



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.
Patricia A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 705408 §
issued to KRISTY ALEMAN ARNIM § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Bc produced evidence indicating that KRISTY ALEMAN ARNIM, Registered Nurse License Number 705408, hereinafter referred to as Respondent, may have violated Section 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on January 22, 2008, 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 notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Mary Beth Thomas, PhD, RN, Director of Nursing, Executive Director's Designee; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Denise Benbow, MSN, RN, Nurse Consultant; Susan Anderson, RN, Investigator; and J. L. Skylar Caddell, RN,C, Lead 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 representation by counsel, 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 Victoria College, Victoria, Texas, on May 14, 2004. Respondent was licensed to practice professional nursing in the State of Texas on June 10, 2004.

5. Respondent's professional nursing employment history includes:

6/2004 - 8/2005	Staff Nurse	Memorial Medical Center Port Lavaca, Texas
9/2005 - 7/2006	Charge Nurse House Supervisor	SCCI Triumph Hospital Victoria, Texas
8/2006 - 2/2007	Assistant Director of Nursing	Oakcrest Nursing Center Rockport, Texas
3/2007 - 7/2007	Director of Nursing	Port Lavaca Nursing and Rehabilitation Port Lavaca, Texas
8/2007 - Present	Staff Nurse Emergency Room	Christus Spohn - Shoreline Corpus Christi, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse with SCCI Triumph Hospital, Victoria, Texas, and had been in this position for nine (9) months.

7. On or about June 19, 2006, while employed as a Staff Nurse at SCCI Triumph Hospital, Victoria, Texas, Respondent inappropriately left Patient Number 10004426 under the care of a Respiratory Therapist (RT) while Respondent was taking her meal break. After approximately fifteen (15) minutes, the RT left the unit, causing a Certified Nurse's Assistant (CNA) to be responsible for monitoring the patient, without the presence of a licensed nurse, for approximately twenty (20) additional minutes. The patient was in the Medical Observation Unit (MOU), was suffering from a recent myocardial infarction, congestive heart failure, kidney failure, pulmonary edema, fluid volume overload, and sepsis, and was receiving a Dopamine intravenous drip for hypotension. According to Respondent, as she was returning to the MOU she heard the patient's telemetry alarm and also heard the CNA calling her name, which is when she found the patient in respiratory distress but conscious and able to talk. A code was called shortly thereafter when the patient became unresponsive, and the patient was pronounced deceased after an unsuccessful attempt at resuscitation. Respondent's conduct exposed the patient unnecessarily to a risk of harm by leaving her in the care of healthcare personnel who did not have the training, knowledge or the delegated authority to oversee the care of the patient in the absence of a Registered Nurse.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that she did not leave the patient in the care of a CNA, but admits that she left two patients in the care of a RT. According to Respondent, it was normal practice at the facility for a RT to watch patients when a nurse had to go on a meal break and neither the Charge Nurse nor another staff nurse was available. Respondent indicates that the facility discontinued this practice after this incident, and recalls that at 03:20, she left the MOU to take her break and go walking. According to Respondent, when the RT left the unit, she asked the RT if her patient had called for help and the RT stated that the patient had not, but that one of the CNAs had been left in the unit with her two patients. Respondent indicates that when she was walking back to the MOU, she heard the telemetry alarm and heard the CNA calling her name, which is when she found her patient in respiratory distress and when she called for the Charge Nurse to come to the room to assess the patient. Respondent says that the patient was conscious and talking, but then became unresponsive and a code was called. Respondent asserts that she is "a good nurse" and "was in no way neglectful to (her) patient."

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)(10) & (13) Texas Occupations Code, and 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(B),(1)(S) &(3)(B) and 217.12(1)(A),(1)(B),(1)(D)&(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 705408, heretofore issued to KRISTY ALEMAN ARNIM, 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 WARNING 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 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 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 Texas Board of Nursing 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 KRISTY ALEMAN ARNIM, to the office of the Texas Board of Nursing 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.bon.state.tx.us/about/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>.*

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 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:

(4) 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.

(5) 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.

(6) 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.

(7) 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.

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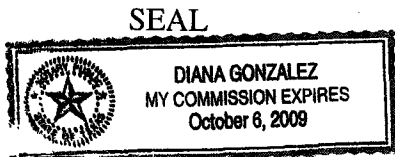
RESPONDENT'S CERTIFICATION

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 20th day of February, 2008.

Kristy Aleman Arnim
KRISTY ALEMEN ARNIM, Respondent

Sworn to and subscribed before me this 20th day of February, 2008.

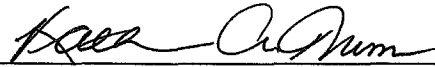


Diana Gonzalez
Notary Public in and for the State of TX.

10-06-09.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 20TH day of February, 2008, by KRISTY ALEMAN ARNIM, Registered Nurse License Number 705408, and said Order is final.

Effective this 18TH day of March, 2008.

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