BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
****

In the Matter of Registered Nurse	§	AGREED
License Number 629785	§	
issued to DAWN DEANN DARWIN	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of DAWN DEANN DARWIN, Registered Nurse License Number 629785, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived informal conference, notice and hearing, and agreed to the entry of this Order offered on January 8, 2006, 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.

2. Respondent waived informal conference, 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 an Associate Degree in Nursing from Trinity Valley Community College, Kaufman, Texas, in May 1996. Respondent was licensed to practice professional nursing in the State of Texas on June 19, 1996.

5. Respondent's professional nursing employment history includes:

6/96 - 11/96	Office Nurse Obstetrics/Gynecology	Dr. H. Peyton Luckett Tyler, Texas

Respondent's professional employment history continued:

6/96 - 12/96	Staff Nurse Rehabilitation	East Texas Medical Center Tyler, Texas
1/97	Unknown	
2/97 - 5/99	Agency Nurse	Interim Health Services Roseville, Minnesota
6/99 - 9/01	Staff Nurse Med/Surg	Regions Hospital St. Paul, Minnesota
10/01 - 4/03	Staff Nurse Obstetrics/Gynecology	Harris Methodist HEB Hospital Bedford, Texas
4/03 - Present	Unknown	

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse in the Obstetrics/Gynecology Unit with Harris Methodist HEB Hospital, Bedford, Texas, and had been in this position for one (1) year and two (2) months.

7. On or about December 2, 2002, while employed with Harris Methodist HEB Hospital, Bedford, Texas, Respondent failed to accurately assess and/or monitor Patient Medical Record Number 372154, a 23-year-old admitted for treatment of kidney stones requiring pain medications. The patient was found pale and motionless with frothy secretions coming from her mouth. Vital signs, including blood pressure, pulse or respirations, were not assessed and/or documented. A Code Blue was initiated and the patient subsequently expired after being transferred to the ICU. According to the medical examiner, the preliminary cause of death was consistent with cerebral anoxia which caused cerebral edema and unexplained pulmonary edema. Respondent's conduct may have contributed to the patient's undetected progression of clinical complications, including respiratory depression and/or respiratory arrest.

8. On or about April 10, 2003, while employed with Harris Methodist HEB Hospital, Bedford, Texas, Respondent failed to provide adequate care for Patient Medical Record Number 70468 in that she:
   - Administered 4 mg Morphine Sulfate IM and 25 mg Phenergan IM at 14:25 after the patient had received Intrathecal/ Epidural Duramorph at 07:30 when the physician's orders stated the patient was not to receive supplemental narcotics/ sedatives for twenty-four (24) hours after Intrathecal medication;
   - Failed to follow physician's orders in that Respondent administered 4 mg Morphine Sulfate to the patient when the order was for "5 - 10 mg Morphine Sulfate IM every 3 - 4 hours prn pain;"

- Failed to notify the Anesthesiologist that the patient was complaining of pain and nausea. The Anesthesiologist could have authorized supplemental narcotic administration for the patient if notified of the patient's discomfort; and
- Failed to assess and/or document assessment of the patient's response to Morphine.

Respondent's conduct was likely to injure the patient from undetected progression of clinical complications including, but not limited to over medication.

9. In response to Finding of Fact Number Seven (7), Respondent states that the vital signs were monitored in accordance with the physician's orders and according to the policies and procedures of the facility. Harris Methodist HEB Hospital performed an internal investigation and found no evidence that Respondent failed to adequately care for this patient.

10. In response to Finding of Fact Number Eight (8), Respondent states that when she received report from the Recovery Room, she was only told that the patient had received a spinal anesthetic and that there was an order for Morphine if the patient needed it. Respondent explains that it was not brought to her attention at that time that the patient had received an Intrathecal Duramorph. The medications ordered by the anesthesiologist and the surgeons are categorized as separate orders, but instead are mixed together. Respondent goes on to explain that she did not mean to defy the physician's order and that if she had known that the patient was on Intrathecal Duramorph, she would have contacted the anesthesiologist.

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)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(2),(3)&(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 629785, heretofore issued to DAWN DEANN DARWIN, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a REPRIMAND WITH

STIPULATIONS, 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 Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional nursing in compact states.

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 multistate licensure privilege without the written permission of the State of Texas 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 DAWN DEANN DARWIN, to the office of the Board of Nurse Examiners within ten (10) days from the date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is <u>not</u> 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) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(3) 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, 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. *Board-approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED 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 professional 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 professional 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 professional 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 professional nurse.

(7) RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse

registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(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 professional 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) months for one (1) year of employment as a professional nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional 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 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 28 day of July, 2006.

Dawn Deann Darwin

DAWN DEANN DARWIN, Respondent

Sworn to and subscribed before me this 28 day of July, 2006.

SEAL

VERONICA GARCIA
Notary Public
STATE OF TEXAS
My Comm. Exp. 01-27-10

Notary Public in and for the State of TEXAS

Approved as to form and substance.

Amanda Hopkins, Attorney for Respondent

Signed this _____ day of _____, 20___.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 28th day of July, 2006, by DAWN DEANN DARWIN, Registered Nurse License Number 629785, and said Order is final.

Effective this 19th day of October, 2006.

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