

6. On or about October 20, 2007, Respondent failed to comply with the Agreed Order issued to her on October 19, 2006, by the Board of Nurse Examiners for the State of Texas. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Two (2) of the Agreed Order which states, in pertinent part:
 - (2) Respondent shall, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence....
7. On or about October 20, 2007, Respondent failed to comply with the Agreed Order issued to her on October 19, 2006, by the Board of Nurse Examiners for the State of Texas. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Three (3) of the Agreed Order which states, in pertinent part:
 - (3) Respondent shall, within one (1) year of entry of this Order, successfully complete a course in medication administration....
8. On or about October 20, 2007, Respondent failed to comply with the Agreed Order issued to her on October 19, 2006, by the Board of Nurse Examiners for the State of Texas. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Four (4) of the Agreed Order which states, in pertinent part:
 - (4) Respondent shall, within one (1) year of entry of this Order, successfully complete a course in physical assessment....
11. On May 28, 2008, Respondent submitted a statement to the Board expressing her desire to voluntarily surrender the right to practice vocational nursing in the State of Texas. A copy of the May 28, 2008, statement is attached and incorporated, 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 a violation of Section 301.452(b)(1) and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12 (11)(B).
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 ORDERED that the voluntary surrender of Vocational Nurse License Number 188972, heretofore issued to ANITA HERBST GATLIN, to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

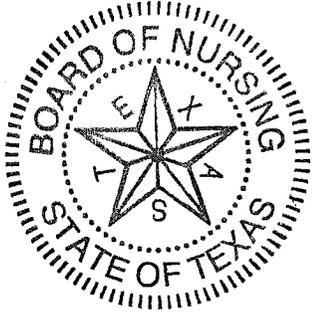
1. RESPONDENT SHALL NOT practice vocational nursing, use the title of "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is in surrendered status.
2. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure and shall not petition for reinstatement until at least one (1) year has elapsed since the effective date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition for reinstatement.

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

Effective this 28th day of January, 2009.



TEXAS BOARD OF NURSING

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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Vocational Nurse § AGREED
License Number 188972 §
issued to ANITA HERBST GATLIN § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of ANITA HERBST GATLIN, Vocational Nurse License Number 188972, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10),(12)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on July 16, 2006, 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 conference, notice and hearing, and agreed 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 Louisiana Technical College, Shreveport, Louisiana, in January 2003. Respondent was licensed to practice vocational nursing in the State of Texas on June 5, 2003.
5. Respondent's vocational nursing employment history includes:

6/03 - 10/03

Unknown

Respondent's vocational nursing employment history continued:

11/03 - 12/04

Staff Nurse

Navarro Regional Hospital
Corsicana, Texas

1/05 - 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 Navarro Regional Hospital, Corsicana, Texas, and had been in this position for ten (10) months.
7. On or about September 20, 2004, while employed with Navarro Regional Hospital, Corsicana, Texas, Respondent failed to provide adequate care for Patient Medical Record Number V000095305 in that she cut a triple lumen subclavian catheter, with scissors, during a dressing change and failed to clamp the catheter or apply pressure to the site. Respondent's conduct was likely to injure the patient due to complications including, but not limited to, hemorrhage and/or infection.
8. On or about October 9, 2004, while employed with Navarro Regional Hospital, Corsicana, Texas, Respondent:
 - Administered oxygen via nasal cannula at 3L/min to Patient Medical Record Number V000000559, without a physician's order. Subsequently, Respondent increased the oxygen rate to 4L/min when the patient's oxygen saturation went from 71% to 87%;
 - Failed to notify the physician of a change in the respiratory status of Patient Medical Record Number V000000559; and
 - Falsely transcribed a telephone order for the oxygen.Respondent's conduct delayed timely medical interventions that were needed to treat the patient's respiratory distress.
9. On or about October 13, 2004, while employed with Navarro Regional Hospital, Corsicana, Texas, Respondent failed to completely assess Patient Medical Record Number V000061712, who was experiencing chest pain, before she applied nitroglycerin ointment without assessing the patient's blood pressure. A significant side effect of nitroglycerin is reduced blood pressure, and when another nurse obtained the blood pressure, it was reduced to 90/59. Respondent's conduct was likely to injure the patient from low blood pressure and from clinical care decisions formulated based upon incomplete assessment information.
10. On or about October 14, 2004, while employed with Navarro Regional Hospital, Corsicana, Texas, Respondent administered Dilaudid 2 mg, intravenous (IV), to Patient Medical Record V000038672, who was ninety-two (92) years old, instead of Morphine Sulfate, as ordered by the physician. The medication error was discovered two and one-half hours after the administration of Dilaudid, when the patient experienced sweating. The physician was

notified of the error and indicated Respondent pressured him to change the order to Dilaudid so the error would not be reported. The patient subsequently experienced a drop in her respiratory rate (to 10 beats per minute) approximately six and one-half hours after the Dilaudid administration. Respondent's conduct was likely to injure the patient from adverse reactions due to administration of a medication without the benefit of a physician's expertise.

11. On or about October 14, 2004, while employed with Navarro Regional Hospital, Corsicana, Texas, Respondent failed to provide adequate care for Patient Medical Record Number V000095653 in that she was witnessed, by the patient's family, applying pressure to an IV site with a soiled washcloth. Respondent's conduct was likely to injure the patient due to possible complications, including but not limited to, infection.
12. On or about November 28, 2004, while employed with Navarro Regional Hospital, Corsicana, Texas, Respondent:
 - Administered 8 tabs of Cardizem 30 mg to Patient Medical Record Number V000064433 after being told by other nursing staff that the dose was not correct. The physician's order was for Cardizem CD 240 mg (an extended-release formulation); however, Respondent administered the rapid-release form of Cardizem;
 - Failed to obtain a complete set of vital signs after the patient complained of her heart racing. The patient was found to have a pulse rate of 40, with a blood pressure of 76/38; and
 - Failed to know the rationale for, and the effects of the Cardizem prior to administering it to the patient.

Respondent's conduct was likely to injure the patient from adverse reactions due to overdose of the rapid-release medication, including but not limited to, hypotension and a low pulse rate.

13. In response to the incidents in Findings of Fact Numbers Seven (7) through Twelve (12), Respondent states that she accepted patient care assignments during a period of time when she was becoming increasingly depressed. Respondent stated that she was hospitalized in the Beaumont Behavior Health Center in February 2005, and was diagnosed with Bi-Polar Depressive Disorder in April 2005.
14. On or about July 6, 2003, Respondent submitted evidence to the Board which indicated that she has been under the psychiatric care of M. Ricardo Schack, MD, since April 2005. According to Dr. Schack, Respondent has been compliant with her appointments and her medications.

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),(12)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(C),(1)(D)&(1)(T)[effective September 28, 2004], 217.12(1)(A),(1)(E)&(4) [effective September 28, 2004] and 239.11(2),(27)(A)&(27)(B) .
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 188972, heretofore issued to ANITA HERBST GATLIN, including revocation of Respondent's license to practice vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a REPRIMAND WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Vocational Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *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 vocational 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 ANITA HERBST GATLIN, to the office of the Board of Nurse Examiners within ten (10) days from the date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence. 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, and documentation of care. 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(3) 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(4) 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A LICENSED VOCATIONAL 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 VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify each present employer in vocational 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 vocational 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.

(6) RESPONDENT SHALL CAUSE each present employer in vocational 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 vocational nurse.

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

(8) For the remainder of the stipulation period, RESPONDENT SHALL be supervised by a Registered Nurse or 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.

(9) 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 vocational 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) months for two (2) years of employment as a vocational nurse.

(10) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT's progress in therapy, rehabilitation and capability to safely practice vocational nursing. The report must indicate whether or not the RESPONDENT's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation or until RESPONDENT is dismissed from therapy.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

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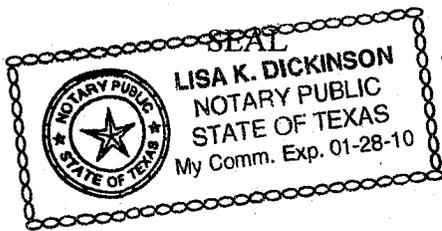
RESPONDENT'S CERTIFICATION

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

Signed this 29th day of August, 2006.

Anita Herbst Gatlin
ANITA HERBST GATLIN, Respondent

Sworn to and subscribed before me this 29 day of August, 2006.



Lisa R. Dickerson

Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 29th day of August, 2006, by ANITA HERBST GATLIN, Vocational Nurse License Number 188972, and said Order is final.

Effective this 19th day of October, 2006.



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

Dear Board of Nurse Examiners and
Carolyn Hudson

I wish to surrender
my license. Anita Herbst Gattlin, RN

Thank-you,
Anita Gattlin