

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS



In the Matter of Registered Nurse § AGREED
License Number 621773 §
issued to ABEGAIL PINEDA LOPEZ § ORDER

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

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of ABEGAIL PINEDA LOPEZ, Registered Nurse License Number 621773, 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 conference, notice and hearing, and agreed to the entry of this Order offered on August 27, 2007, 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 conference, 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 University of Cincinnati, Raymond Walters College, Cincinnati, Ohio, on June 1, 1995; received a Baccalaureate Degree in Nursing from University of the Incarnate Word, San Antonio, Texas, on May 1, 1998; received a Master's Degree in Nursing from University of the Incarnate Word, San Antonio, Texas, on May 1, 2004; and received a Certificate of Completion as a Gerontological Nurse Practitioner from The University of Texas Medical Branch, Galveston, Texas, on August 12, 2005. Respondent was licensed to practice professional nursing in the State of Texas on August 21, 1995; became Board recognized as a Gerontological Nurse Practitioner in the State of Texas on December 21, 2005; and became Board recognized with Prescriptive Authorization as a Gerontological Nurse Practitioner in the State of Texas on January 30, 2006.

5. Respondent's professional nursing employment history includes:

09/1995 to 04/1996	Staff Nurse	Santa Rosa Northwest Hospital San Antonio, Texas
05/1996 to 06/2004	Staff Nurse	Methodist Hospital San Antonio, Texas
10/1998 to 03/2001	Flex-Pool Staff Nurse	Southwest General Hospital San Antonio, Texas
07/2004 to 10/2004	Travel Nurse	Altres Medical Staffing Honolulu, Hawaii
11/2004 to 02/2006	Staff Nurse	Methodist Hospital San Antonio, Texas
09/2005 to 12/2005	Consultant	Versant Technologies Canyon Lake, Texas
02/2006 to Present	Gerontological Nurse Practitioner	Kidney Specialists San Antonio, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse with Methodist Hospital, San Antonio, Texas, and had been in this position a total of eight (8) years and four (4) months.
7. On or about February 3, 2005, while employed as a Staff Nurse with Methodist Healthcare System, San Antonio, Texas, Respondent failed to obtain vital signs and neurological checks every hour, as ordered by the physician, and monitor Medical Record Number W114124643 for changes of condition after the patient underwent a ventriculo-peritoneal shunt revision earlier in the day. Two and a half hours after Respondent completed her shift, the patient was found unresponsive to verbal or painful stimuli and with dilated and sluggish pupils. The patient expired two (2) days later after it was determined that she had suffered brain death. Respondent's conduct may have contributed to the patient's demise later.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that patients receiving ventriculo-peritoneal shunt revisions typically are placed in ICU for post-operative monitoring and that the neurological unit was not geared for hourly monitoring. Respondent states that it is routine to perform assessments and vital signs every four (4) hours, unless the patient's condition warrants otherwise, and states it would have been appropriate to clarify the hourly vital sign and neurological check order with the physician. Respondent states that assessments were done upon admission and at the end of the shift, but unfortunately, there is no record of the last assessment in the nursing notes.

9. The Board finds that as the result of a facility investigation, the facility identified care and observation policy differences for the Medical-Surgical Unit and the Intensive Care Unit, as having contributed to the incident, in that the physician admitted the post-operative neurological patient to the Medical-Surgical Unit using orders that were appropriate and intended for the Intensive Care Unit. As a result, the facility revised their accepted admission criteria for the Medical-Surgical Unit.

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)(M),(1)(N)&(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 621773, heretofore issued to ABEGAIL PINEDA LOPEZ, 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 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 Professional 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 professional 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 ABEGAIL PINEDA LOPEZ, 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 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. *Board-approved courses may be found at the following*

Board website address: <http://www.bne.state.tx.us/about/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.bne.state.tx.us/about/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>.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED 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 ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) 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:

(5) 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.

(6) 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.

(7) For the first six (6) months of employment as a Gerontological Nurse Practitioner under this Order, RESPONDENT SHALL be directly supervised by an Advanced Practice Nurse or Physician approved by the Board. Direct supervision requires another Advanced Practice Nurse or Physician to be working in the same facility as RESPONDENT and be readily available to provide assistance, intervention and supervision for any and all procedures performed by Respondent. RESPONDENT SHALL be required to have co-signatures on any and all prescriptions written by Respondent. RESPONDENT SHALL work only at regularly assigned and predetermined facility. 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 of employment as a Gerontological Nurse Practitioner, RESPONDENT's PRACTICE may continue in accordance with Paragraph Seven (7) above, or alternatively, RESPONDENT SHALL be monitored by an authorized Gerontological Nurse Practitioner or Physician proficient in the area of Gerontological Practice approved by the Board. If alternate supervision by a licensed Gerontological Practice professional is selected, then within ten (10) days of employment after the completion of Stipulation Number Seven (7), Respondent must provide a list of three (3) Advanced Practice Nurses or Physicians for the Board

to select. The list should include the name, APN/MD license number, educational experience and work experience of each proposed Advance Practice Nurse or Physician. Monitoring shall commence no later than thirty (30) days following the date of Respondent's receipt of the name of the monitor selected by the Board. The monitor must identify and document individualized goals and objectives, resources to be utilized, and the methods to be used to determine successful completion of the monitoring period relative to the violations identified in this Order. Respondent shall meet with the monitor at least twice a month, for a minimum of a one (1) hour session. Meetings may be longer and more frequent if the monitor determines necessary. If either improvement of documentation and/or physical assessment skills is a goal or objective of the monitoring, Respondent shall perform assessments on and document assessment findings for live patients. Performing assessments on and documenting findings for mock patients or mannequins will not be accepted. Respondent shall be required to have co-signatures on any and all prescriptions written by Respondent. Multiple employers are prohibited.

(9) While working as a Gerontological Nurse Practitioner, RESPONDENT SHALL ENSURE that the monitor submits reports addressing Respondent's progress toward achievement of the identified monitoring goals and objectives to the office of the Board at the end of each three (3) months for the one (1) year stipulation period.

(10) Should Respondent choose not to utilize her authorization to practice as an Advanced Practice Nurse, for the first six (6) months of employment as a Registered 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.

(11) Should Respondent choose not to utilize her authorization to practice as an Advanced Practice Nurse, 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.

(12) 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) months for one (1) year of employment as a nurse.

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 professional nursing in the State of Texas.

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

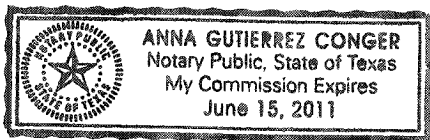
Signed this 8 day of Oct., 2007.

Abeigail P. Lopez
ABEGAIL PINEDA LOPEZ, Respondent

Sworn to and subscribed before me this 8th day of October, 2007.

SEAL

Dr. Gutierrez-Conger
Notary Public in and for the State of Texas



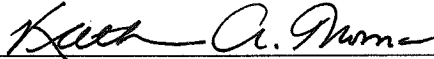
Approved as to form and substance.

Lee Ann T. Jones
Lee Ann T. Jones, Attorney for Respondent

Signed this 11th day of October, 2007

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 8th day of October, 2007, by ABEGAIL PINEDA LOPEZ, Registered Nurse License Number 621773, and said Order is final.

Effective this 13th day of November, 2007.



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