

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse	§	AGREED
License Number 697179 and Vocational	§	ORDER
Nurse License Number 179240	§	
issued to TIFFANY DAWN BENITEZ (CHISOLM)	§	

An investigation by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, produced evidence indicating that TIFFANY DAWN BENITEZ (CHISOLM), hereinafter referred to as Respondent, Registered Nurse License Number 697179 and Vocational Nurse License Number 179240, Section 301.452(b)(10), Texas Occupations Code.

An informal conference was held on April 10, 2007, at the office of the Board of Nurse Examiners, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by John F. Legris, Attorney at Law. In attendance were Mary Beth Thomas, MN, RN, Director of Nursing, Executive Director's Designee; Beverley Jean Nutall, LVN, Board Member; Victoria Cox, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Susan Anderson, RN, Investigator; and Robert M. Cantu, 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's license to practice vocational nursing in the State of Texas is currently in delinquent status. Respondent is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from Saint Philips College, San Antonio, Texas, on December 14, 2000. Respondent was licensed to practice vocational nursing in the State of Texas on February 15, 2001. Respondent received an Associate Degree in Nursing from San Antonio College, San Antonio, Texas, on May 9, 2003. Respondent was licensed to practice professional nursing in the State of Texas on July 1, 2003.

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

February 2001 to December 2001	LVN Stone Oak Family Practice San Antonio, Texas
January 2002 to November 2003	Staff Nurse Forum at Lincoln Heights San Antonio, Texas
October 2003 to October 2004	Staff Nurse Brooke Army Medical Center San Antonio, Texas
October 2004 to November 2005	Agency Nurse Intelistaf Healthcare, Inc. San Antonio, Texas
December 2005 to Present	Staff Nurse Kindred Hospital San Antonio, Texas

6. At the time of the incidents described in Findings of Fact Numbers Seven (7) and Eight (8), Respondent was employed as an Agency Nurse with Intelistaf Healthcare, Inc., San Antonio, Texas, and was on assignment at Christus Santa Rosa Medical Center, San Antonio, Texas, and had been in this position for approximately one (1) year and one (1) month.

7. On or about November 18, 2005, while employed with Intelistaf Healthcare, Inc., San Antonio, Texas, and on assignment at Christus Santa Rosa Medical Center, San Antonio, Texas, Respondent signed out two (2) tablets of Darvocet-N for Patient RN02397386 (Patient M.R.), but failed to document said narcotic in the patient's medication administration record (MAR) and/or nurse's notes. 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.

8. On or about November 18, 2005, while employed with Intelistaf Healthcare, Inc., San Antonio, Texas, and on assignment at Christus Santa Rosa Medical Center, San Antonio, Texas, Respondent lacked fitness to practice professional nursing in that she exhibited bizarre behavior while on duty, including, but not limited to: anxiety, nervousness, and disorientation. Respondent's conduct 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.
9. Formal Charges were filed on January 29, 2007.
10. Formal Charges were mailed to Respondent on February 7, 2007.
11. On July 8, 2006, Respondent submitted notes from her Psychiatrist, George G. Meyer, and he indicated that the Respondent takes Xanax on an as needed basis to treat Anxiety and Panic Attacks. Furthermore, Respondent has been treated with additional medications for Depression.

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)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(B),(D)(ii)&(iv) and 22 TEX. ADMIN. CODE §217.12 (1)(E),(4),(5)&(10)(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 697179 and Vocational Nurse License Number 179240, heretofore issued to TIFFANY DAWN BENITEZ (CHISOLM), including revocation of Respondent's professional and vocational licenses to practice 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 WARNING 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 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 and/or vocational nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's licenses are 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 licenses issued to TIFFANY DAWN BENITEZ (CHISOLM), to the office of the Board of Nurse Examiners within ten (10) days of the date 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. 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 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 AND/OR A LICENSED VOCATIONAL 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 AND/OR VOCATIONAL NURSE LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD.

(4) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT's progress in therapy, rehabilitation and capability to safely practice professional and/or vocational nursing. The report must indicate whether or not the RESPONDENT's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation period, or until RESPONDENT is dismissed from therapy. Enclose the list of Board accepted Therapists/Counselors with Order.

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 and/or vocational 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 and/or vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 15th day of May, 2007.

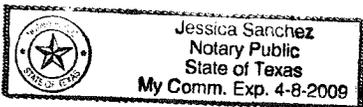
[Signature]
TIFFANY DAWN BENITEZ (CHISOLM), Respondent

Sworn to and subscribed before me this 15th day of May, 2007.

SEAL

[Signature]

Notary Public in and for the State of Texas



Approved as to form and substance.

[Signature]
JOHN F. LEGRIS, Attorney for Respondent

Signed this 9th day of May, 2007.

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 15th day of May, 2007, by TIFFANY DAWN BENITEZ (CHISOLM), Registered Nurse License Number 697179 and Vocational Nurse License Number 179240, and said Order is final.

Effective this 12th day of June, 2007.


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