BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	AGREED
License Number 511153	§	
issued to PATRICIA ANNE DePRIEST	§	ORDER

TEXAS BOARD OF NURSING
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.
Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of PATRICIA ANNE DePRIEST, Registered Nurse License Num 511153, 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 conference, notice and hearing, and agreed to the entry of this Order offered on February 25, 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 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 Three Rivers Community College, Poplar Bluff, Missouri, on May 11, 1978. Respondent was licensed to practice professional nursing in the State of Missouri in October 1978, and was licensed to practice professional nursing in the State of Texas on October 24, 1983.

5. Respondent's professional nursing employment history includes:

10/78 to 1979	RN Barnes Medical Center St. Louis, Missouri
1979 to 1980	RN Pointe Coupee Hospital Pointe Coupee, Louisiana
1980 to 1983	RN Hoag Memorial Hospital Newport Beach, California
1983 to 1987	RN National Medical Enterprises Dallas, Texas
1983 to 1987	RN Kimberly Nurses Dallas, Texas
1987 to 2001	RN, Agency Nurse Angel Touch Nursing Services Dallas, Texas
2001 to 2003	RN Scottish Rite Hospital for Children Dallas, Texas
2002 to 2004	RN Osteopathic Medical Center Fort Worth, Texas
1/05 to 2/20/05	Unknown
2/21/05 to 9/30/05	RN Plaza Medical Center of Fort Worth Fort Worth, Texas
10/26/05 to 12/29/05	RN Maxim Healthcare Services Dallas, Texas
Unknown to Present	RN, Self-employed Nurse Consultant Lewisville, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a RN with Plaza Medical Center of Fort Worth, Fort Worth, Texas, and had been in this position for seven (7) months.

7. On or about September 11, 2005, while employed with Plaza Medical Center of Fort Worth, Fort Worth, Texas, Respondent inappropriately stopped the Lidocaine drip infusion being administered to Patient WF, without a physician's order, as required. Patient WF had been receiving the Lidocaine after having had a cardiac arrest with subsequent Ventricular Tachycardia (V-Tach) heart rhythm the day before, and Lidocaine is a cardiac medication used to stop and/or prevent V-Tach or similar ventricular arrhythemia, which is a rapid and life threatening heart arrhythmia. Two hours later, Respondent documented that all drip infusions had been stopped, including Dopamine that was being administered to treat the patient's low blood pressure. There was no physician's order to stop the Dopamine. Four and one-half hours later, the patient went into V-Tach, which was followed by asystole (no heart rate). The patient was resuscitated and the Lidocaine was restarted. Respondent's conduct may have contributed to the patient suffering asystole, which necessitated emergency resuscitation, and could have resulted in the patient's demise.

8. On or about September 17, 2005, while employed with Plaza Medical Center of Fort Worth, Fort Worth, Texas, Respondent inappropriately stopped the Neosynephrine drip infusion being administered to Patient DW, instead of titrating the rate to keep the patient's systolic blood pressure above 90, as ordered. The patient had a surgical removal of the right lung and was on epidural pain control. Neosynephrine is a medication that may be used to maintain a blood pressure in association with spinal or inhaled anaesthesia. After Respondent stopped the Neosynephrine infusion at 10:15 a.m., the patient's blood pressure fell below 90 systolic, and was as low as 66 systolic, until 12:45 p.m. A normal systolic blood pressure should be over 90 to ensure blood profusion to vital organs. Respondent then administered a Normal Saline (NS) bolus to the patient, without physician's order, in order to increase the patient's blood pressure, followed by a NS infusion. Respondent's conduct was likely to injure the patient from the effects of low blood pressure, including loss of consciousness, decreased organ profusion and/or possible demise.

9. On or about September 17, 2005, while employed with Plaza Medical Center of Fort Worth, Fort Worth, Texas, Respondent falsely documented physician's orders to administer an intravenous bolus of 250 cc NS to the aforementioned Patient DW, and to administer an intravenous infusion of NS at 125 cc/hr, in order to keep the patient's Mean Arterial Pressure (MAP) greater than 65. Shortly after the end of Respondent's shift, the physician arrived and wrote valid orders for the patient to receive intravenous fluids. Respondent's conduct was likely to injure the patient from possibly inappropriate and/or non-efficacious medical treatment administered without the benefit of a physician's expertise.

10. On or about December 29, 2005, while employed with Maxim Healthcare Services, Dallas, Texas, Respondent failed to administer Solumedrol to Patient JR, a 4 ½-year-old patient, over ninety (90) minutes with vital signs every fifteen (15) minutes, as ordered by the physician. Instead, Respondent administered the medication over fifty (50) minutes and took no vital signs during the administration, even though the physician's order included parameters for stopping the infusion based on the blood pressure readings. Solumedrol is a corticosteroid used to treat severe inflammation or to suppress the immune response. In addition, Respondent failed to notify the physician and/or her supervisor that the medication was not administered as ordered. Respondent's conduct was likely to injure the patient from non-efficacious care, from undetected high blood pressure, and from possible circulatory collapse, cardiac arrest and/or demise due to the rapidly infused, large intravenous dose.

11. In response to the incidents in Finding of Facts Number Seven (7), Eight (8) and Nine (9), Respondent admits these technically occurred but states that she had very good reasons for the interventions she performed and that the patients were well cared for and better off due to her interventions. Respondent states that in Intensive Care, nurses manipulate drip infusions to maintain blood pressures and hang NS per protocols without specific orders, and states that although it is important to follow exact physician's orders, it is not always possible. Respondent points out that there were conflicts with nursing and management and that physicians are not always available at private hospitals and frequently are unable to return calls immediately. In response to the incidents in Finding of Fact Number Ten (10), Respondent states that the intravenous line was positional and did infuse faster at the end, and indicates that had the clinician spoken to her before the visit, she could have borrowed a pediatric blood pressure cuff or bought one. When Respondent returned to the office, she was immediately terminated and did not have the opportunity to call the physician.

12. Charges were filed on November 20, 2007.

13. Charges were mailed to Respondent at her address of record, via certified mail, on November 30, 2007.

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)(B),(1)(C),(1)(D), (1)(P)&(3)(A) and 217.12(1)(A),(1)(B),(4)&(6)(A).

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 511153, heretofore issued to PARTICIA ANNE DePRIEST, 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, 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 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 PATRICIA ANNE DePRIEST, 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 <u>not</u> 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/disciplinary action.*

(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 at the following Board website address: http://www.bon.state.tx.us/disciplinary action.*

(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 at the following Board website address: http://www.bon.state.tx.us/disciplinary action.*

(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*.

(6) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars ($250.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

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 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:

(7) 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.

(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) 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 NOT practice as a professional nurse in any critical care area for one (1) year of employment as a professional nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(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 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 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.

BALANCE OF THIS 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 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 14th day of March, 2008.

Patricia Anne DePriest

PATRICIA ANNE DePRIEST, Respondent

Sworn to and subscribed before me this 14th day of March, 2008.

SEAL

Notary Public in and for the State of TEXAS

DANIEL ELLO WHITTLE
My Commission Expires
July 28, 2010

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 14th day of March, 2008, by PATRICIA ANNE DePRIEST, Registered Nurse License Number 511153, and said Order is final.

Effective this 17th day of April, 2008.

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