

Respondent's professional nursing employment history continued:

10/07	RN	Harris County Hospital District Houston, Texas
11/07-Present	RN	San Jacinto Methodist Hospital Baytown, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed with Harris County Hospital District, Houston, Texas, and had been in this position for approximately three (3) days.
7. On or about October 18, 2007, while employed with Harris County Hospital District, Houston, Texas, Respondent lacked fitness to practice professional nursing in that she exhibited impaired behavior while on duty, which included but was not limited to: inappropriate behavior at orientation, loud outbursts, had slurred speech, appeared lethargic, and had dry mouth. 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 Finding of Fact Number Seven (7), Respondent states this was her first week, there was no patient contact, and she was strictly learning the hospital policies and procedures. Respondent states at this time she met another nurse who stated she had been experiencing intermittent chest pain and increased heart rate. Respondent stated she moved to sit closer out of concern. Respondent states this nurse was exhibiting the behavior she is being accused of and that at no time did she (Respondent) exhibit loud outbursts but instead attempted to keep this nurse from making them. The last day of orientation the staff notified both nurses they were being terminated.
9. On August 7, 2009, and September 22, 2009, Respondent underwent a Forensic Psychological Evaluation with a Chemical Dependency Component, performed by Alexander Howe, Ph.D. Dr. Howe's assessment reveals Respondent presented with features/symptoms reflective of both a Depressive Disorder Not Otherwise Specified as well as an Anxiety Disorder Not Otherwise Specified, along with a Mixed Personality Disorder with Obsessive-Compulsive and Borderline-like Features. Dr. Howe proposed that Respondent has engaged in mismanagement of appropriately prescribed medication to address her anxiety and depression. Dr. Howe strongly recommends that there be a singularly responsible mental health medical provider that can assess the effectiveness of her medication and administer appropriate modifications. Also, he has recommended that she continue to require access to a mental health provider that can effectively address those longstanding factors in her life that initiate, maintain, and reinforce her anxious and depressed presentation. Dr. Howe opines that if Respondent receives the singular guidance in the management of addressing those identified factors that have created anxiety and depression within her life and with a renewed singular management of prescribed medication, it is proposed that she can be an effective and productive nurse within her chosen field.

10. Respondent submitted a letter dated February 4, 2010, from William H. Reading, MD, Psychiatrist, which states that Respondent has been under his care since October 13, 2009. He states at the time of their initial appointment, Respondent was prescribed multiple sedating medications which were having untoward side effects when taken exactly as prescribed. Respondent has been compliant with all recommended treatments and appointments. Dr. Reading states Respondent's symptoms have remitted to normal levels due to effective medication management and dealing with factors in her life contributing to these symptoms through psychotherapy. Dr. Reading states he is willing to continue to treat Respondent and submit quarterly reports.

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)(12), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.12(1)(A)&(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 737441, heretofore issued to ANDREA LUISA JIMENEZ, 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 multistate licensure privilege, if any, to practice nursing in compact states.

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

multistate licensure 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>.*

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:

(2) 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.

(3) 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.

(4) 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.

(5) 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 year of employment as a nurse.

(6) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT's progress in therapy, rehabilitation and capability to safely practice nursing. The report must indicate whether or not the RESPONDENT's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation period, or until RESPONDENT is dismissed from therapy. RESPONDENT SHALL only see a single mental health provider for medication management. RESPONDENT SHALL provide Dr. Alexander Howe's Psychological Assessment, performed on August 7, 2009, and September 22, 2009 to her professional counselor.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be

eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

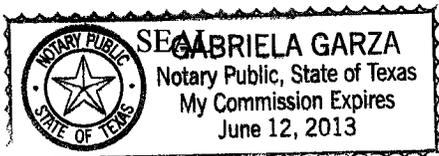
RESPONDENT'S CERTIFICATION

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 violation 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 16 day of March, 2010.

Andrea Jimenez
ANDREA LUISA JIMENEZ, Respondent

Sworn to and subscribed before me this 16 day of March, 2010.



Gabriela Garza

Notary Public in and for the State of Texas

Approved as to form and substance.

Taralynn R. Mackay
TARALYNN MACKAY, Attorney for Respondent

Signed this 9th day of March, 2010.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 16th day of March, 2010, by ANDREA LUISA JIMENEZ, Registered Nurse License Number 737441, and said Order is final.

Effective this 22nd day of April, 2010.



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

