

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse License Number 779214  
& Vocational Nurse License Number 162845  
issued to AMY CHRISTINE GARCIA

§        AGREED  
§        ORDER  
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of AMY CHRISTINE GARCIA, Registered Nurse License Number 7792 and Vocational Nurse License Number 162845, 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 February 4, 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 and vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Amarillo College, Amarillo, Texas on May 23, 1997. Respondent was licensed to practice vocational nursing in the State of Texas on June 19, 1997, Respondent received an Associate Degree in Nursing from Amarillo College, Amarillo, Texas, on December 11, 2009. Respondent was licensed to practice professional nursing in the State of Texas on January 19, 2010.



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

5. Respondent's professional and vocational nursing employment history includes:

06/1997-10/1997	Unknown
10/1997 - 04/2001	Staff Nurse Triumph Hospital Amarillo Amarillo, Texas
04/2001-01/2002	Office Nurse Dr. Rankin Amarillo, Texas
01/2002 - 05/2002	Staff Nurse Bivins Memorial Nursing Home Amarillo, Texas
05/2002 - 06/2003	Staff Nurse NWT Hospital Amarillo, Texas
04/2003 - 10/2007	Staff Nurse Triumph Hospital Amarillo Amarillo, Texas
10/2007 - present	Staff Nurse Ussery-Roan State Veterans Home Amarillo, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Licensed Vocational Nurse with Triumph Hospital Amarillo, Amarillo, Texas, and had been in this position for approximately four (4) years and six (6) months.
7. On or about October 12, 2007, while employed with Triumph Hospital Amarillo, Amarillo, Texas, Respondent exceeded her scope of practice as a Licensed Vocational Nurse in that Respondent performed an Incision and Drainage of a cyst on Patient MR #003103, and without a physician's order. Respondent's action exposed Patient MR #003103 to the risk of harm in that Respondent lacked the knowledge, education, and training to perform said procedure.

8. On or about October 12, 2007, while employed with Triumph Hospital Amarillo, Amarillo, Texas, Respondent allowed and failed to report that Patient Care Technician (PCT), LT, and PCT, MC, initiated an Incision and Drainage of a cyst on Patient MR# 003103. Respondent's action exposed Patient MR #003101 to the risk of harm in that PCT, LT, and PCT, MC, lacked the knowledge, education, and training to initiate and /or participate in an Incision and Drainage.
9. On or about October 12, 2007, while employed with Triumph Hospital Amarillo, Amarillo, Texas, Respondent failed to document an Incision and Drainage of a cyst she performed on Patient MR#003101. Respondent's conduct was likely to injure Patient MR#003101 in that it deprived subsequent caregivers of essential information on which to base their ongoing medical care.
10. In response to Findings of Fact Numbers Seven (7), Eight (8), and Nine(9), Respondent reports that PCT, LT, and PCT, MC, informed her that while bathing Patient MR# 003101, they had noticed and "popped" a "pimple" on said patient's labia, but were not able to drain out remaining debris. Respondent reports that she completed draining the debris with the assistance of said PCT's who applied pressure on and around the "pimple." Respondent denies using a scalpel or making any incisions. Respondent adds that she did not report or document said incident because she did not feel that she nor the PCT's were "doing anything wrong." Respondent states that she has since learned a valuable lesson, and expresses her remorse.

#### 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)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(D)&(1)(U), and 22 TEX. ADMIN. CODE §217.12(1)(B), (1)(D)&(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 779214, and Vocational Nurse License Number 162845, heretofore issued to AMY CHRISTINE GARCIA, including revocation of Respondent's license to practice professional and 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 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>.*

(2) 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>.*

(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, 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) AND/OR VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(4) 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.

(5) 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.

(6) For the duration of the stipulation period, 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.

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

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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 and vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 9 day of March, 2010.

Amy Christine Garcia  
AMY CHRISTINE GARCIA, Respondent

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

SEAL

Michelle Powers

Notary Public in and for the State of Texas



MP (806) 354-5570

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 9<sup>th</sup> day of April, 2010, by AMY CHRISTINE GARCIA, Registered License Number 779214 and Vocational Nurse License Number 162845, and said Order is final.

Effective this 2<sup>nd</sup> day of April, 2010.

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

