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 573542 and Vocational | § | |
| Nurse License Number 064960 | § | |
| issued to DELLA LOU SCHIAVO | § | ORDER |

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that DELLA LOU SCHIAVO, hereinafter referred to as Respondent, Registered Nurse License Number 573542 and Vocational Nurse License Number 064960, may have violated Section 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on November 3, 2009, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Nancy Roper Willson, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Melinda Hester MSN, RN, Lead Practice Consultant; John F. Legris, Assistant General Counsel; Ronald Lloyd Simpson, Jr., Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Marcia Wilson, RN, Investigator; and Kimberly Botello-Rodriguez, Investigator.

## 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 notice and hearing, and consented 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 currently in "delinquent" status.

4. Respondent received a Certificate in Vocational Nursing from Harris School of Vocational Nursing, Fort Worth, Texas, on May 21, 1975; received an Associate Degree in Nursing from Tarrant County Junior College, Fort Worth, Texas, on May 7, 1991; and received a Baccalaureate Degree in Nursing from The University of Texas at Arlington, Arlington, Texas, in 1997. Respondent was licensed to practice vocational nursing in the State of Texas on October 23, 1975, and was licensed to practice professional nursing in the State of Texas on August 26, 1991.

5. Respondent's nursing employment history includes:

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| 1975 - 1976 | Licensed Vocational Nurse | Harris Hospital<br>Fort Worth, Texas |
| 1977 - 1996 | Unknown | |
| 1997 - 1990 | Licensed Vocational Nurse | All Saints' Episcopal Hospital<br>Fort Worth, Texas |
| 1991 - 1996 | Registered Nurse (RN)<br>Emergency Room | All Saints' Episcopal Hospital<br>Fort Worth, Texas |
| 04/1996 - 09/2006 | RN Emergency Room | Arlington Memorial Hospital<br>Arlington, Texas |
| 10/2006 - 2009 | Agency Nurse | NurseFinders<br>Fort Worth, Texas |
| 6/2008 - 2/2009 | Staff Nurse<br>Emergency Room | Cook Children's Northeast Hospital<br>Hurst, Texas |
| 3/2009 - 07/2009 | Unknown | |
| 08/2009 - Present | Staff Nurse<br>Emergency Room | Seton Southwest Hospital<br>Austin, Texas |

6. At the time of the initial incident, Respondent was employed as a Staff Nurse in the Emergency Room with Arlington Memorial Hospital, Arlington, Texas, and had been in this position for ten (10) years and six (6) months.

7. On or about October 11, 2006, while employed with Arlington Memorial Hospital, Arlington, Texas, Respondent failed to assess Patient Medical Record Number M000417879 who arrived at the Emergency Department suffering from hypotension and sepsis. In

addition, Respondent failed to notify the physician or charge nurse regarding the patient's condition. The charge nurse noticed the patient's condition and immediately transferred the patient to the critical care area and later to ICU. Respondent's conduct was likely to injure the patient in that it delayed the higher acuity treatment which was required by the patient.

8. On or about October 11, 2006, while employed with Arlington Memorial Hospital, Arlington, Texas, Respondent failed to document the status of Patient Medical Record Number M000417879, including the patient's blood pressure. The patient was admitted hypotensive, septic, and critically ill. Respondent's conduct resulted in an inaccurate, incomplete medical record, and was likely to injure the patient in that subsequent care givers would rely on her documentation in order to provide further patient care.

9. On or about October 11, 2006, while employed with Arlington Memorial Hospital, Arlington, Texas, Respondent failed to assess, evaluate, and document the status of Patient Medical Record Number 1021936 who had waited in the room for three (3) to four (4) hours. Respondent's conduct was likely to injure the patient in that it could have delayed treatment of the patient with no documentation of care on which subsequent care givers could rely.

10. On or about February 26, 2009, while employed with Cook Childrens' Northeast Hospital, Hurst, Texas, Respondent exceeded her scope of practice and deprived the patient of the physician's medical expertise when Respondent evaluated Patient Medical Record Number 37921, provided patient care, consulted with the patient's surgeon and sent the patient home with discharge instructions. Respondent never had the patient evaluated by a physician, but had them sign out as "leaving against medical advice." Respondent's conduct was likely to injure the patient from non-efficacious care.

11. In response to the incidents in Findings of Fact Numbers Seven (7) thorough Ten (10), Respondent states that she had three patients and one needed a nasogastric tube placed while Patient Medical Record Number 000417879 was resting. Her blood pressure was low but she was stable. Twenty minutes later, she was taken for a computed tomography (CT) scan. She came back from having the CT scan. Respondent evaluated her and then hung a second liter of normal saline. The patient was complaining of pelvic pain so Respondent "gave her more medication." Then the doctor came to do a pelvic exam. The doctor told Respondent to start Dopamine. At this time, the charge nurse came into the room. Respondent went to get the Dopamine, the doctor did the exam, and the patient was transferred to the critical care area. Between 0800 and 0900, Respondent was caring for three patients and triaging/treating patients in a fourth room. Respondent was busy and failed to finish documentation on this patient. The charge nurse had no patients of her own and never mentioned to Respondent that this patient was critically ill. Respondent denies that she did not assess Patient Medical Record Number 1021936. Respondent had triaged this patient but the charge nurse changed her assignment, therefore she was unable to complete her documentation for this patient. While at Cook Childrens' Northeast Hospital, Hurst, Texas, Respondent states that the

patient came in with swelling of her hand below her cast. Respondent determined that the hand was neurologically intact and decided to treat it like a suture removal. Respondent called the patient's surgeon who instructed her to send the patient home and he would see the patient in his office later that morning. Respondent then had the patient sign Against Medical Advice (AMA) documentation and sent the patient home.

12. On or about April 27, 2009, Respondent successfully completed a Board approved course in Texas Nursing Jurisprudence and Nursing Ethics, which would have been a requirement of this Order.

13. On or about April 29, 2007, Respondent successfully completed a Board approved course in nursing documentation, which would have been a requirement of this Order.

## CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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)(D),(1)(M),(1)(P)&(3)(A) and 22 TEX. ADMIN. CODE §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 573542 and Vocational Nurse License Number 064960, heretofore issued to DELLA LOU SCHIAVO, 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 sanctio of a REPRIMAND 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 privileges, if any, to practice nursing in compact states.

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 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.

(1) 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.*

(2) 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://www.learningext.com/products/generalce/critical/ctabout.asp.*

**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 A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD.**

(3) 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.

(4) 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.

(5) For the first year of employment as a nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The 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.

(6) For the remainder 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 two (2) years 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 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 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 30 day of December, 2009.

Della Lou Schiavo

DELLA LOU SCHIAVO, Respondent

Sworn to and subscribed before me this 30 day of December 2009

SEAL

SCOTTYE LEE PERRY
Notary Public, State of Texas
My Commission Expires
August 21, 2011

Notary Public in and for the State of Texas

Approved as to form ~~and substance~~.

Nancy Roper Willson

Nancy Roper Willson, Attorney for Respondent

Signed this 4th day of January 2010

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 30th day of December, 2009, by DELLA LOU SCHIAVO, Registered Nurse License Number 573542 and Vocational Nurse License Number 064960, and said Order is final.

Effective this 23rd day of March, 2010.

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