



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 646580 §
issued to ROSA LEOS, §
f.k.a. ROSA ALMA SANCHEZ § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ROSA LEOS, f.k.a. ROSA ALMA SANCHEZ, Registered Nurse License Number 646580, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on July 1, 2009, by Katherine A. Thomas, MN, RN, Executive Director.

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.
4. Respondent received an Associate Degree in Nursing from Eastern New Mexico University, Roswell, New Mexico, on May 15, 1997, and received a Certificate from the RN First Assistant Program of Professional Assistants PRN, Naples, Florida, on April 5, 2004. Respondent was licensed to practice professional nursing in the State of Texas on November 18, 1997.

5. Respondent's professional nursing employment history includes:

11/1997 - 5/2002	Charge Nurse	Cook Children's Medical Center Ft. Worth, Texas
2/2000 - 5/2005	Surgical Nurse & RN First Assistant	Southwest Neurological Surgery Cntr. David J. Donahue, MD Ft. Worth, Texas
6/2005 - Present	RN First Assistant	Cook Children's Medical Center Ft. Worth, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a RN First Assistant with Cook Children's Medical Center, Ft. Worth, Texas, and had been in this position for one (1) year and ten (10) months.
7. On or about April 21, 2007, while employed as a RN First Assistant with Cook Children's Medical Center, Ft. Worth, Texas, and under the surgical supervision of David J. Donahue, MD, Respondent exceeded her authorized scope of nursing practice by completing the ventriculoperitoneal shunt externalization and attachment to a distal drainage system of Patient Number V6021273 without the surgeon being present, as required. Previously, the 16-month-old patient had the ventriculoperitoneal shunt surgically implanted in order to relieve pressure inside the skull; however, the shunt was not properly functioning and needed to be surgically revised. Respondent's conduct created an unsafe environment for the patient and was likely to injure the patient in that there would not have been a qualified surgeon present to stabilize the patient had there been any complications during the surgical procedure.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that the surgeon, David J. Donahue, MD, was initially present but the procedure was delayed when staff had difficulty starting the patient's intravenous infusion. Dr. Donahue then left to make rounds. The anesthesia provider continued to induce the patient, and when the patient was finally ready for the surgery to proceed, Respondent states she called Dr. Donahue, who then informed her that he had been called to care for an emergency patient, with whom he needed to remain, and he could not return to the operating room. Respondent indicates that Dr. Donahue stated she had to externalize the shunt and get Patient Number V6021273 off the surgical table to make room for the emergency patient. According to Respondent, she proceeded with the minimally invasive procedure because:
- There was no other pediatric surgeon available who could have taken care of either patient as it was a weekend and staffing was minimal;
 - Patient Number V6021273 could not wait any longer due to increased intracranial pressure; and
 - She had been trained to perform the procedure and had done it many times before.
- Respondent states that Dr. Donahue arrived as she was completing the procedure, looked at the externalization, checked the fluid, and helped her tie the catheter to the externalized bag.

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)(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(B),(1)(T)&(3)(A) and 217.18(a)(2).
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 646580, heretofore issued to ROSA LEOS, f.k.a. ROSA ALMA SANCHEZ, 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 WITH A FINE, 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 deliver the wallet-sized license issued to ROSA LEOS, f.k.a. ROSA ALMA SANCHEZ, to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order.

(2) 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>.*

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

(4) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

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 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 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 21st day of July, 2009.

Rosa Leos

ROSA LEOS, f.k.a. ROSA ALMA SANCHEZ, Respondent

Sworn to and subscribed before me this 21st day of July, 2009.

Pamela A. Brock

SEAL



Notary Public in and for the State of Texas

Approved as to form and substance.

Taralynn R. Mackay

Taralynn Mackay, Attorney for Respondent

Signed this 10th day of July, 2009.

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 July, 2009, by ROSA LEOS, f.k.a. ROSA ALMA SANCHEZ, Registered Nurse License Number 646580, and said Order is final.



Effective this 27th day of July, 2009.

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