



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 693336 §
issued to CINDALEEN BINSWANGER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CINDALEEN BINSWANGER, Registered Nurse License Number 693336, 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on November 23, 2008, 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 representation by counsel, 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 a Baccalaureate Degree in Nursing from Biola College, La Mirada, California, on May 1, 1997. Respondent was licensed to practice professional nursing in the State of California on October 30, 1997, and was licensed to practice professional nursing in the State of Texas on February 6, 2003.
5. Respondent's nursing employment history includes:

10/1997 - 05/2002 Unknown

Respondent's nursing employment history continued:

06/2002 - 01/2003	Staff Nurse	JFK Memorial Hospital Indio, California
01/2003 - 02/2004	Staff Nurse	Abilene Regional Medical Center Abilene, Texas
02/2004 - 04/2004	Charge Nurse	Coronado Nursing Center Abilene, Texas
04/2004 - 06/2006	Travel Nurse	Texas Nurse Connection Abilene, Texas
06/2004 - 03/2006	Staff Nurse	Shannon Medical Center San Angelo, Texas
04/2006 - Present	Unknown	

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse with Shannon Medical Center, San Angelo, Texas, and had been in this position for one (1) year and nine (9) months.
7. On or about March 7, 2006, while employed as a Staff Nurse with Shannon Medical Center, San Angelo, Texas, Respondent failed to document in the medical record of Patient Number 7718597, her assigned patient, as follows:
 - Respondent failed to document any assessments after 0800 hours, and at that time, did not document assessments in the following areas: Lung Sounds, Respirations, Pulses, Heart Tones, Upper and Lower Extremities, and Abdomen;
 - Respondent failed to document vital signs at 0800 hours; and, at noon, failed to document an oxygen saturation level on the Vital Signs Sheet. Although Respondent documented in the Graphic Chart for 0800, 1200, and 1600 hours, her documentation does not reflect specific vital signs as does the Vital Signs Sheet;
 - Respondent failed to document an assessment of the patient's intravenous (IV) site;
 - Respondent failed to document interventions; and
 - Respondent failed to document in the Interdisciplinary Progress Notes, although there are four (4) entries by a nursing student from 0915 hours through 1415 hours.

Respondent's conduct resulted in an incomplete medical record, and was likely to injure the patient in that subsequent care givers would not have complete information on which to base their care decisions.
8. On or about March 7, 2006, while employed as a Staff Nurse with Shannon Medical Center, San Angelo, Texas, Respondent failed to appropriately assess and intervene regarding the declining respiratory status of Patient Number 7716108. The patient was

recovering from a craniotomy performed to remove a hematoma and there had been significant improvement of his mental status; however, the patient had developed pneumonia, and required frequent respiratory assessment and suctioning. At 1115 hours, Respondent notified the physician that the patient's pupils had become unequal, a possible sign of intracranial pressure, and she received no orders. Respondent failed to suction the patient throughout the shift, as ordered, and the patient had a significant decrease in oxygen saturation levels from 98% at noon to 90% at 1600 hours. Additionally, the patient's pulse increased from 98 at 0800 hours, to 121 at 1200 hours, and the patient's respiratory rate increased from 24 to 28. The oncoming nurse arrived at 1900 hours and Respondent reported that Patient Number 7716108 had been started on tube feedings, but when asked if the patient had required frequent suctioning, she replied that he had not and was fine. Ten minutes after Respondent left the floor, the patient was discovered to be in respiratory distress, with an oxygen saturation level of 76%. When asked by the nurse, the family reported that the last suctioning occurred around 1400 hours. It required approximately four (4) hours to stabilize the patient's condition, but the patient continued to experience respiratory compromise, and expired two (2) days later from respiratory arrest. Respondent's conduct was neglectful, and was likely to injure the patient from progression of clinical conditions, including possible demise.

9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that she missed documenting her assessment findings in the medical record of Patient Number 7718597 "given the tremendous pressure of the day," which included assignments of a terminal patient and five other patients who needed close supervision, and she regrets that the documentation "was overlooked." Respondent acknowledges that as the assigned nurse, she should have documented in the patient's medical record, even though a student nurse was providing the documentation, and states, "I must have missed this one." Respondent states that her department manager "had gotten on to her" in the past regarding her documentation. Regarding Patient Number 7716108, Respondent asserts that at no time during her shift was the patient in respiratory distress, a Respiratory Therapist was on hand all day and helped the patient clear secretions, and when the patient coughed, secretions were successfully suctioned by the patient's mother, who was a nursing instructor, and by friends stopping by, who were nurses, using an oral suction device. Respondent also asserts that Respiratory Therapy was with the patient throughout the day and was aware of the decline in the patient's oxygen saturation levels. Respondent states that although she was very aware of the patient's loose cough and abnormal lung sounds, she "saw no reason" to deep suction the patient at any time during the shift. Respondent states that when she discovered the patient "had blown" his left pupil, she notified the physician, who reminded her that the patient had "Do Not Resuscitate" status and the family was ready for his death, so he gave no orders. Respondent further asserts that frequent suctioning can actually cause further cranial bleeding and deep suctioning is avoided in craniotomy patients. Finally, Respondent asserts that after intracranial pressure begins to build, respiratory status can decline very quickly, and she states that she believes that the patient declined during the time she was giving report.

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)(D),(1)(M),(1)(P),(1)(U)&(3)(A) and 217.12(1)(A),(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 693336, heretofore issued to CINDALEEN BINSWANGER, 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 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 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 CINDALEEN BINSWANGER, to the office of the Texas Board of Nursing within ten (10) days from 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) 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 Chemical Dependency, 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. *Information regarding Board-approved courses in Texas Nursing Jurisprudence may be found at the Board's website 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 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>.

(5) 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>.

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 TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS

**OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF
A REGISTERED NURSE (RN) 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 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 stipulations 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.

(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 licence 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 waive representation by counsel. 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 professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 21st day of January, 2009.

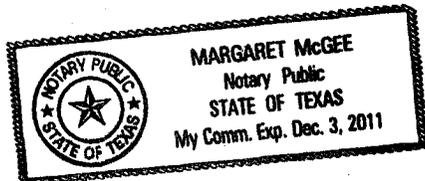
Cindaileen Binswanger
CINDALEEN BINSWANGER, Respondent

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

SEAL

Margaret McGee

Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 21st day of January, 2009, by CINDALEEN BINSWANGER, Registered Nurse License Number 693336, and said Order is final.

Effective this 10th day of March, 2009.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas", written over a horizontal line.

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