessarily exposed the residents and the staff to the risk of injury due to the unpredictable behavior of Resident Number 00178.
10. On or about May 5, 2006, while employed with Wichita Falls Care Center, Wichita Falls, Texas, Respondent failed to assess and appropriately intervene after being informed that Resident Number 00100 was unresponsive and cold to touch. Two (2) hours later, when Respondent entered the resident's room to administer medications, she found the resident unresponsive, cold to touch, with no pulse or respirations. No attempt was made to assess or resuscitate the resident at the time of the initial report. The resident expired. Respondent's conduct may have contributed to the resident's demise.
11. On or about June 19, 2006, Respondent failed to ensure the safety of the aforementioned Resident Number 00178 when she called a cab and allowed him to leave the facility unsupervised after refusing to take his psychiatric medications for three (3) months. Consequently, the resident expired due to injuries suffered from rolling himself under a slow-moving train. Respondent's conduct may have contributed to the resident's demise.
12. On or about June 2007 through July 2007, while employed with August Healthcare Bridgeport, Bridgeport, Texas, Respondent failed to intervene to provide a safe environment for Resident JA when he had been put in involuntary seclusion and was unable to get out. Respondent's conduct was likely to injure the mentally challenged resident in that he was locked in seclusion with no supervision and no assistance.
13. In response to the incidents in Findings of Fact Numbers Nine (9) through Twelve (12), Respondent states that Resident Number 00178 was his own responsible party as he had not been declared incompetent and he had the right to refuse medications. To Respondent's knowledge, there was no significant change in condition and no escalating behaviors exhibited. Regarding Resident Number 00100, Respondent states that she was told that the resident would not wake up for breakfast. Respondent says that she learned that this resident had been up until five (5) a.m. and that it was not unusual for this resident to stay up late and sleep in until around ten (10) in the morning. Respondent acknowledges that she found the resident to be unresponsive and cold to touch when she was administering medications. At that time, Respondent indicates that appropriate actions were taken. Regarding Resident Number 00178, Respondent states that the resident came to her office and asked to use the phone. Respondent placed the phone where the resident could reach it and the resident dialed the number himself, calling a cab to take him somewhere. According to Respondent, the resident was his own responsible party and retained the legal right to leave the facility as he wished. Regarding Resident JA, Respondent states that the resident was a very strong man with no impulse control and was a risk to all the other individuals residing on the unit. Respondent concludes, stating that the staff members were trying to keep everyone as safe as possible during a difficult time.

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)(C),(1)(M)&(3)(A) and 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 Registered Nurse License Number 255284 and Vocational Nurse License Number 41926, heretofore issued to JUNE J. SIVITS, including revocation of Respondent's licenses to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that Registered Nurse License Number 255284 and Vocational Nurse License Number 41926, previously issued to JUNE J. SIVITS, to practice nursing in Texas is hereby SUSPENDED for a period of two (2) years with the suspension STAYED and Respondent is hereby placed on PROBATION for two (2) years with the following agreed terms of probation:

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

IT IS FURTHER AGREED and ORDERED that while Respondent's licenses are encumbered by this order, the Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

(1) 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.

(2) RESPONDENT SHALL deliver the wallet-sized licenses issued to JUNE J. SIVITS, to the office of the Texas Board of Nursing within ten (10) days of the date of this Order for appropriate notation.

(3) 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) contact 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 Chemical Dependency, 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>.*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. 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. The didactic portion of this course shall be a

minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. 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>

(5) 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>.*

(6) 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:

<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>

(7) 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, 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 PROBATION CONDITIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(8) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the probation conditions on RESPONDENT's licenses. 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 probation conditions on RESPONDENT's licenses. 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.

(9) 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.

(10) For the first year of employment as a Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The 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.

(11) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered 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.

(12) 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 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 two (2) years of employment as a nurse.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's licenses, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued unencumbered licenses and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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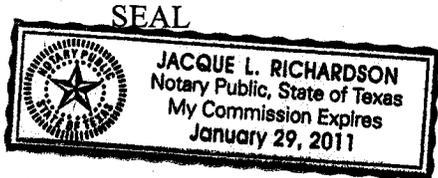
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations 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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 9 day of 9, 2008.

June J. Sivits
JUNE J. SIVITS, Respondent

Sworn to and subscribed before me this 9th day of September, 2008.



Jacquie L. Richardson

Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 9th day of September, 2008, by JUNE J. SIVITS, Registered Nurse License Number 255284 and Vocational Nurse License Number 41926, and said Order is final.

Effective this 23rd day of October, 2008.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas", is written over a horizontal line.

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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Permanent Certificate
Number 255284 issued to
JUNE J. SIVITS

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CONSENT ORDER

Following receipt of information, a hearing was held on August 18, 1993, at the office of the Board of Nurse Examiners, hereinafter referred to as the Board, in accordance with Article 4525(b), Revised Civil Statutes of Texas, as amended. JUNE J. SIVITS, license number 255284, hereinafter referred to as Respondent, was in attendance. The Director of the Department of Practice and Compliance presided at the hearing and makes the following:

FINDINGS OF FACT

1. Respondent is currently licensed to practice professional nursing in the State of Texas.
2. On or about April 17, 1992, Respondent placed a patient on a PCA pump. The pump failed to have a "lock out" programmed into the setting for this patient, resulting in an overdose of medication.
3. Respondent desires to continue her career in professional nursing.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter.
2. Based upon the evidence received, Respondent is in violation of Article 4525(a)(9), Revised Civil Statutes of Texas, as amended.
3. The evidence presented constitutes sufficient evidence to take action under powers granted by Article 4525(b), Revised Civil Statutes of Texas, as amended.

RESPONDENT'S STATEMENT OF AGREEMENT

By signature on this Order, I agree to entry of this Order dispensing with the need for further disciplinary action in this matter. I understand that:

1. This Order is subject to ratification by the Board at their next regularly scheduled meeting;
2. If this Order is ratified by the Board, my license to practice professional nursing in the State of Texas will be issued a reprimand with stipulations; and
3. I have the right to legal counsel prior to entering into this Order.

I have reviewed this Order. I consent to the issuance of a reprimand on my license to practice professional nursing in the State of Texas.

I agree to return my current certificate of re-registration (wallet size) to the office of the Board for appropriate notation within ten (10) days of the date of entry of the Board Order.

I further consent to adhere to the following stipulations for one year:

(1) RESPONDENT shall, within one (1) year of entry of this Order, successfully complete courses in the following areas:

Medication Administration (with a clinical component); and
Nursing Jurisprudence.

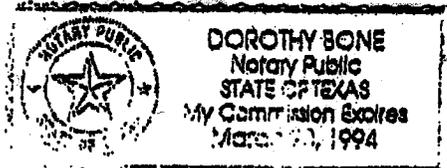
RESPONDENT shall obtain Board approval of course prior to enrollment.

RESPONDENT shall cause the sponsoring institution to submit a Verification of Completion form to verify RESPONDENT's successful completion of the course.

Dated the 1 day of Sept, 1993.

JUNE J. SIVITS

Sworn to before me this 1 day of September, 1993



Notary Public [Signature]
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 Consent Order signed by JUNE J. SIVITS, license number 255284, on the 1st day of September, 1993, and said Order is final.

Entered this 22nd day of September, 1993.

Louise Waddill
Louise Waddill, Ph.D., R.N.
Executive Director on behalf of said Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 255284 § AGREED
issued to JUNE J. SIVITS § ORDER

An investigation by the Board produced evidence indicating that JUNE J. SIVITS, hereinafter referred to as Respondent, License Number 255284, may have violated Article 4525(b)(9), Revised Civil Statutes of Texas, as amended.

An informal conference was held on May 16, 2000, at the office of the Board of Nurse Examiners, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Karen Burk, BSN, RN, C, Investigator.

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, notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in Texas.
4. Respondent received an Associate Degree in Nursing from Odessa College, Odessa, Texas, in 1981. Respondent was licensed to practice professional nursing in the State of Texas in 1981.
5. On September 22, 1993, Respondent was issued a Reprimand with Stipulations by the Board of Nurse Examiners for the State of Texas. A copy of the Order is attached and incorporated by reference as a part of this Order.

6. Respondent's professional employment history includes:

November 1981-September 1983	Staff/Charge Nurse Bridgeport Hospital Bridgeport, Texas
September 1983-August 1988	Charge RN Jack County Hospital Jacksboro, Texas
January 1989-April 1991	Infirmiry Supervisor Abilene State School Abilene, Texas
August 1991-March 1992	Part Time RN Bridgeport Care Center Bridgeport, Texas
March 1992-May 1992	Home Health Nurse Family Services Home Health Bridgeport, Texas
November 1992-December 1992	Director of Nurses Bridgeport Care Center Bridgeport, Texas
December 1992-July 1994	Director of Nurses Decatur Convalescent Center Decatur, Texas
July 1994-December 1994	Director of Nurses Bridgeport Care Center Bridgeport, Texas
July 1995-September 1995	Charge Nurse-Medicare Wing River Oaks Nursing Center Fort Worth, Texas
November 1995-May 1999	Charge Nurse Bellmire Health Care Facilities Bowie, Texas
May 1999	Charge RN Crescent Care Bridgeport, Texas
June 1999-November 1999	Not employed in nursing

Respondent's professional employment history continued:

November 1999-Present

Charge RN
Autumn Years Lodge
Fort Worth, Texas

7. At the time of the incident, Respondent was employed as a Charge RN with Bellmire Health Care Facilities, Bowie, Texas, and had been in this position for three (3) years and six (6) months.
8. On or about May 2, 1999, while employed with Bellmire Health Care Facilities, Bowie, Texas, Respondent failed to thoroughly assess and document the status of resident M.M., who was 106 years old. At approximately 1:00 am on May 2, 1999, Respondent heard resident M.M. crying out loud and complaining of leg pain. An unlicensed staff member informed Respondent that he had heard a "pop" in the resident's leg while he was repositioning the resident a few minutes before. Respondent failed to document any assessment of the resident on this day, and failed to transport the resident to an acute care facility for evaluation and failed to notify the resident's physician regarding the incident. Later on this day, resident M.M.'s left foot was noted to be swollen, bruised, painful and turned inward. Resident M.M. was subsequently treated and released from an acute care facility for nondisplaced transverse fractures of the distal left fibula and tibia.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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 Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN. CODE §217.13(2)&(5).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 255284, heretofore issued to JUNE J. SIVITS, including revocation of Respondent's professional license to practice 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 Reprimand 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 Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-size license issued to JUNE J. SIVITS, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing jurisprudence. 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 must include registered 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. 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 is to be taken in addition to any continuing education requirements the Board may have for relicensure.

(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. The target audience must include registered nurses. The didactic portion of this course must be a minimum of six (6) hours in length. The course must contain a minimum twenty-four (24) hour clinical component to be supervised by another registered nurse. To be approved, the course should cover all systems of the body. The course description must 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 is to be taken in addition to any

continuing education requirements the Board has for relicensure.

(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. Home study courses and video programs will not be approved. The course must be a minimum of six (6) hours in length. In order for the course to be approved, the target audience must include registered nurses. The course must contain content on the following: guidelines and processes for good reporting and recording; legal guidelines for recording; methods 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 is to be taken in addition to any continuing education requirements the Board has for relicensure.

IT IS FURTHER AGREED, SHOULD RESPONDENT CHOOSE TO PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING, UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT:

(5) RESPONDENT SHALL notify each present employer in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a copy of this Order to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a copy of this Order to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in professional nursing to submit the Notification of Employment form, which is provided 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 to the Board's office within five (5) days of employment as a professional nurse.

(7) RESPONDENT SHALL be supervised by a registered nurse who is on the premises. The supervising RN 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. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, 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 by the Board, periodic reports as to RESPONDENT's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted to the office of the Board at the end of each three (3) months for one (1) year of employment as a professional nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license to practice professional nursing in the State of Texas.

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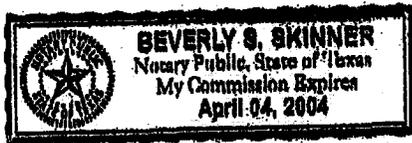
RESPONDENT'S CERTIFICATION

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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 20 day of June, 2000.

Jane J. Sivits
JANE J. SIVITS, Respondent

SEAL



Beverly S. Skinner
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 20th day of June, 20 00, by JUNE J. SIVITS, License Number 255284, and said Order is final.

Effective this 20th day of July, 20 00.


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