BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§
License Number 232474 and	§
Vocational Nurse License Number	§
48173 issued to KAREN ANN DARGAN (LAWS) HERRERA	§

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

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 232474 and Vocational Nurse License Number 48173, issued to KAREN ANN DARGAN (LAWS) HERRERA, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

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

FINDINGS OF FACT

1. Respondent is currently licensed to practice nursing in the State of Texas.

2. Respondent waived representation by counsel, informal proceedings, notice and hearing.

3. Respondent received a Certificate in Vocational Nursing from El Paso School of Vocational Nursing, El Paso, Texas, on January 28, 1971, and received an Associates Degree in Nursing from El Paso Community College, El Paso, Texas, on August 1, 1974. Respondent was licensed to practice vocational nursing in the State of Texas on March 27, 1971, and was licensed to practice professional nursing in the State of Texas on December 6, 1974.

4. Respondent's nursing employment history includes:

03/27/1991 - 12/06/1972	Licensed Vocational Nurse	Providence Memorial Hospital El Paso, Texas

Respondent's nursing employment history continued:

12/07/1972 - Unknown	Registered Nurse	Providence Memorial Hospital El Paso, Texas
03/2010 - Present	Registered Nurse	Sierra Medical Center El Paso, Texas

5. On or about August 19, 2004, Respondent was issued an Agreed Order by the Board of Nurse Examiners for the State of Texas requiring her to complete Remedial Education. A copy of the Finding of Facts, Conclusions of Law and Agreed Order dated August 19, 2004, is attached and incorporated herein by reference as part of this Order.

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Providence Memorial Hospital, El Paso, Texas, and had been in this position for thirty-five (35) years and two (2) months.

7. On or about February 18, 2008, through February 19, 2008, while employed with Providence Memorial Hospital, El Paso, Texas, Respondent failed to notify the physician of a change in the condition of Patient Medical Record Number 000238425 when the patient became non-arousable and was unable to follow commands. Respondent's conduct deprived the patient of timely detection and medication intervention by the physician which may have been required to stabilize the patient's condition.

8. On or about February 18, 2008, through February 19, 2008, while employed with Providence Memorial Hospital, El Paso, Texas, Respondent failed to document Patient Medical Record Number 000238425's change in condition or any care provided in the patient's medical records. Respondent's conduct deprived subsequent caregivers of essential information on which subsequent care givers would rely on to provide further patient care.

9. On or about February 18, 2008, through February 19, 2008, while employed with Providence Memorial Hospital, El Paso, Texas, Respondent failed to administer the medication lactulose, as ordered to the aforementioned patient. Consequently, the patient's ammonia level increased requiring the patient to be returned to the Intensive Care Unit (ICU). Respondent's conduct was likely to injure the patient in that the patient may have experienced clinical complications due to lack of physician ordered treatment.

10. In response to the incidents in Findings of Fact Numbers Seven (7) through Nine (9), Respondent states that after she assessed Patient Medical Number 000238425 and before she had a chance to call any doctors, the primary doctor arrived on the floor. The patient was not arousable at that time. Respondent suggested a lactulose enema and reinsertion of the nasogastric tube. The physician stated he did not want to do any probing that time of night and would write orders. Respondent states that she did not do her normal high standard of quality of documentation and it did not fully reflect the care that the patient was given. The physician was aware of the patient's inability to take anything by mouth. The physician was unwilling to risk the possible complication of variceal rupture due to the history of bleeding and banded varices and the large amount of gastrointestinal bleeding during the prior shift.

11. On or about March 8, 2011, Respondent was provided notice of additional allegations that on or about December 20, 2010, while employed with Sierra Medical Center, El Paso, Texas, Respondent:

- failed to connect surgical Patient Medical Number 000403786 to suction as ordered by the physician. Consequently, the patient became more and more distended and uncomfortable throughout the night and had to return to surgery. Respondent's conduct may have contributed to the patient's increasing distension and discomfort and necessity for additional surgical intervention; and
- failed to administer D50 per protocol to Patient Medical Record Number 000403786 when the patient's blood sugar level was found to be forty (40) mg/dL. Respondent's conduct was likely to injure the patient in that the patient could have experienced clinical complications relating to hypoglycemia, including coma and death.

12. On March 11, 2011, Respondent submitted a notarized statement to the Board voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated March 9, 2011, is attached and incorporated herein by reference as part of this Order.

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)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE§217.11(1)(A),(1)(B),(1)(C),(1)(D),(1)(M)&(1)(P) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C)&(4).

4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.

6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC§§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Registered Nurse License Number 232474 and Vocational Nurse License Number 48173, heretofore issued to KAREN ANN DRAGAN (LAWS) HERRERA, to practice nursing in the State of Texas, is accepted by the Executive Director on behalf of 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 of "registered nurse" or "vocational nurse" or use 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 nurse 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.

Effective this 11th day of March, 2011.

TEXAS BOARD OF NURSING

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

Karen Ann Dargan Herrera
10321 Lufkin Way
El Paso, Texas 79924
Texas RN License #232474 and LVN License #48173

Voluntary Surrender Statement

January 24, 2011

Dear Texas Board of Nursing:

I no longer desire to be licensed as a nurse. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature Karen Ann Dargan Herrera
Date March 9th 2011
Texas Nursing License Number/s #232474
#48173

The State of Texas

Before me, the undersigned authority, on this date personally appeared KAREN ANN DARGAN HERRERA who, being duly sworn by me, stated that she executed the above for the purpose therein contained and that she understood same.

Sworn to before me the 9th day of MARCH, 2011.

SEAL LEVERNE WILSON My Commission Expires February 17, 2013

Notary Public in and for the State of TEXAS