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 Registered Nurse	§	AGREED
License Number 673775, and Vocational	§	
Nurse License Number 98140	§	
issued to PAULA JEAN AUERBACH, f.k.a.	§	ORDER
PAULA JEAN ALEXANDER, Respondent	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of PAULA JEAN AUERBACH, f.k.a. PAULA JEAN ALEXANDER, Registered Nurse License Number 673775 and Vocational Nurse License Number 98140, 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 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. Respondent's license to practice vocational nursing in the State of Texas is in delinquent status.

4. Respondent received a Certificate in Vocational Nursing from McLennan Community College, Waco, Texas, on August 13, 1982; and received an Associate Degree in Nursing from St. Mary of the Plains, Wichita, Kansas, on June 1, 1989. Respondent was licensed to

practice vocational nursing in the State of Texas on December 13, 1982; and was licensed to practice professional nursing in the State of Texas on November 14, 2000.

5. Respondent's nursing employment history includes:

12/92 - 9/85	LVN Staff Nurse	Hillcrest Baptist Medical Center Waco, Texas
10/85 - 11/90	LVN Staff Nurse	St. Joseph Medical Center Wichita, Kansas
12/90 - 6/93	RN Staff Nurse Medical Intensive Care Unit (MICU)	Wesley Medical Center Wichita, Kansas
7/93 - 8/96	Staff Nurse Intensive Care Unit (ICU)	Memorial Hospital Manhattan, Kansas
9/96	Unknown	
10/96 - 10/97	Staff Nurse ICU	Central Kansas Medical Center Great Bend, Kansas
11/97 - 8/00	Staff Nurse MICU	Wesley Medical Center Wichita, Kansas
9/00 - 12/00	Staff Nurse ICU	Heart Hospital Corpus Christi, Texas
1/01 - 2/02	Staff Nurse	Spohn Medical Center Corpus Christi, Texas
3/02 - 2/03	Staff Nurse ICU	North Bay Hospital Aransas Pass, Texas
3/03 - 7/04	Agency Staff Nurse	Nurse Finders San Antonio, Texas
8/04 - 8/07	Staffing Nurse MICU	ASAP Nursing Agency McAllen, Texas
9/07 - 1/08	Staff Nurse MICU	Hillcrest Baptist Medical Center Waco, Texas
2/08 - Present	Unknown	

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse in the MICU with Hillcrest Baptist Medical Center, Waco, Texas, and had been in this position for four (4) months.

7. On or about January 2, 2008, while employed as a Staff Nurse with Hillcrest Baptist Medical Center, Waco, Texas, Respondent failed to completely and accurately report and/or document that she reported the deteriorating condition of Patient Medical Record Number M000718835 to the patient's physician. Respondent documented a drop in the patient's blood pressure and oxygen saturation level, however, did not notify the physician for one (1) hour. Respondent then called the physician to report the drop in the patient's blood pressure and oxygen saturation level without informing him that the patient had received Ativan, Xanax, a scheduled medication, and two (2) doses of Morphine prior to her coming on duty. As a result, the patient required intubation because the effects of the medications initially could not be reversed with Narcan. Respondent's conduct was likely to injure the patient from progression of clinical complications, including those associated with respiratory depression and possible respiratory arrest.

8. Respondent states that she received report on this patient from the day nurse who expressed concern that the patient was extremely agitated, hostile and unable to lay still while the arterial sheath from the heart cath remained in the patient. Respondent states that the reporting nurse voiced concern that the patient was extremely verbal about pulling the sheath out herself and leaving Against Medical Advice. Respondent explains that the reporting nurse had given the patient all the sedation that was on the physician orders at the time, including as needed medications and scheduled medication. She states that the day nurse stated she had called the physician just prior to change of shift to request additional sedation for the patient had received an order for 1 mg Ativan IV, which she administered. Respondent goes on to explain that their report was interrupted a few times due to this patient putting on her call light and a report that the patient's husband was administering medications to the patient that he had brought from home. Respondent states that at 2000 the patient was still very agitated and unable to lay flat. Respondent tried to reposition the patient, which did not help, and the patient demanded more medication or to have the sheath removed. Respondent states, "It was my understanding from report that the physician was aware of the patient's anxiety, agitation and the amount of medications already given. ... I gave the Darvocet that was still on the order." Respondent states that this patient continued to be agitated to the point that the staff was concerned the patient was either going to dislodge the sheath or lacerate the artery. Respondent states that at approximately 2200 - 2215, she called the physician when the patient's blood pressure started dropping and she was experiencing a decreased level on consciousness. Respondent states, "I did not ask for any other medication for sedation prior to or during care of this patient. I recounted to him all the sedation she had been given. He became very angry when told about the Morphine the patient had received. He stated that he had not been informed Morphine was being given or he would not have ordered the Ativan at 1838. I believe he mistook me for the nurse who had called him for the Ativan order. He kept saying, "You didn't tell me about the Morphine before." Respondent states that she apologized that he had not been informed, but stated she

needed direction on what to do at this point. The physician instructed Respondent to give "Narcan - standard dose." Respondent responded by asking for a restatement of the order in the form of Narcan 0.4 mg IV. At that point the physician hung up on Respondent and called back asking for the Charge Nurse and asked that the patient be assigned to another nurse.

9. Charges were filed on February 9, 2010.

10. Charges were mailed to Respondent on February 10, 2010.

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)(P) and 217.12(1)(A),(1)(B)&(4).

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 673775 and Vocational Nurse License Number 98140, heretofore issued to PAULA JEAN AUERBACH, f.k.a. PAULA JEAN ALEXANDER, including revocation of Respondent's licenses to practice 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 licenses are

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. *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 medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. 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) OR VOCATIONAL NURSE (LVN) 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 licenses. 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 licenses. 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 licenses 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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 12 day of May, 20 10.

Paula Jean Auerbach

PAULA JEAN AUERBACH,
f.k.a. PAULA JEAN ALEXANDER, Respondent

Sworn to and subscribed before me this 12th day of May, 20 10.

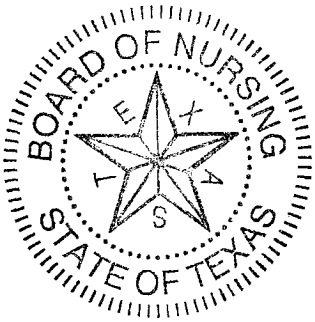
SEAL
LUCILLE LEDNICKY
Notary Public, State of Texas
My Commission Expires
FEBRUARY 20, 2013

Lucille Lednicky

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 12th day of May, 2010, by PAULA JEAN AUERBACH, f.k.a. PAULA JEAN ALEXANDER, Registered Nurse License Number 673775 and Vocational Nurse License Number 98140, and said Order is final.

Effective this 8th day of June, 2010.



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