



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 A. Roman
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 686957 and §
Vocational Nurse §
License Number 163756 §
issued to DIANA L. CERVANTES § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 686957 and Vocational Nurse License Number 163756, issued to DIANA L. CERVANTES, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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 representation by counsel, 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. Respondent holds a license to practice vocational nursing in that State of Texas, which is in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Tyler Junior College, Tyler, Texas, on August 8, 1997. Respondent was licensed to practice vocational nursing in the State of Texas on September 5, 1997. Respondent received an Associate Degree in Nursing from Tyler Junior College, Tyler, Texas, on June 19, 2002. Respondent was licensed to practice professional nursing in the State of Texas on June 25, 2002.

5. Respondent's complete professional and vocational nursing employment history includes:

1997-1999	LVN	Eastview Nursing Facility Tyler, Texas
09/1999-06/02	LVN	East Texas Medical Center Tyler, Texas
06/02-06/04	RN	East Texas Medical Center Tyler, Texas
2003-2004	RN	Med-Team Home Health Tyler, Texas
2004-2004	RN	Sunbelt Staffing Tampa, Florida
01/04-Present	RN	Staff Hunters Inc.
07/05-07/06	RN	Outreach Health Services Garland, Texas
07/05-Present	RN	Capstone Staffing Tyler, Texas
08/06-01/07	RN	At Home Health Care Tyler, Texas
02/09-03/09	RN	University of Texas Health Center at Tyler Tyler, Texas

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 Health Center at Tyler, Tyler, Texas, and had been in this position for approximately three (3) months.

7. On or about March 5, 2009, while employed as a Registered Nurse with the University of Texas Health Center at Tyler, Tyler, Texas, Respondent lacked fitness to practice nursing in that she showed signs of impaired behavior which included, but was not limited to, failed to perform or remember proper techniques (accessing mediports and sterile dressing changes), was unable to remember patients names, was unable to pay attention to detail or follow simple instructions, simple tasks "seemed to puzzle her", she seemed disoriented, had a flat expression, and was confused. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have

affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.

8. On or about March 5, 2009, while employed as a Registered Nurse with the University of Texas Health Center at Tyler, Tyler, Texas, Respondent attempted to infuse a Chemotherapy drug into a patient, even though she had not proven competency or received approval to infuse Chemotherapy independently. Respondent's conduct was likely to injure the patient in that the administration of Chemotherapy without proper training could result in the patient experiencing adverse reactions.
9. On or about March 5, 2009, while employed as a Registered Nurse with the University of Texas Health Center at Tyler, Tyler, Texas, Respondent was witnessed in the process of initiating the administration of Chemotherapy to Patient JT, who was not ordered to receive Chemotherapy on that date. Respondent's conduct was likely to injure the patient in that the administration of Chemotherapy without a physician's order could result in the patient experiencing adverse reactions.
10. On or about March 6, 2009, while employed as a Registered Nurse with the University of Texas Health Center at Tyler, Tyler, Texas, Respondent lacked fitness to practice nursing in that she showed signs of impaired behavior which included, but was not limited to, slurred speech, flat affect, and was unable to correctly write the five rights of medication administration when requested. Additionally, Respondent stated she had a history of a mental disorder, was taking Depakote and Cymbalta for Bipolar Disorder, and her physician felt she was going through a "manic" phase. Respondent's condition could have affected her ability to recognize subtle signs, symptoms or changes in patients' conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care, thereby placing the patients in potential danger.
11. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender his/her license(s) to practice nursing in the State of Texas.
12. On or about July 26, 2010, Respondent expressed to staff of the Texas Board of Nursing her wish to voluntarily surrender her licenses to practice professional and vocational nursing in the State of Texas.

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)(12)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(A),(B),(C)&(G) and 22 TEX. ADMIN. CODE §217.12(1)(A)&(B),(4)&(5).

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 686957, and Vocational Nurse License Number 163756, heretofore issued to DIANA L. CERVANTES, including revocation of Respondent's license to practice professional or vocational nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 686957, and Vocational Nurse License Number 163756, heretofore issued to DIANA L. CERVANTES, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional or vocational nursing, use the title "registered or vocational nurse" or the abbreviation "RN" or "LVN" or wear any insignia identifying herself as a registered or vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered or vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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.

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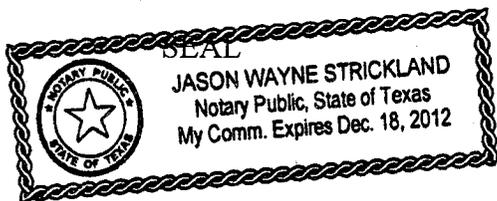
RESPONDENT'S CERTIFICATION

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 this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 10 day of August, 2010.

Diana L. Cervantes
DIANA L. CERVANTES, Respondent

Sworn to and subscribed before me this 10 day of August, 2010.



Jason Strickland
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 accept the voluntary surrender of Registered Nurse License Number 686597, and Vocational Nurse License Number 163756, previously issued to DIANA L. CERVANTES.



Effective this 17th day of August, 2010.

A handwritten signature in black ink, appearing to read 'Katherine A. Thomas', is written over a horizontal line.

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