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	§
License Number 257600	§
issued to CINDY M. WINSTEAD	§

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Registered Nurse License Number 257600, issued to CINDY M. WINSTEAD, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice professional nursing in the State of Texas.

2. Respondent waived representation by counsel, informal proceedings, notice and hearing.

3. Respondent received an Associate Degree in Nursing from Tarleton State University, Stephenville, Texas, on May 1, 1981. Respondent was licensed to practice professional nursing in the State of Texas on March 19, 1982.

4. Respondent's employment history includes:

1981-1982	GN/RN Med/Surg	Hendrick Medical Center Abilene, Texas
1982-1984	RN Trauma Center	Hendrick Medical Center Abilene, Texas
1984-1986	RN ER Staff	Humana Hospital Abilene, Texas

Respondent's professional nursing employment history continued:

1986-1987	RN ICU/CCU	Hendrick Medical Center Abilene, Texas
1987-1990	RN ER Staff	Abilene Regional Medical Center Abilene, Texas
1990-1996	RN Case Manager	Mediplex Home Health Care Abilene, Texas
1996-1998	RN Correctional Health	Middleton Unit Abilene, Texas
1998-2002	RN Staffing Nurse	Nursefinders, Inc. Odessa, Texas
2002-2003	RN Staffing Nurse	Brownwood Regional Medical Center Brownwood, Texas
2003-2004	RN Case Manager	Outreach Health Care Services Abilene, Texas
3/04-12/05	RN Staff Nurse	Hendrick Medical Center Abilene, Texas
1/06-Present		Unknown

5. At the time of the initial incident, Respondent was employed as a RN Staff Nurse with Hendrick Medical Center, Abilene, Texas, and had been in this position for one (1) year and eight (8) months.

6. On or about November 11, 2005, while employed with Hendrick Medical Center, Abilene, Texas, Respondent failed to assess, initiate appropriate nursing intervention for, or notify the physician of changes in the condition of Patient Medical Record Number 0715260, who had a diagnosis of Chronic Obstructive Pulmonary Disease (COPD) and required continuous HEART nebulizer treatments and oxygen, when she was notified that the patient was short of breath. Respondent's conduct was likely to injure the patient from non-efficacious care.

7. On or about November 11, 2005, while employed with Hendrick Medical Center, Abilene, Texas, Respondent left her assigned unit, without informing her supervisor, thus leaving the patients assigned to her without nursing supervision. Although Respondent did not return to the unit until after 12:25, Respondent falsely documented a nursing note entry at 12:00 in the medical record of the aforementioned Patient Medical Record 0715260, indicating that the patient's vital signs had been obtained and that the patient continued having mild respiratory dyspnea. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patients from non-efficacious care.

8. On or about December 1, 2005, and December 5, 2005, while employed with Hendrick Medical Center, Abilene, Texas, Respondent failed to administer Lipitor to Patient Number 7066013, as ordered by the physician, and Respondent administered Lasix orally to Patient Number 7071933, instead of intravenously as ordered by the physician. Respondent's conduct was likely to harm the patient from adverse reactions to medications administered without the benefit of physician expertise.

9. In response to the incidents in Findings of Fact Numbers Six (6) through Eight (8), Respondent states: in regard to not assessing the COPD patient, that she has no recollection of the incident; regarding leaving her assignment, that she does remember this and admits she did leave her assigned area for an extended time because she discovered her pick-up truck had been vandalized and it took her around forty-five (45) minutes to report the incident; and in regard to the medication errors, that she remembers omitting the dose of Lipitor and says the order for intravenous Lasix was taken by another nurse but was not transcribed to the Medication Administration Record by that nurse, and so, Respondent missed the medication change.

10. On or about July 6, 2009, the Board offered Respondent a proposed Agreed Order which included the sanction of Warning with Stipulations and requirements to complete classes in Texas nursing jurisprudence and ethics, medication administration, physical assessment, and nursing documentation, to pay a fine of seven hundred fifty dollars ($750.00), and to complete one (1) year of indirectly monitored nursing practice.

11. On or about July 13, 2009, Respondent notified the Board that she does not expect to return to the practice of nursing and that she is unable to complete the clinical components of the Board's proposed Agreed Order.

12. On July 22, 2009, Respondent returned Registered Nurse License Number 257600 and submitted a notarized statement to the Board voluntarily surrendering the right to practice professional nursing in Texas. A copy of Respondent's notarized statement, dated July 22, 2009, is attached and incorporated herein by reference as part of this Order.

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)(I),(1)(M)&(3)(A) and 217.12(1)(A),(1)(B),(1)(C)&(4).

4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.

5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.

6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC§§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 257600, heretofore issued to CINDY M. WINSTEAD, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

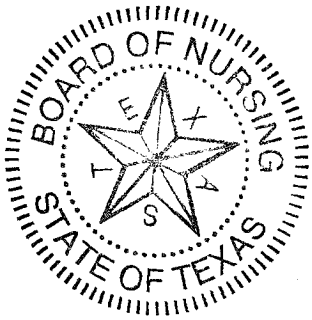
1. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN"or wear any insignia identifying herself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.

2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.

3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice nursing in the State of Texas.

Effective this 27th day of July, 2009.



TEXAS BOARD OF NURSING

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

Cindy M. Winstead
PO Box 1018
Baird, Texas 79504
Texas Registered Nurse License #257600

Voluntary Surrender Statement

July 13, 2009

Dear Texas Board of Nursing:

I no longer desire to be licensed as a professional nurse. Accordingly, I voluntarily surrender my license/licenses to practice in Texas. I waive representation by counsel and consent to the entry of an Order which outlines requirements for reinstatement of my license. I understand that I will be required to comply with the Board's Rules and Regulations in effect at the time I submit any petition for reinstatement.

Signature Cindy M. Winstead RN, BSN

Date 7/22/09

Texas Nursing License Number/s 2-57600

The State of Texas

Before me, the undersigned authority, on this date personally appeared who, being duly sworn by me, stated that she executed the above for the purpose therein contained and that she understood same.

Sworn to before me the 22nd day of July, 2009.

SEAL

MELBA LOIS PINKERTON
MY COMMISSION EXPIRES
July 19, 2013

Melba Lois Pinkerton
Notary Public in and for the State of Texas