

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 186707  
ISSUED TO  
CARMEN MARIE GALINDO

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BEFORE THE ELIGIBILITY  
AND DISCIPLINARY  
COMMITTEE  
OF THE TEXAS  
BOARD OF NURSING



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.  
*Patricia P. Roman*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: Carmen Marie Galindo  
4059 Miho  
San Antonio, Texas 78223

During open meeting held in Austin, Texas, on Tuesday, May 10, 2011, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the

proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

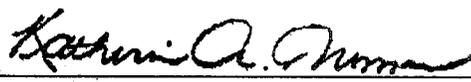
All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 186707, previously issued to Carmen Marie Galindo, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice vocational nursing in the State of Texas.

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

TEXAS BOARD OF NURSING

BY:   
KATHERINE A. THOMAS, MN, RN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed January 4, 2011.

Re: Permanent Certificate Number 186707  
Issued to Carmen Marie Galindo  
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 12<sup>th</sup> day of May, 20 11, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Carmen Marie Galindo  
4059 Miho  
San Antonio, Texas 78223

BY:   
KATHERINE A. THOMAS, MN, RN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License  
Number 186707, Issued to  
CARMEN MARIE GALINDO, Respondent

§ BEFORE THE TEXAS  
§  
§ BOARD OF NURSING

### FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CARMEN MARIE GALINDO, is a Vocational Nurse holding license number 186707, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

### CHARGE I.

On or about December 13, 2007 through December 19, 2007, while employed as a Licensed Vocational Nurse with Medical Staffing Network, and assigned at Christus Santa Rosa Hospital, San Antonio, Texas, Respondent withdrew Dilaudid from the Medication Dispensing Machine (Pyxis) for Patient MR# RS00687235, but failed to document, or accurately document the administration of the medication in the patients' Medication Administration Records (MAR) and/or nurse's notes as follows:

| Date     | Patient Medical Record Number | Physician's Orders                | Narcotic Log/Qty/Time            | MAR            | Nurse's Notes  |
|----------|-------------------------------|-----------------------------------|----------------------------------|----------------|----------------|
| 12-13-07 | RS00687235                    | Hydromorphone 4mg Inj. IV PRN Q3H | Hydromorphone 2mg Inj. 1 @ 07:27 | Not Documented | Not Documented |
| 12-14-07 | RS00687235                    | Hydromorphone 4mg Inj. IV PRN Q3H | Hydromorphone 2mg Inj. 1 @ 19:21 | Not Documented | Not Documented |
| 12-14-07 | RS00687235                    | Hydromorphone 4mg Inj. IV PRN Q3H | Hydromorphone 2mg Inj. 1 @ 21:26 | Not Documented | Not Documented |
| 12-14-07 | RS00687235                    | Hydromorphone 4mg Inj. IV PRN Q3H | Hydromorphone 2mg Inj. 1 @ 21:34 | Not Documented | Not Documented |
| 12-15-07 | RS00687235                    | Hydromorphone 4mg Inj. IV PRN Q3H | Hydromorphone 2mg Inj. 1 @ 07:18 | Not Documented | Not Documented |
| 12-17-07 | RS00687235                    | Hydromorphone 4mg Inj. IV PRN Q3H | Hydromorphone 2mg Inj. 1 @ 19:45 | Not Documented | Not Documented |
| 12-18-07 | RS00687235                    | Hydromorphone 4mg Inj. IV PRN Q3H | Hydromorphone 2mg Inj. 1 @ 06:27 | Not Documented | Not Documented |
| 12-18-07 | RS00687235                    | Hydromorphone 4mg Inj. IV PRN Q3H | Hydromorphone 2mg Inj. 1 @ 06:51 | Not Documented | Not Documented |

|          |            |                                      |                                     |                   |                   |
|----------|------------|--------------------------------------|-------------------------------------|-------------------|-------------------|
| 12-19-07 | RS00687235 | Hydromorphone 4mg<br>Inj. IV PRN Q3H | Hydromorphone 2mg Inj.<br>1 @ 01:10 | Not<br>Documented | Not<br>Documented |
| 12-19-07 | RS00687235 | Hydromorphone 4mg<br>Inj. IV PRN Q3H | Hydromorphone 2mg Inj.<br>1 @ 06:08 | Not<br>Documented | Not<br>Documented |

Respondent's conduct above was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patient which could result in an overdose.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(B)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(B)&(4).

### CHARGE II.

On or about December 13, 2007 through December 19, 2007, while employed as a Licensed Vocational Nurse with Medical Staffing Network, and assigned at Christus Santa Rosa Hospital, San Antonio, Texas, Respondent withdrew Dilaudid from the Medication Dispensing Machine (Pyxis) for Patient MR# RS00687235, but failed to follow the facility's policy and procedures for wastage of any of the unused portions of the medication. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substance Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(B), and 22 TEX. ADMIN. CODE §217.12(1)(B),(4),(10)(C)&(11)(B).

### CHARGE III.

On or about December 13, 2007 through December 19, 2007, while employed as a Licensed Vocational Nurse with Medical Staffing Network, and assigned at Christus Santa Rosa Hospital, San Antonio, Texas, Respondent misappropriated Dilaudid from the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and the patients of the cost of the narcotics.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(1)(B),(6)(G),(8)&(10)(E).

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#### CHARGE IV.

On or about December 23, 2008, Respondent defaulted on her Texas Guaranteed Student Loan, as provided in Section 57.491 of the Texas Education Code. Respondent exhibited unprofessional conduct in her failure to repay a Texas Guaranteed Student Loan, which may have deprived other students of funds necessary for their educational programs.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(7).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

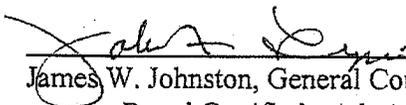
NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, which can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

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NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.state.tx.us/disciplinaryaction/discp-matrix.html](http://www.bon.state.tx.us/disciplinaryaction/discp-matrix.html).

Filed this 4th day of January, 20 11.

TEXAS BOARD OF NURSING

  
James W. Johnston, General Counsel

Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Jena Renee Koslan Abel, Assistant General Counsel  
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel  
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel  
State Bar No. 24052269

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701

P: (512) 305-6824

F: (512) 305-8101 or (512)305-7401

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