

Respondent's professional nursing employment history continued:

08/05 - 09/05	Unknown	
10/05 - 02/07	RN	Vitas Hospice of Dallas Dallas, Texas
02/07 - 03/07	RN	VNA of Texas McKinney, Texas
04/07 - Present	RN	Pate Rehabilitation Dallas, Texas

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Pate Rehabilitation, Dallas, Texas, and had been in this position for seven (7) months.
7. On or about November 25, 2007, while employed with Pate Rehabilitation, Dallas, Texas, Respondent failed to ensure the transfer, by ambulance, of Resident Medical Record Number 2272 [G.E.] from Towne Lake Court Assisted Living, Irving, Texas, to Richardson Regional Medical Center, Richardson, Texas, after it had been reported that Resident G.E. had experienced a change in condition including: heavy breathing, a rapid pulse, clenched teeth, stiff appearance and blank stare. Resident G.E. was later pronounced dead upon arrival at the Emergency Room via facility van.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states:

"The information relayed to me was strictly from unlicensed and most times uncertified personnel.

Shortly before 11pm on 11/25/07 I received a call from the administrator on duty in regards to [G.E.]. Jason reported the home had reported a change in condition and that she refused to take her medications on 11/22, as well as the day in question.

The home was immediately called to follow up and obtain feedback. Debra, a rehab tech, was working with the client and reported some changes. She told me the patient was 'different' than she was on the last Tuesday she worked with her. The following information is what I gathered during the interview and assessment with the home staff via the telephone:

1. She was 'talking more' and 'eating more' on the Tuesday I was here. Debra did not convey this client was not able to talk, or that she was not able to eat;
2. She indicated the client was crying and moaning, alert, appeared stiffer, had her teeth clenched and a blank stare. This indicated to me that there was obviously a change in condition, but this client offered a verbal response and what we thought was a pain response. The other symptoms warranted input from the MD as they could indicate

other issues such as pain, seizures, decreased LOC, infection and any other number of conditions...The Rehab tech reviewed the current face sheet and medication sheet, including the medications she missed during the day. The medications that the client refused could have also contributed to the change in condition. Please note I was NOT involved or informed about the missed medication on 11/22/07, by the home staff, or anyone for that matter, until Jason, the administrator on call, informed me during the aforementioned call on 11/25/07, the night of the incident;

3. Review of the Vital signs reflected a normal blood pressure, a slightly elevated pulse, and slightly elevated respirations. Review of the medications revealed she refused her blood pressure medications as well as seizure medications;
4. ...Poor appetite occurring since 11/22/07; and
5. A call to the MD was warranted. I contacted the physician immediately. After review of all the symptoms, as explained above the physician gave orders to send the client to the Emergency room for assessment of decreased LOC and to rule out dehydration. **The physician did not order an ambulance transfer or a call to 911.**

...Less than 30 minutes after the original call from Jason the administrator, the home was told to take the client to the Emergency room. Per Debra, the rehab tech, the home would take her and they were getting her things together. There was no report of a change of condition during this call. The caregiver remained calm, during both conversations.

Needless to say, there were hours between the initial order to send the client to the emergency room for immediate care and the actual time arrived. There was no communication by Jason, the administrator on call, to report further change in condition or for alternative transport after the lengthy delay. When I called the home and gave the order for the patient to go to the emergency room I fully expected [G.E.] to arrive in at least 45 minutes."

9. Formal Charges were filed on December 12, 2008.
10. Formal Charges were mailed to Respondent on December 15, 2008.

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),(B)&(M) and 217.12(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 723747, heretofore issued to WENDY LAVETTE DANNEY, 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 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 multistate licensure privilege, if any, to practice nursing in the State of Texas.

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 State of Texas 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 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 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 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 in accordance with Tex. Occ. Code 301.463 and Rule 408, Texas Rules of Evidence, 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 21 day of January, 2010.

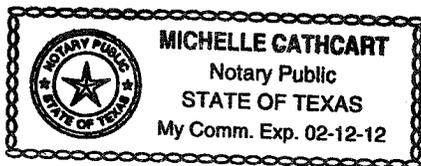
Wendy Lavette Danby
WENDY LAVETTE DANBY, Respondent

Sworn to and subscribed before me this 21 day of January, 2010.

SEAL

Michelle Cathcart

Notary Public in and for the State of TEXAS



Approved as to form

Elizabeth L. Higginbotham

Elizabeth L. Higginbotham, Attorney for Respondent

Signed this 2nd day of February, 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 21st day of January, 2010, by WENDY LAVETTE DANEY, Registered Nurse License Number 723747, and said Order is final.

Effective this 8th day of February, 2010.


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