

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of Vocational Nurse § AGREED  
License Number 200047 §  
issued to HEIDI MINERVA BRINSON-LASALLE § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that HEIDI MINERVA BRINSON-LASALLE, hereinafter referred to as Respondent, Vocational License Number 200047, may have violated Section 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on February 4, 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 Lisa M. Wilson, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Jena Abel, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Carolyn Schooley, RN, 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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Four-D Success Academy, Colton, California, on June 1, 2000. Respondent was licensed to practice vocational nursing in the State of California on August 8, 2002, and was licensed to practice vocational nursing in the State of Texas on September 20, 2005.



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

5. Respondent's vocational nursing employment history includes:

8/02 - 12/02	Staff Nurse Pediatrics	Plotts Family Home Care San Beradino, California
9/02- 12/02	Agency Nurse Medical/Surgical	Oasis Staffing Upland, California
1/03 - 6/03	Staff Nurse Pediatrics	Genis Home Care Upland, California
7/03 - 5/04	Private Duty	Preferred Nurses Registry Santa Monica, California
6/04 - 10/04	Private Duty	Gladys Skluth Beverly Hills, California
11/04 - 5/06	Staff Nurse Pediatrics	Summitt Home Care Upland, California
6/06 - 8/06	Staff Nurse	Allstar Hospice Arlington, Texas
6/06 - 11/07	Staff Nurse Pediatrics	Nursefinders Ft. Worth, Texas
9/06 - 12/06	Staff Nurse Pediatrics	Epic Medical Staffing Ft. Worth, Texas
1/07 - 5/07	Staff Nurse Pediatrics	Maxium Home Care Ft. Worth, Texas
6/07 - Present	Staff Nurse	Jordan Health Services Arlington, Texas

6. At the time of the initial incident in Findings of Fact Number Seven (7) and Eight (8), Respondent was employed as a Staff Nurse with Nursefinders, Ft. Worth, Texas, and had been in this position for one (1) year and two (2) months.
7. On or about July 11, 2007, through August 15, 2007, while employed as a Staff Nurse with Nursefinders, Ft. Worth, Texas, Respondent accepted assignment of care for Patient AJT, a nine (9) month old ventilator dependent patient who had been diagnosed with Pena Shokeir Syndrome, a terminal genetic disorder (from which almost all patients pass away before

reaching 12 months of age). The most common cause of death in these children is pulmonary complications. However, at the time of the initial incident, Patient AJT was in a stable condition and, according to the patient's parents, had already reached several developmental milestones, such as beginning primary dentition and being able to visually recognize the faces of family members, which doctors had stated he probably wouldn't be able to achieve because of his genetic disorder.

The Board finds that, on or about July 11, 2007, through August 15, 2007, Respondent accepted the assignment of care for Patient AJT without having the skills necessary to safely provide tracheostomy and ventilation care, as follows:

- Respondent was unable to demonstrate how to correctly assemble a three (3) part tracheostomy tube; and
- Respondent left a suction catheter in the patient's trachea while she left the room to summon the patient's parents.

Respondent's conduct was likely to injure Patient AJT from incorrectly performed procedures and care, including the possibility of demise.

8. On or about August 15, 2007, while employed as a Staff Nurse with Nursefinders, Ft. Worth, Texas, the Board finds that the Respondent improperly attempted to change the tracheostomy tube of Patient AJT, without the supervision and assistance of the patient's parents, as instructed and required by the patient's parents. After the tracheostomy tube was changed, the patient suffered reduced oxygenation while the ventilator was in use, which required Respondent to use manual bag ventilation to maintain the patient's oxygen level. The patient's oxygen level continued to fluctuate, so, after approximately thirty (30) minutes, Respondent requested assistance from the patient's parents. At that time, the parents determined that the tracheostomy tube required changing again, and once the tube was removed, it was the parents' observation and opinion that Respondent had created a false tract because the tracheostomy tube had granulation tissue attached to it. During the resuscitation efforts, Respondent failed to recognize that the oxygen was not on when the patient was suffering respiratory distress. The patient's tracheostomy tube was replaced but, because the patient's oxygen level could not be stabilized, the patient was transferred to Cook Children's Hospital, Ft. Worth, Texas, where it was determined that the patient had suffered an extremely lengthy period of compromised circulation and oxygenation. A proper airway had to be surgically re-established at Cook Children's Hospital after several attempts were first made by emergency personnel to establish a sufficient airway, after which time it was noted that Patient AJT's saturations improved and he retained his cardiac rhythm and blood pressure. However, the patient expired two (2) days later when the decision was made to remove Patient AJT from ventilator support. Respondent's conduct may have contributed to the patient's subsequent demise.
9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that she completed an orientation and skills verification course, part of

which involved having a Registered Nurse observe her care of a pediatric patient with a tracheostomy on three (3) different occasions. Respondent denies leaving a suction catheter in the trachea of the patient on or about August 14, 2007. Regarding the August 15, 2007, incident, Respondent states that she does not believe there is any indication that she acted inappropriately. Further, Respondent provided the Board with a report from an emergency physician expert, which states his opinion that the Board lacks sufficient evidence to conclude that Respondent created a false tract or that the false tract likely contributed to Patient AJT's death. Further, the expert explained the trach had been changed with similar respiratory problems as those experienced by the Respondent on more than three occasions, suggesting that Patient AJT had other medical issues.

### 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), (1)(T), &(2)(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 Vocational License Number 200047, heretofore issued to HEIDI MINERVA BRINSON-LASALLE, including revocation of Respondent's license 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 License Number 200047, previously issued to HEIDI MINERVA BRINSON-LASALLE, to practice nursing in Texas is hereby SUSPENDED with the said suspension STAYED and Respondent is hereby placed on PROBATION for two (2) years with the following agreed terms of probation:

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.

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.

(1) 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.

(2) RESPONDENT SHALL deliver the wallet-sized license issued to HEIDI MINERVA BRINSON-LASALLE, to the office of the Texas Board of Nursing within ten (10) days of the date of this Order.

(3) RESPONDENT SHALL, within one (1) year of the suspension being stayed, 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) contact 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>.

(4) RESPONDENT SHALL, within one (1) year of the suspension being stayed, 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>.

(5) RESPONDENT SHALL, within one (1) year of the suspension being stayed, successfully complete a course in nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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>.

(6) RESPONDENT SHALL, within one (1) year of the suspension being stayed, 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 PROBATIONARY PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE A THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS PROBATIONARY PERIOD.**

(7) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the probation conditions on RESPONDENT's license. 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 probation conditions on RESPONDENT's license. 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.

(8) 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.

(9) For the first year of employment as a Licensed Vocational Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse or a Licensed Vocational Nurse. Direct supervision requires another professional or vocational 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.

(10) For the remainder of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse or a Licensed Vocational 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.

(11) 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 or Licensed Vocational 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 and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

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.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 20<sup>th</sup> day of February, 2009.

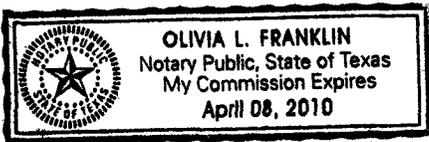
Heidi Brinson-Lasalle  
HEIDI MINERVA BRINSON-LASALLE, Respondent

Sworn to and subscribed before me this 20<sup>th</sup> day of February, 2009.

SEAL

Olivia L. Franklin

Notary Public in and for the State of Texas



Approved as to form and substance.

Lisa M. Wilson  
Lisa M. Wilson, Attorney for Respondent

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 20<sup>th</sup> day of February, 2009, by HEIDI MINERVA BRINSON-LASALLE, License Number 200047, and said Order is final.

Effective this 10th day of March, 2009.



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