BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 627307	§	
issued to ANGELLIA D. GAYTAN	§	ORDER

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.
Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as the Boa considered the matter of ANGELLIA D. GAYTAN, Registered Nurse License Number 6273(hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10),(12)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on March 28, 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 an Associate Degree in Nursing from Daytona Beach Community College, Daytona Beach, Florida on December 1,1995. Respondent was licensed to practice professional nursing in the State of Texas on March 25, 1996.

5. Respondent's professional nursing employment history includes:

3/96-3/99	RN	Kingwood Medical Hospital Kingwood, Texas

Respondent's professional nursing employment history continued:

4/99-8/00	RN	St. Lukes Episcopal Hospital Houston, Texas
09/00-11/00	RN	The Methodist Hospital Houston, Texas
12/00-6/02	RN	Methodist Willowbrook Hospital Houston, Texas
6/02-1/03	RN	Choice Source Therapeutic, Inc Houston, Texas
2/03-4/03	RN	Northwest Surgery Center Houston, Texas
5/03	Unknown	
06/03-10/05	RN	Cypress Fairbanks Medical Center Houston, Texas
8/05-1/08	RN	Nurses Onsite Vienna, Virginia
10/07	RN	North Cypress Medical Center Cypress, Texas
2/08-7/08	RN	Corpus Christi Medical Center Corpus Christi, Texas
8/08-Present	Unknown	

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Registered Nurse with North Cypress Medical Center, Cypress, Texas, and had been in this position for approximately one (1) month.

7. On or about October 26, 2007, while employed with North Cypress Medical Center, Cypress, Texas, Respondent lacked fitness to practice professional nursing in that she exhibited impaired behavior while on duty, including, but not limited to, acting very slow and having slurred speech. After her shift, Respondent left work and was in a car accident. 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. In Response to Findings of Fact Number Seven (7), Respondent states in January 2004 she underwent Gastric By-Pass surgery and had lost 150lbs. Unfortunately, none of her medications had been adjusted to compensate for her drastic weight loss. Respondent states she was taking herself off two anti-depressants (Cymbalta and Paxil) at the time of the complaint, which resulted in a series of seizure activity due to the sudden stop of Serotonin Reuptake Inhibitors. The automobile accident referenced was caused by the 3rd seizure. Respondent states she not only had a seizure but a right front tire blew out on her 2005 Dodge Ram. It was not a single car accident, but a blow out. Respondent states she is a capable RN and takes her profession very seriously.

9. On or about July 9, 2008, while employed with Corpus Christi Medical Center, Corpus Christi, Texas, and working at Doctors' Regional Medical Center, Corpus, Christi, Respondent failed to adequately care for patient MR #395498, in that she did not intervene and/or notify a physician in a timely manner when the mean arterial blood pressure of the aforementioned patient was below sixty (60) for an extended period of time and the patient had no urinary output. Respondent's conduct deprived the physician of the opportunity to institute timely medical interventions which may have been required to stabilize the patient's condition.

10. On or about July 9, 2008, while employed with Corpus Christi Medical Center, Corpus Christi, Texas, and working at Doctors' Regional Medical Center, Corpus, Christi, Respondent failed to follow policy and procedure in that she failed to escort patient MR #395498 or delegate a licensed professional to escort said patient to imaging procedures. Respondent's conduct failed to promote a safe environment and deprived the patient of detection and timely medical intervention in the event the patient experienced a change in condition while on the way to the imaging procedures.

11. On or about July 9, 2008, while employed with Corpus Christi Medical Center, Corpus Christi, Texas, and working at Doctors' Regional Medical Center, Corpus, Christi, Respondent failed to utilize monitoring equipment for patient MR # 395498 during transport to imaging procedures. Respondent's conduct exposed patient to risk of harm in that lack of information from the monitoring equipment could have deprived the physician of the opportunity to institute timely medical interventions.

12. On or about July 9, 2008, while employed with Corpus Christi Medical Center, Corpus Christi, Texas, and working at Doctors' Regional Medical Center, Corpus, Christi, Respondent failed to properly assess and/or document assessment of patient MR # 395498, in that she did not completely document patient's vital signs for approximately three (3) hours. Respondent's failure to assess deprived the patient of detection and timely medical intervention in the event the patient experienced a change in condition. Additionally, Respondent's failure to document an assessment was likely to injure the patient in that subsequent care givers would rely on her documentation to provide ongoing medical care for the patient.

14. In response to Findings of Fact Numbers Nine (9), through Twelve (12), Respondent states she was ill on the day in question. The patient was placed on continuous blood pressure monitoring and EKG evaluation, then transported to the X-ray department. Respondent states this is where she went to evaluate the patient while she was out of the department. The patient was alert and oriented, however, the patient's blood pressure was low but the patient's volume was being replaced and no other medical/drug management had been ordered from the physician. Respondent states she was later released due to illness (severe nausea, vomiting and fever). The patient was taken over from the Charge nurse and transported to the Intensive Care Unit.

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),(D), &(M)&(3)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(B) &(E),(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 627307, heretofore issued to ANGELLIA D. GAYTAN, 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 <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) 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. *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.

(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 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.

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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 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 24 day of May, 2010.

ANGELLIA D GAYTAN, Respondent

Sworn to and subscribed before me this 24 day of May, 2010.

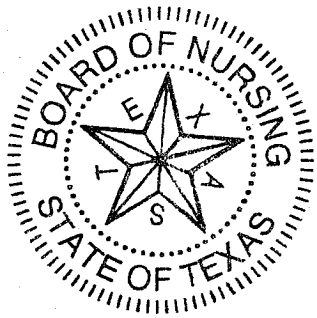
SEAL

Kathryn E. Rhodes

Notary Public in and for the State of Texas

NOTARY PUBLIC STATE OF TEXAS
Kathryn E Rhodes
My Commission Expires
07/11/2012

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 24th day of May, 2010, by ANGELLIA D. GAYTAN, Registered Nurse License Number 627307, and said Order is final.

Effective this 22nd day of July, 2010.

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