

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

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| In the Matter of Registered Nurse | § | AGREED |
| License Number 549755 | § | |
| Issued to VIRGINIA RILEY SAVELY | § | ORDER |

An investigation by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, produced evidence indicating that VIRGINIA RILEY SAVELY, License Number 549755, hereinafter referred to as Respondent, may have violated Section 301.452 (b)(13), Texas Occupations Code.

An informal conference was held on November 29, 2005, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Taralynn Mackay, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Jolene Zych, MS, RN,C, WHNP, Advanced Practice Nursing Consultant; Robert Cantu, Investigator; and J. L. Skylar Caddell, RN,C, Lead 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 notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Baccalaureate Degree in Nursing from The University of Texas School of Nursing, Austin, Texas, in May 1988, and received a Certificate of Completion for

the Family Nurse Practitioner Program of The University of Texas, Austin, Texas, on May 8, 1998. Respondent was licensed to practice professional nursing in the State of Texas on November 18, 1988, became Board recognized as a Family Nurse Practitioner (FNP) in the State of Texas on July 3, 1998, became Board recognized with Prescriptive Authorization in the State of Texas on May 26, 1998, was licensed to practice professional nursing in the State of California on May 19, 2005, was licensed as a Nurse Practitioner (NP) in the State of California on May 25, 2005, and became Board authorized as a Nurse Practitioner Furnisher to provide prescriptions in the State of California on August 9, 2005.

5. Respondent's professional employment history includes:

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| 06/1988 - 06/1991 | GN/Staff Nurse | ProMed Minor Emergency Center Austin, Texas |
| 1989 - 1995 | GN/Summer Camp Nurse Supervisor | Camp Mystic Hunt, Texas |
| 07/1989 - 06/1998 | Assessment Nurse | Austin Regional Clinic Austin, Texas |
| 07/1998 - 06/2000 | FNP | Austin Regional Clinic at Brodie Lane Austin, Texas |
| 07/2000 - Present | FNP | South Austin Family Practice Clinic Austin, Texas |
| 07/2005 - Present | NP | Union Square Medical Associates San Francisco, California |

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Family Nurse Practitioner with South Austin Family Practice Clinic, Austin, Texas, and had been in this position for two (2) years.

7. On or about July 11, 2002, through February 12, 2003, while employed as a Family Nurse Practitioner with South Austin Family Practice Clinic, Austin, Texas, Respondent failed to use appropriate physician-delegated protocols that were in compliance with Board requirements while managing medical aspects of care for Patient C.W. As a result, Respondent ordered antibiotic therapies, including some at subtherapeutic levels, for Patient C.W. that were not included in her protocols. In addition, Respondent failed to document in the medical record the reasons and rationale for the antibiotics that she ordered, as well as collaboration, if any, with other physicians with whom she consulted regarding the patient's care. Respondent's conduct resulted in an incomplete medical record, and may have affected the patient's continuation of care.

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)(1), Texas Occupations Code, and 22 TEX. ADMIN. CODE § 221.13(d).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 549755, heretofore issued to VIRGINIA RILEY SAVELY, 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 REMEDIAL EDUCATION WITH FINE, 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 and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional 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 VIRGINIA RILEY SAVELEY to the office of the Board of Nurse Examiners within ten (10) days of 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 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).*

(4) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

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 professional nursing in the State of Texas.

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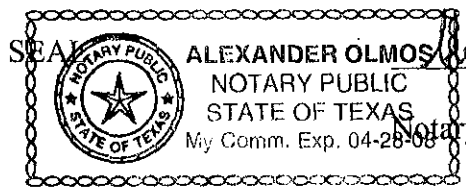
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I 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 when this Order becomes final and the terms of this Order become effective, 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 30th day of December, 2005.

Virginia Riley Savely
VIRGINIA RILEY SAVELY, RESPONDENT

Sworn to and subscribed before me this 30th day of December, 2005.



Alexander Olmos
Notary Public in and for the State of Texas

Approved as to form and substance.

Taralynn R. Mackay
Taralynn Mackay, Attorney for Respondent

Signed this 24th day of December, 2005

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby ratify and adopt the Agreed Order that was signed on the 30th day of December, 2005, by VIRGINIA RILEY SAVELY, License Number 549755, and said Order is final.

Effective this 2nd day of January, 2006.

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