

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 759079 §
issued to ANDRES ZUNIGA CAICEDO § ORDER



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.
Michelle P. Roman
Executive Director of the Board

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that ANDRES ZUNIGA CAICEDO, Registered Nurse License Number 759079, hereinafter referred to as Respondent, may have violated Section 301.452 (b)(13), Texas Occupations Code.

An informal conference was held on March 1, 2011, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was notified of right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Denise Benbow, MSN, RN, Nurse Consultant, Executive Director's Designee; Nikki Hopkins, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Jennifer Ellis, RN, 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 the State of Texas.
4. Respondent received a Diploma in Nursing from Christ Hospital, Jersey City, New Jersey, on May 30, 2003. Respondent was licensed to practice professional nursing in the State of Texas on July 25, 2008.

5. Respondent's nursing employment history includes:

05/2003 - 08/2004		Unknown
09/2004 - 03/2007	Staff Nurse	Elizabeth Seton Pediatric Center New York, New York
04/2007 - 09/2007	Staff Nurse	Hospital for Sick Children Washington, D.C.
10/2007 - 12/2007	"Traveler" Nurse	Phoenix Children's Hospital Phoenix, Arizona
01/2007 - 05/2008	Volunteer Nurse	Columbia, South America
06/2008 - 08/2009	Visiting Nurse	Maxim Healthcare Houston, Texas
09/2009	Unknown	
10/2009 - Current	Charge Nurse	Heathbridge Children's Hospital Houston, Texas

6. At the time of the incident, Respondent was employed as a pediatric Visiting Nurse with Maxim Healthcare, Houston, Texas, and had been in this position for ten (10) months.
7. On or about March 13, 2009, while employed as a Visiting Nurse with Maxim Home Healthcare Services, Houston, Texas, Respondent failed to report to the physician a change in the status of Patient Medical Record Number 517284579A, as ordered. Patient Medical Record Number 517284579A experienced a change in status when his temperature rose to above 101 degrees F. Respondent was required to notify the physician of all temperatures 101 degrees F or greater. Respondent's conduct exposed the patient unnecessarily to a risk of harm from a delay of timely intervention by the physician.
8. In response to the incident in Findings of Fact Number Seven (7) Respondent states that:
- He felt the elevated temperature of Patient Medical Record Number 517284579A was due to environmental factors: "It was winter, and the heater was on high." The patient had hot air blowing on him, he lowered the temperature of the heater and the patient's temperature started to decrease and by the time he reported off to the primary care giver the patient was afebrile.
 - When he gave report at the end of his shift, Patient Medical Record Number 517284579A was "comfortable with no signs of distress."

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)(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A)&(1)(B) and 217.12(1)(A)&(1)(B).
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 759079, heretofore issued to ANDRES ZUNIGA CAICEDO, including revocation of Respondent's license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION, 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 Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

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 and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact 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.

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, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

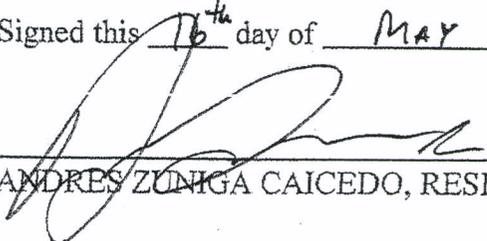
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RESPONDENT'S CERTIFICATION

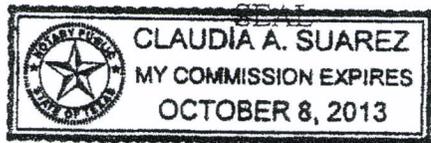
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and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

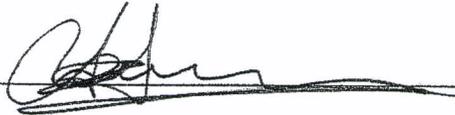
Signed this 16th day of MAY, 2011.



ANDRES ZUNIGA CAICEDO, RESPONDENT

Sworn to and subscribed before me this 16th day of MAY, 2011.





Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 16th day of May, 2011, by ANDRES ZUNIGA CAICEDO, Registered Nurse License Number 759079, and said Order is final.



Effective this 17th day of May, 2011.

Katherine A. Thomas

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