



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 612973 & §
Vocational Nurse §
License Number 121943 §
issued to DARLA S. WEISS § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DARLA S. WEISS, Registered Nurse License Number 612973 and Vocational Nurse License Number 121943, 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 informal proceedings, notice and hearing, and agreed to the entry of this Order offered on June 17, 2009, 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 informal proceedings, notice and hearing, and agreed 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 Midland College - Fort Stockton Extension, Fort Stockton, Texas, on August 30, 1988, and received an Associate Degree in Nursing from Midland College, Midland, Texas, on December 1, 1994. Respondent was licensed to practice vocational nursing in the State of Texas on December 8, 1988, and was licensed to practice professional nursing in the State of Texas on January 31, 1995.

5. Respondent's nursing employment history includes:

12/1988 - 8/1999		Unknown
9/1999 - 12/2002	RN	American Home Health Fort Stockton, Texas
7/2002 - 12/2002	RN - House Supervisor	Odessa Regional Hospital Odessa, Texas
1/2003		Unknown
2/2003 - 10/2004	RN - Clinic	Uvalde Mental Health Clinic Uvalde, Texas
9/2004 - 5/2007	RN - DON	Home Care Connections Uvalde, Texas
6/2007 - Unknown	RN	Uvalde Memorial Hospital Uvalde, Texas

6. At the time of the initial incident, Respondent was employed as an Obstetrical RN with Uvalde Memorial Hospital, Uvalde, Texas, and had been in this position for eight (8) months.

7. On or about February 12, 2008, while employed with Uvalde Memorial Hospital, Uvalde, Texas, Respondent administered Motrin to a patient who had been transfused one (1) Unit of packed red blood cells due to heavy bleeding after a vaginal delivery even though the physician's Standing Orders directed that no Motrin was to be administered if the patient was having excessive bleeding. Respondent's conduct was likely to injure the patient from the administration of Motrin which could cause continued and excessive bleeding from its anticoagulation effects.

8. On or about June 27, 2008, while employed with Uvalde Memorial Hospital, Uvalde, Texas, Respondent accepted assignment in the Labor and Delivery (L&D) unit without adequate training and experience to provide safe patient care. Most of Respondent's training and experience had been in the Post Partum Unit, and two (2) weeks earlier, Respondent had requested additional training in fetal heart monitoring. Consequently, Respondent failed to accurately assess and intervene when laboring Patient Number 000042779 experienced prolonged fetal heart rate decelerations (decels) for a period of 30 minutes. In addition, Respondent failed to notify the physician of the change in the status of the patient and fetus. The infant required resuscitation at birth and sustained permanent neurological deficits. Respondent's conduct may have contributed to the infant having a low Apgar score, requiring resuscitation at birth, and sustaining permanent neurological deficits.

9. On or about August 18, 2008, while employed with Uvalde, Memorial Hospital, Uvalde, Texas, Respondent continued administration of intravenous Normal Saline (NS) solution to Patient Medical Record Number V00000472951, which was initiated in the Emergency Department, even though there was no physician's order to continue NS administration upon admission of the patient to the unit. Respondent removed one (1) bag of NS from the Pyxis Medication Dispensary System and then failed to document administration of the NS infusion on the eMAR (electronic Medication Administration Record). Respondent's conduct could have harmed the patient from adverse reaction to intravenous fluid administered without benefit of a physician's expertise. Respondent's conduct also resulted in an inaccurate medical record, and was likely to injure the patient in that subsequent care givers would not have correct information on which to base their care decisions.
10. On or about August 12, 2008, while employed with Uvalde Memorial Hospital, Uvalde, Texas, Respondent administered Phenergan 25 mg to Patient Medical Record Number V00000472254, without a physician's order. Respondent's conduct could have harmed the patient from adverse reaction to a medication administered without benefit of a physician's expertise.
11. On or about August 25, 2008, while employed with Uvalde Memorial Hospital, Uvalde, Texas, Respondent removed Lactulose from the Pyxis Medication Dispensary System, without a physician's order, for Patient Medical Record Number V00000473900. Respondent's conduct could have harmed the patient from adverse reaction to a medication administered without benefit of a physician's expertise.
12. In response to the incidents in Findings of Fact Numbers Nine (9) through Eleven (11), Respondent states these incidents "Occurred at a time when I first transferred to the medical floor and was not familiar with the protocol for receiving patients from the Emergency Room and / or how to handle substitution of generic medications when recommended by the pharmacy." Respondent indicates that she completed a class in "Safe Medication Administration" and worked with the Charge Nurse and the Pharmacist when any new medication was ordered.

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)(H),(1)(M),(1)(P),(1)(T)&(3)(A) and 217.12(1)(A), (1)(B),(1)(C),(1)(E)&(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 612973 and Vocational Nurse License Number 121943, heretofore issued to DARLA S. WEISS, 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 sanction 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 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 medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. 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>.

(3) 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>*

(4) 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>

(5) RESPONDENT SHALL within one (1) year of entry of this Order, successfully complete a course in “Intermediate Fetal Monitoring.” The course must be of at least 15 contact hours in duration and must be approved by the Association of Women’s Health, Obstetric and Neonatal Nurses (AWHONN). 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.

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 TWO (2)

YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(6) 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.

(7) 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.

(8) 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.

(9) 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.

(10) 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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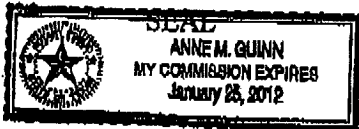
RESPONDENT'S CERTIFICATION

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 license to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 14 day of July, 2009.

Darla S. Weiss
DARLA S. WEISS, Respondent

Sworn to and subscribed before me this 14 day of July, 2009.



Anne M. Guinn

Notary Public in and for the State of Texas

Approved as to form and substance.

Celeste P. Lira
Celeste P. Lira, Attorney for Respondent

Signed this 16th day of July, 2009.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 14th day of July, 2009, by DARLA S. WEISS, Registered Nurse License Number 612973 and Vocational Nurse License Number 121943, and said Order is final.

Effective this 18th day of August, 2009.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas". The signature is written in a cursive style and is positioned above the printed name.

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