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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse	§	AGREED
License Number 208479	§	
issued to REBECCA LYNN DILDAY	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of REBECCA LYNN DILDAY, Vocational Nurse License Number 208479, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on May 10, 2010, by Katherine A. Thomas, MN, RN, Executive Director.

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 proceedings, notice and hearing, and agreed to the entry of this Order.

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

4. Respondent received a Certificate in Vocational Nursing from Angelina College, Lufkin, Texas, on December 8, 2006. Respondent was licensed to practice vocational nursing in the State of Texas on February 1, 2007

5. Respondent's nursing employment history includes:

2/2007 - 4/2007	Staff Nurse	Lufkin State School Lufkin, Texas
5/2007 - Present	Staff Nurse	St. Giles Living Centers Lufkin, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse with St. Jiles Living Centers, Lufkin, Texas, and had been in this position for four (4) months.

7. On or about September 4, 2007, while employed as a Staff Nurse with St. Giles Living Centers, Lufkin, Texas, Respondent failed to accurately assess Client AY for self administration of medications. Although Respondent documented that the client had the cognitive ability to "sometimes" follow directions "with verbal prompts," Respondent scored the client at the highest functional level for cognitive ability to follow directions, indicating that Client AY was "fully capable." Respondent's conduct unnecessarily exposed the client to the risk of harm from care decisions based upon inaccurate assessment information.

8. On or about December 15, 2007, while employed as a Staff Nurse with St. Giles Living Centers, Lufkin, Texas, Respondent failed to complete an adequate focused assessment of the aforementioned Client AY after having been notified that the client had fallen and after the client had been seen by a Physician's Assistant the day before for fever, cough, body aches, and flu-like symptoms. Although Respondent documented that she had seen the client and that the client's appetite was decreased and he had not eaten much dinner, and that "his eyes looked a little glassy, like he was sleepy," Respondent did not assess the client's complete vital signs or his respiratory or neurological system. Respondent's conduct unnecessarily exposed the client to the risk of harm from care decisions based upon incomplete assessment information.

9. On or about December 17, 2007, while employed as a Staff Nurse with St. Giles Living Centers, Lufkin, Texas, Respondent again failed to complete an adequate focused assessment of the aforementioned Client AY, who:
   - Had a fever of 102.3 axillary at 8:45 am and Respondent could not get the client to stay up long enough to get a blood pressure; and
   - She saw at noon after the client had slid out of his chair and was irritable, and after determining that the client was still unsteady on his feet and that his temperature had come down to 98.3 axillary.

   At 3 pm, the client was transported in a wheelchair due to weakness to see a physician, who, at the insistence of the client's family, sent the client to a local facility's emergency department for a x-ray. Upon arrival at the emergency department, the client's blood oxygen level was found to be low, at 86%, and a subsequent x-ray revealed that the client had pneumonia. Eight (8) days later, the client expired after his parents directed that his respiratory support be removed. Respondent's conduct unnecessarily exposed the client to the risk of harm from care decisions based upon incomplete assessment information.

10. In response to the incidents in Findings of Fact Numbers Seven (7) through Nine (9), Respondent states that she provided appropriate care. The client lived in a group home for persons with intellectual and developmental disabilities, a home where residential assistants take care of the daily needs of clients. The activities of the residential assistants include preparing food, monitoring hygiene, administering medications and transporting the clients,

and the residential assistants are monitored by a residential coordinator for the home. It is the residential assistants who notify the nurse of any client illness, injury or medical concern. According to Respondent, she responded appropriately each time the residential assistants notified her of the client's status.

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)(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B),(1)(M)&(2)(A).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 208479, heretofore issued to REBECCA LYNN DILDAY, including revocation of Respondent's license to practice vocational 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 REMEDIAL EDUCATION, 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 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. *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 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, 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 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 when this Order becomes final and the terms of this Order become effective, 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 9th day of June, 2010.

Rebecca Lynn Dilday

REBECCA LYNN DILDAY, Respondent

Sworn to and subscribed before me this 9th day of June, 2010.

NOTARY PUBLIC STATE OF TEXAS
DONNA E. EDWARDS
Notary Public
State of Texas
My Commission Expires
05-05-2014

Donna E. Edwards

Notary Public in and for the State of _____

Approved as to form and substance.

Judi C. Wells

Judi C. Wells, Attorney for Respondent

Signed this 9th day of June, 2010.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 9th day of June, 2010, by REBECCA LYNN DILDAY, Vocational Nurse License Number 208479, and said Order is final.

Effective this 14th day of June, 2010.

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