



WHEREAS, said Agreed Order required the completion of remediation courses within a period of one (1) year from the Agreed Order; required certain hourly employment requirements for direct patient care as an RN for a total period of twelve (12) months in length; required disclosure of the Agreed Order to all current and future employers; required the submission of Notification of Employment Forms to the Board; required supervision of said practice by a registered nurse on premises; limited practice settings; and required the submission of work site supervisor reports every three (3) months for a period of one (1) year; and

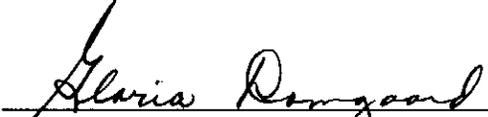
WHEREAS, upon full compliance with the Agreed Order, the Licensee would be eligible for nurse licensure compact privileges; and

THEREFORE, the South Dakota Board of Nursing hereby accepts the reports of the Texas Board of Nursing, along with its disciplinary action taken in the form of said Agreed Order and adopts the Agreed Order of the Texas Board of Nursing as it relates to the above Licensee as if issued in this jurisdiction against said Licensee.

The Licensee will be issued a South Dakota probationary single-state license with no multi-state privilege with the express exception of the State of Texas, as stated in the Agreed Order.

Dated this 15<sup>th</sup> day of December, 2011.

SOUTH DAKOTA BOARD OF NURSING

  
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Gloria Damgaard, Executive Director

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Nurse Licensure	§	AGREED
Compact Privilege Associated	§	
with South Dakota Registered Nurse License	§	
Number R031983 issued to PAMELA SUE TANNER	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of PAMELA SUE TANNER, Nurse Licensure Compact Privilege Associated with South Dakota Registered Nurse License Number R031983, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Sections 301.452(b)(10)&(13) and 304.001, Article 3(b), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on March 6, 2011, 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(s).
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of South Dakota.
4. Respondent received a Bachelors Degree in Nursing from Emporia State University, Emporia, Kansas on May 1, 1996. Respondent was licensed to practice professional nursing in the State of South Dakota on August 21, 2001.

5. Respondent's nursing employment history includes:

01/1990 to 01/1999	Staff RN	Herington Municipal Hospital Herington, Kansas
02/1999 to 07/2001	Unknown	
08/2001 to 02/2002	Travel RN	Winner Regional Healthcare Unknown
03/2002 to 11/2002	Travel RN	East Texas Medical Center Tyler, Texas
12/2002 to 04/2003	Travel RN	Aas/Medical Center Of Arlington Arlington, Texas
05/2003 to 06/2003	Not employed in nursing	
07/2003 to 10/2003	Travel RN	Swedish Medical Center Denver, Colorado
10/2003 to 02/2004	Travel RN	Louisiana State University Medical Center Shreveport, Louisiana
02/2004 to 08/2004	Travel RN	Mercy Hospital Unknown
02/2004 to 08/2004	Staff RN	Arlington Medical Center Arlington, Texas
03/2003 to 12/2004	Staff RN	East Texas Medical Center Tyler, Texas
05/2005 to 08/2005	Travel RN	Swedish Medical Center Denver, Colorado
06/2005 to 08/2005	Travel RN	Catholic Healthcare Bakersfield, California
05/2005 to 11/2005	Travel RN	Louisiana State University Shreveport, Louisiana

Respondent's nursing employment history continues.

11/2005 to 05/2008	Travel RN	Methodist Dallas Dallas, Texas
04/2007 to 05/2008	Travel RN	Methodist Dallas Medical Center Dallas, Texas
06/2008 to 09/2008	Travel RN	Good Shepherd Medical Center Longview, Texas
11/2008 to 06/2009	Clinical Supervisor	Legacy Hospice Longview, Texas
07/2009 - present	Unknown	

6. At the time of the incidents described in Findings of Fact Numbers Seven (7) through Nine (9), Respondent was employed as an RN Clinical Supervisor with Legacy Hospice, Longview, Texas, and had been in this position for approximately one (1) year and seven (7) months.
7. On or about May 30, 2010 through May 31, 2010, while utilizing Respondent's nurse licensure compact privilege associated with her license to practice professional nursing in the State of South Dakota and employed with Legacy Hospice, Longview, Texas, Respondent failed to respond to repeated calls for assistance from the family of patient L.D., or to contact appropriate personnel employed with Legacy Hospice, Longview, Texas to assist patient L.P. at the time of and during patient L.D.'s demise. Respondent's conduct deprived Patient LD of comfort measures that were required to prevent the patient from enduring unnecessary pain and suffering.
8. On or about May 20, 2010, while utilizing Respondent's nurse licensure compact privilege associated with her license to practice professional in the State of South Dakota and employed with Legacy Hospice, Longview, Texas, Respondent failed to document in Patient LD's medical records that on May 20, 2010, Patient LD was prescribed Roxanol 20mg/ml, by Doctor Bullar, which Respondent picked up from Med-Shop Pharmacy, as evidenced by her signature on the pharmacy controlled substance log. Respondent's conduct created an incomplete and inaccurate medical record on which subsequent care givers would rely on to provide ongoing medical care.
9. On or about May 20, 2010 through May 27, 2010, while utilizing Respondent's nurse licensure compact privilege associated with her license to practice professional in the State of South Dakota and employed with Legacy Hospice, Longview, Texas, Respondent failed to ensure Patient L.D.'s pain relief medications were accessible to care-givers for use as

prescribed. Respondent's conduct deprived Patient LD of treatments and medications that were required the prevent the patient from enduring unnecessary pain and suffering.

10. In response to Findings of Fact Numbers Seven (7) through Nine (9), Respondent states that on May 31, 2010, at approximately 1:30 pm, the Daughter-in law of patient L.D. contacted her by phone, one (1) time, and informed Respondent that patient L.D. was having pain and was unable to reach care givers. Respondent further states she called care givers and asked if they had not left her pain patch for Sunday for the next care giver. Respondent states she was told that the care giver was going to take the patients pain patch so she instructed them to take it now.

### 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)(B),(D)&(M). and 22 TEX. ADMIN. CODE §217.12(1)(C),(D).
4. The evidence received is sufficient cause pursuant to Sections 301.452(b) and 304.001. Article 3(b), Texas Occupations Code, to take disciplinary action against Nurse Licensure Compact Privilege Associated with South Dakota Registered Nurse License Number R031983, heretofore issued to PAMELA SUE TANNER, including revocation of Respondent's Nurse Licensure Compact Privilege Associated with South Dakota Registered Nurse License Number R031983 to practice professional 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 WARNING 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, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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

IT IS FURTHER AGREED 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. *Board-approved courses may be found at the following Board website address:*

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

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete 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://learningext.com/hives/a0f6f3e8a0/summary>.*

**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(S) 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 REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(3) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S Nurse Licensure Compact Privilege. 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 Nurse Licensure Compact Privilege. 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.

(4) 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.

(5) 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.

(6) 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 one (1) year(s) of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

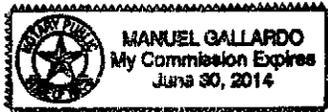
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 7<sup>th</sup> day of April, 2011.

Pamela Sue Tanner  
PAMELA SUE TANNER, Respondent

Sworn to and subscribed before me this 7<sup>th</sup> day of April, 2011.

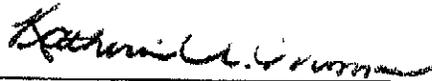
SEAL



Manuel Gallardo  
Notary Public in and for the State of 6-30-2014

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 7<sup>th</sup> day of April, 2011, by PAMELA SUE TANNER, Nurse Licensure Compact Privilege Associated with South Dakota Registered Nurse License Number R031983, and said Order is final.

Effective this 10<sup>th</sup> day of May, 2011.



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