BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 584899, issue to	§	
KATHLEEN DIANE VANEGAS	§	ORDER

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.
Executive Director of the Board

An investigation by the Texas Board of Nursing, hereinafter referred to as the B produced evidence indicating that KATHLEEN DIANE VANEGAS, hereinafter referred Respondent, Registered Nurse License Number 584899, may have violated Section 301.452(b)(10),(12)&(13), Texas Occupations Code.

An informal conference was held on June 1, 2010, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Nancy Roper Willson, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Nikki Hopkins, Assistant Attorney General; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Rene McDonald, Legal Assistant; Jessica Sonen, Administrative Technician; and Noemi Leal, Supervising 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 an Associate Degree in Nursing from El Centro College, Dallas, Texas, on May 1, 1992. Respondent was licensed to practice professional nursing in the State of Texas on August 31, 1992.

5. Respondent's professional nursing employment history includes:

05/92 - 03/06	GN/RN Staff Nurse/ICU	Baylor Medical Center at Irving Irving, Texas
08/04 - 02/09	Agency Nurse	Criticare, The Critical Care Agency Plano, Texas
05/06 - 01/18/07	Staff Nurse/ICU	Baylor Medical Center at Irving Irving, Texas
02/09 - Present	Staff Nurse/ICU	Dallas Medical Center Dallas, Texas

6. At the time of the incidents, Respondent was employed as a Staff Nurse with Baylor Medical Center at Irving, Irving, Texas, and had been in this position for fifteen (15) years and eight (8) months.

7. On or about January 14, 2007, while employed with Baylor Medical Center at Irving, Respondent failed to secure Propofol (Diprivan)in that she left two (2) 10cc syringes of Propofol on the counter in a patient's room. Respondent admitted that she was going to administer the medication to the patient, if needed, to increase sedation. The patient did not have a physician's order for additional dosages of Propofol. Respondent's conduct was likely to injure the patient in that administration of Propofol without a physician's order could result in the patient suffering from adverse reactions. In addition, Respondent's conduct was likely to deceive the hospital pharmacy and place them in violation of Chapter 483 of the Texas Health and Safety Code (Dangerous Drug Act).

8. On or about January 18, 2007, while employed with Baylor Medical Center at Irving, Respondent lacked fitness to practice professional nursing in that Respondent exhibited behavior which included violent outbursts, threats of self-harm, and making verbal threats to a staff member following Respondent's termination from employment. Respondent's conduct calls into question her ability to make rational, accurate, and appropriate assessments, judgments and decisions regarding patient care, thereby placing patients in potential danger.

9. In response to Finding of Fact Number Seven (7), Respondent states that she was caring for patient MR#302944 and the Diprivan line needed to be changed at 0930, but it had not been done. Respondent states she changed the line, hung a new bottle of Diprivan, and 20 cc was collected by removing air from the primary cassette into the secondary 10cc syringe. Respondent states that the 20 cc of left-over Diprivan was not from an IV line, but from the newly-opened bottle, and that she feels she gave the Diprivan in the safest way to the patient that night. Respondent states that the patient had a physician order to titrate diprivan

(propofol) to sedation of MAAS 0-1. Sedation could go up as high as 50mcg/kg/min as per patients need for the sedation and stability. The patient was ventilated and heart rate monitored and oxygenation saturation were being monitored. If a patient were to begin to fight against the ventilator, an alarm would sound to alert a nurse to evaluate and titrate for sedation and pain medication as needed. Respondent states that the two 10cc syringes in the patient's room were present to insure that, if needed quickly, due to a pump line malfunction, the medication would be immediately available for titration up or down up to 50mcg/kg/min according for patient safety. Respondent states that the patient was not harmed and was, in fact, being constantly monitored for the patient's safety. Respondent states that on the night of the allegation, she was taken into her supervisor's office and was confronted with allegations as to her conduct on that shift. She was stunned and could not believe what was happening. In that conversation, she was told to give report and not reenter patients' rooms. Respondent further states that had she been allowed, she would have returned to the patient's room and discarded the syringes that were found on the counter. Kathy Vanegas gave urine and blood samples when taken to the supervisor's office on January 14. Results of the test were denied to her and not presented to the Board.

10. In response to Finding of Fact Number Eight (8), Respondent states that she was removed from her patients' care January 14, 2007. On that date she feels she exhibited no violent outburst nor did she make threat of harm to self or any employee. She did not return to Baylor Medical Center of Irving until instructed to do so to meet with administration on January 18, 2010. After leaving the nursing administration office, she turned in her badge to Human Resources and even went to the gift shop and bought some after-Christmas discounts prior to leaving the campus. Respondent further states that she was no longer an employee of Baylor and had no patient under her care since January 14, 2007, therefore, she denies that she put any patient in potential danger, as is alleged. Respondent states that her comments were taken out of context and if a co-worker really thought she was a danger to herself or others, the co-worker would have called 911, which was not done, instead the manager was notified.

11. Respondent submitted verification of her successful completion of the Board approved course "Nursing in Texas: A Regulatory Foundation for Safe Practice" dated September 12, 2008, which would have been required under this Order.

12. Respondent submitted verification of her successful completion of the Board approved course "Sharpening Critical Thinking Skills" dated May 21, 2010, which would have been required under this Order.

13. Respondent submitted verification of her successful completion of the Board approved course "Nursing Documentation" dated May 23, 2010, which would have been required under this Order.

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 violations of Section 301.452(b)(10),(12)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(B)&(C) and 217.12(1)(B),(E),(4),(5)&(11)(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 584899, heretofore issued to KATHLEEN DIANE VANEGAS, including revocation of Respondent's license 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 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 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 is 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 deliver the wallet-sized license issued to KATHLEEN DIANE VANEGAS, to the office of the Texas Board of Nursing 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 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.*

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 A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR 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 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 license. 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 license. 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.

(5) 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.

(6) RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.

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 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 24 day of September, 2010.

Kathleen Diane Vanegas

KATHLEEN DIANE VANEGAS, Respondent

Sworn to and subscribed before me this 24th day of September, 2010.

Tonya Johnson

Notary Public in and for the State of TEXAS

TONYA JOHNSON NOTARY PUBLIC STATE OF TEXAS EXPIRES 10-16-2011

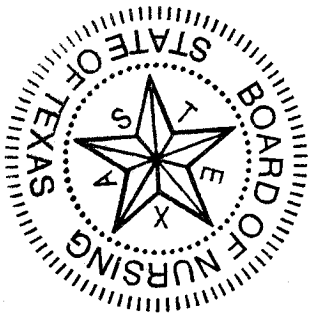
Approved as to form ~~and substance~~.

Nancy Roper Willson

Nancy Roper Willson, Attorney for Respondent

Signed this 30th day of September, 2010.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 24th day of September, 2010, by KATHLEEN DIANE VANEGAS, Registered Nurse License Number 584899, and said Order is final.



Effective this 9th day of **November**, **2010**.

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