

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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 726173 §
issued to CHRISTIANE GIROUX § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of CHRISTIANE GIROUX, Registered Nurse License Number 726 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on August 2, 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.
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.
4. Respondent received a Diploma in Nursing from College Du Vieux-Montreal, Montreal, Quebec, Canada, on May 1, 1995. Respondent was licensed to practice professional nursing in the State of Minnesota on August 26, 2004, and was licensed to practice professional nursing in the State of Texas on March 23, 2006.
5. Respondent's nursing employment history includes:

05/1995 - 02/1997	Staff Nurse	Santa Cabrini Hospital
	Staff Relief Nurse	Montreal, Quebec, Canada

Respondent's nursing employment history continued:

03/1997 - 10/1997	Unknown	
11/1997 - 01/2007	Staff Nurse	Hema-Quebec Blood Bank Service St. Laurent, Quebec, Canada
02/2006 - 03/2008	Circulating Nurse	Valley Baptist Medical Center Brownsville, Texas
03/2008 - 04/2008	Staff Nurse	South Texas Rehabilitation Hospital Brownsville, Texas
05/2008	Unknown	
06/2008 - Unknown	Travel Nurse	Nurses in Partnership, Inc. Agoura Hills, California

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Circulating Nurse with Valley Baptist Medical Center, Brownsville, Texas, and had been in this position for (1) year and eleven (11) months.
7. On or about January 22, 2008, while employed as a Circulating Nurse with Valley Baptist Medical Center, Brownsville, Texas, Respondent failed to notice that the surgical mesh to be used during the surgical procedure of Patient Number 00483227 was expired; consequently, the expired mesh was surgically implanted in the patient. Respondent's conduct was likely to injure the patient in that use of an expired product could have resulted in non-efficacious treatment.
8. On or about February 23, 2008, while employed as a Circulating Nurse with Valley Baptist Medical Center, Brownsville, Texas, Respondent failed to properly handle the surgically removed right leg of Patient Number 00571245. Instead of placing the leg in the designated area for specimens, she placed the leg on the floor; consequently, it was disposed of by the housekeeping department and was not received by the Pathology Lab, as intended. Additionally, Respondent incorrectly documented that the specimen was a right foot, rather than a right below the knee amputation (leg) in the Case Record and the Incident Report, and did not identify laterality (left or right) in the electronic medical record. Respondent's conduct resulted in an inaccurate medical record and exposed the patient to the risk of harm from incomplete laboratory results.
9. On or about February 27, 2008, while employed as a Circulating Nurse with Valley Baptist Medical Center, Brownsville, Texas, Respondent failed to verify the consent form of Patient Number 00544512 when she prepared the patient prior to transfer to the operating room, and falsely documented that she had verified the consent form in the patient's medical record. The surgical procedure was incorrectly listed on the consent form as a left foot amputation,

when the planned procedure was a left above the knee amputation. General anesthesia had been initiated when the error was fortunately caught by staff, and the surgery was cancelled. Respondent's conduct resulted in delay of a necessary surgical procedure and unnecessarily exposed the patient to the risk of harm from general anesthesia and an incorrect surgical procedure.

10. In response to the incidents in Findings of Fact Numbers Seven (7) through Nine (9), Respondent states that there wasn't a place on the Implant Log Sheet to write down the expiration date, nor was there a system to review and discard expired equipment. According to Respondent, the manufacturer of the mesh stated that there was a one month grace period after the expiration date of the product, and the mesh was used within the grace period. Regarding Patient Number 00571245, Respondent explains that she wasn't as focused as she should have been because she was the one who had to tell the patient that his leg had been amputated and the patient was very upset. Regarding Patient Number 00544512, Respondent states that it was very hectic in the Operating Room (OR), usual protocol was not followed, and instead of two nurses verifying the paperwork, she was the only one to prepare the patient for surgery, and before she had completed the verification process in the patient's room, she was called back to the OR and assigned to another surgery. Respondent states that after the other surgery was finished, there was a rush to get the first patient to surgery, and in her haste, she misread the consent. Before Respondent had a chance to read the consent out loud and communicate the other required information prior to the start of the surgical procedure, as per policy, the surgeon "blurted" out the information, at which time the nurse anesthetist called out the error. Regarding false documentation, Respondent contends that she mistakenly checked marked "Yes" in the area to indicate that the consent was correct; however, she had documented in the narrative section that the surgery was cancelled because the consent was incorrect.

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)(D),(1)(M)&(1)(P) and 217.12(1)(A),(1)(B),(1)(C),(4)&(6)(A).
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 726173, heretofore issued to CHRISTIANE GIROUX, 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 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 is 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. *Information regarding Board-approved courses in Texas Nursing Jurisprudence may be found at the Board's website 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 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 at the following Board website address: <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.*

(4) 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>.

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 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.

(9) 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 to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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 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 7th day of September, 2010.

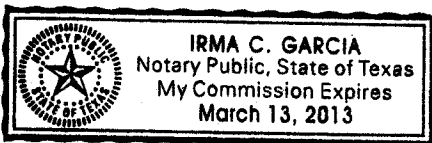
Christiane Giroux
CHRISTIANE GIROUX, Respondent

Sworn to and subscribed before me this 7th day of September, 2010.

SEAL

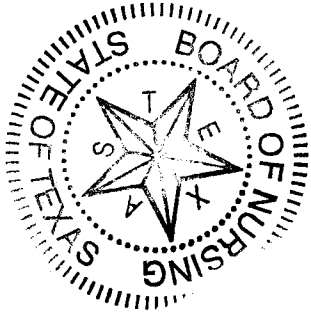
Irma C. Garcia

Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 7th day of September, 2010, by CHRISTIANE GIROUX, Registered Nurse License Number 726173, and said Order is final.

Effective this 21st day of October, 2010.



A handwritten signature in black ink, which appears to read 'Katherine A. Thomas'.

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