

BEFORE 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.
Katherine A. Thomas
Executive Director of the Board

In the Matter of Registered Nurse § AGREED
License Number 528213 §
issued to MYRA LEGASPI PETALVER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the considered the matter of MYRA LEGASPI PETALVER, Registered Nurse License N 528213, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on July 27, 2010, 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 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 Texas.
4. Respondent received a Baccalaureate Degree in Nursing from the University of Santo Tomas, Manila, Philippines, on April 1, 1982. Respondent was licensed to practice professional nursing in the State of Texas on October 29, 1985.
5. Respondent's nursing employment history includes:

1983-1984	Staff Nurse Children City Hospital Manila, Philippines
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Respondent's nursing employment history continued;

1984-1986	Staff Nurse Vineland Development Center Vineland, New Jersey
1986-1997	Staff Nurse Atlantic City Medical Center Atlantic City, New Jersey
1993-1997	Staff Nurse Hospital of University of Pennsylvania Philadelphia, Pennsylvania
1997-2007	Staff Nurse University of Texas Medical Branch Galveston, Texas
2008 - present	Unknown

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Registered Nurse with the University of Texas Medical Branch, Galveston, Texas, and had been in this position for approximately nine (9) years.
7. On or about April 26, 2006, while employed with the University of Texas Medical Branch (UTMB), Galveston, Texas, Respondent failed to implement measures to ensure the safety of Patient MR# 798896Q, who was assigned to her care in that Respondent failed to escort said patient and/or secure appropriate escort for him during his transportation between the Echo-Lab and the Emergency Room (ER). Respondent's failure was a violation of facility policy, and may have exposed Patient MR#798896Q to the risk of harm in that said patient was denied the safeguard of having qualified individuals immediately available during his transport to intervene in the event of a change in the patient's condition.
8. In Response to Finding of Fact Number Seven (7), Respondent states that while Patient MR#798896Q had a very low Ejection Fraction, he was not medically unstable. Respondent states that said patient had good oxygen saturation; a normal blood pressure, and his pulse was within normal limits. In addition, Respondent states that the Echo-Lab physician had already reported to the ER physician regarding patient MR#798896Q's condition, and that the Echo-Lab physician would have escorted said patient to the ER had the Echo-Lab physician thought that Patient MR# 798896Q was medically unstable.

9. On or about December 3, 2007, while employed with University of Texas Medical Branch (UTMB), Galveston, Texas, Respondent discharged Patient MR#546074Q to home approximately 40 minutes after being consciously sedated, even though the patient was although Patient MR#546074Q was exhibiting signs and symptoms of sedation, which included: difficulty walking, unable to stand unassisted, and required transportation via wheelchair. Respondent's actions were likely to injure the patient due to the risk of fall and injury, aspiration, and inadequate gas exchange.
10. In response to Finding of Fact Number Nine (9), Respondent states that Patient MR#546074Q suffered no harm from this incident and that said Patient was able to identify herself, her husband, and their location. In addition, Respondent states that said patient's condition met the post-sedation criteria set by UTMB, and those of other national organizations adopted by UTMB. Respondent adds that Patient MR#546074Q was accompanied and assisted by her husband during her discharge.
11. On or about December 13, 2007, while employed with University of Texas Medical Branch (UTMB), Galveston, Texas, Respondent failed to notify a physician that Patient MR#202044P's Echocardiogram (EKG) had not returned to normal limits following a Dobutamine Stress Test, as required. As a result, said Patient was readmitted to the hospital the next day due to an abnormal EKG reading. Respondent's failure subjected Patient MR#202044P to unnecessary stress and delays in his medical care.
12. In response to Finding of Fact Number Eleven (11), Respondent admits her error, but adds that patient MR#202044P suffered no injuries as a result. Respondent adds that she has since taken appropriate steps to remedy her error to include completing an EKG course with subsequent testing and annual continuing education.

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 violation of Section 301.452(b)(10)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B), (1)(M), (1)(N), &(1)(R), and 22 TEX. ADMIN. CODE §217.12(1)(B)&(4).
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 528213, heretofore issued to MYRA LEGASPI PETALVER, including revocation of Respondent's license(s) 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(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 a course in physical assessment. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. 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. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. 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>.*

(3) 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://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary>.*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in cardiac dysrhythmia recognition. In order for the course to be approved, the target audience shall include Nurses, SHALL be a minimum of six (6) hours in length, and SHALL include content on the following: identification of the normal conduction system of the heart, including anatomy and physiology of the heart and components of the conduction system; normal configurations and implications of abnormal findings of the individual waves and segments of the PQRST; steps of the systematic analysis; identifying dysrhythmias arising from the sinus node, atria AV node and ventricles and their causes; nursing interventions; and documentation. Home study courses and video programs will not be approved. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, which can be downloaded from <http://www.bon.state.tx.us/disciplinaryaction/pdfs/i17.pdf>, 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.

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 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:

(5) 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.

(6) 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.

(7) 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.

(8) 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 of employment as a nurse.

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

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

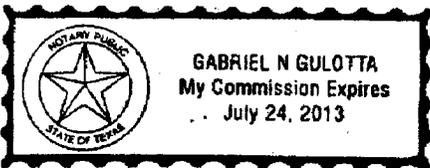
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid 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 25 day of August, 2010.
[Signature]
MYRA LEGASPI PETALVER, Respondent

Sworn to and subscribed before me this 25 day of August, 2010.

SEAL

[Signature]
Notary Public in and for the State of TX



Approved as to form and substance.
[Signature]
Christopher Selleau, Attorney for Respondent
Signed this 25 day of August, 2010.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 25th day of August, 2010, by MYRA LEGASPI PETALVER, Registered Nurse License Number 528213, and said Order is final.

Effective this 14th day of September, 2010.

Katherine A. Thomas

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

