

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 130140  
ISSUED TO  
JANICE MARIE GASTON

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BEFORE THE ELIGIBILITY  
AND DISCIPLINARY  
COMMITTEE  
OF THE 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.  
*Patricia R. Norman*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: Janice Marie Gaston  
P. O. Box 3858  
Humble, Texas 77347-3858

During open meeting held in Austin, Texas, on May 13, 2008, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 130140, previously issued to Janice Marie Gaston, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 130140, previously issued to Janice Marie Gaston, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice vocational nursing in the State of Texas.

Entered this 13<sup>th</sup> day of May, 2008.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Re: Permanent Certificate Number 130140  
Issued to Janice Marie Gaston  
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 22<sup>nd</sup> day of May, 2008 a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Janice Marie Gaston  
P. O. Box 3858  
Humble, Texas 77347-3858

BY: Katherine A. Thomas  
KATHERINE A. THOMAS, MN, RN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

**In the Matter of Permanent License** § **BEFORE THE TEXAS**  
**Number 130140, Issued to** §  
**JANICE MARIE GASTON, Respondent** § **BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JANICE MARIE GASTON, is a Vocational Nurse holding license number 130140, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

#### **CHARGE I.**

On or about June 27, 2004, while employed with Advantage Nursing Services, Inc., Metairie, Louisiana, and assigned to Cleveland Regional Medical Center (CRMC), Cleveland, Texas, Respondent failed to administer Lovenox (an anticoagulant medication scheduled at 02:00), Diltiazem (an antianginal medication scheduled at 05:00), and Protonix (an antiulcer medication scheduled at 06:00) to Patient Medical Record Number HO2985638, as ordered. Respondent's conduct was likely to injure the patient from non-efficacious treatment of his illness.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(2).

#### **CHARGE II.**

On or about June 27, 2004, while employed with Advantage Nursing Services, Inc., Metairie, Louisiana, and assigned to Cleveland Regional Medical Center (CRMC), Cleveland, Texas, Respondent failed to accurately and/or intelligibly document the status of, and nursing care delivered to, Patient Medical Record Number HO2985638. Respondent documented nonsensical nursing notes on the physicians' order sheet, including "Voiced no tribe and if trans would aduse" and "Heaven with name to be happy." Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers did not have accurate information on which to base their decisions for further care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(3)&(4).

### **CHARGE III.**

On or about June 27, 2004, while employed with Advantage Nursing Services, Inc., Metairie, Louisiana, and assigned to Cleveland Regional Medical Center (CRMC), Cleveland, Texas, Respondent failed to administer Nitroglycerin (an antianginal medication scheduled at 24:00 and 06:00) to Patient Medical Record Number HO2981512, as ordered by the physician. Respondent's conduct was likely to injure the patient from possible increased chest pain and non-efficacious treatment of his disease.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(2).

### **CHARGE IV.**

On or about June 27, 2004, while employed with Advantage Nursing Services, Inc., Metairie, Louisiana, and assigned to Cleveland Regional Medical Center (CRMC), Cleveland, Texas, Respondent failed to perform and/or document two (2) blood sugar tests results (scheduled for 21:00 and 06:00) for Patient Medical Record Number HO2981512 in the medical record. Respondent's conduct was likely to injure the patient in that failure to perform blood sugar tests may have resulted in undetected, and consequently untreated, hyper/hypoglycemia. Additionally, Respondent's conduct resulted in an incomplete medical record, which would be likely to injure the patient in that subsequent care givers did not have accurate information on which to base their decisions for further care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(2),(3),(4)&(27)(A).

### **CHARGE V.**

On or about June 27, 2004, while employed with Advantage Nursing Services, Inc., Metairie, Louisiana, and assigned to Cleveland Regional Medical Center (CRMC), Cleveland, Texas, Respondent failed to administer and/or document administration of Theophylline (a bronchodilator medication scheduled for 21:00 and 05:00) to Patient Medical Record Number HO2981512, as ordered by the physician. Respondent's conduct was likely to injure this patient in that failure to administer Theophylline may have resulted in bronchospasm. Additionally, Respondent's conduct resulted in an incomplete medical record and was likely to injure the patient in that subsequent care givers did not have accurate information on which to base their decisions for further care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(2),(3)&(4).

### **CHARGE VI.**

On or about June 27, 2004, while employed with Advantage Nursing Services, Inc., Metairie, Louisiana, and assigned to Cleveland Regional Medical Center (CRMC), Cleveland, Texas, Respondent failed to accurately and/or intelligibly document the status of Patient Medical Record Number HO2984193 in the medical record, including nursing care delivered and the patient's signs, symptoms, and/or responses to care. Respondent's conduct resulted in an incomplete medical record and was likely to injure the patient in that subsequent care givers did not have accurate information on which to base their decisions for further care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(3)&(4).

### **CHARGE VII.**

On or about July 17, 2004, through July 18, 2004, while employed with Advantage Nursing Services, Inc., Metairie, Louisiana, and assigned to Gulf Coast Medical Center, Wharton, Texas, Respondent lacked fitness to practice safe nursing in that Respondent exhibited impaired behaviors, including but not limited to, slow and sluggish responses, inability to keep her eyes open, inability to concentrate, staring off into space, and being in an extremely sedated state. Further, Respondent was unable to remember how to navigate directionally within the unit and she continually dropped items. Respondent's conduct was likely to injure patients in that her condition may have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(12), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(10)&(27)(B).

### **CHARGE VIII.**

On or about August 9, 2004, while employed with Pulse Medical Staffing, Houston, Texas, and assigned to Memorial Hermann Houston, Houston, Texas, Respondent twice withdrew from the Pyxis Dispensary System Hydrocodone 7.5 mg (Lortab with 500 mg acetaminophen) for Patient Medical Record Number 348760974219, instead of withdrawing Hydrocodone 7.5 mg (Vicodin with 750 mg acetaminophen), as ordered by the physician. Respondent's conduct was in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act) and was likely to injure the patient from possibly non-efficacious treatment of pain.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(2)&(28).

**CHARGE IX.**

On or about August 9, 2004, while employed with Pulse Medical Staffing, Houston, Texas, and assigned to Memorial Hermann Houston, Houston, Texas, Respondent failed to administer medications to patients, as ordered, as follows:

Time	Patient Number	Pyxis Withdrawal	Physician's Order	Documented on Medication Administration Record	Documented in Nurse Notes
00:37	348760974219	(1) Lortab 7.5/500	No	No	No
05:32	348760974219	(1) Demerol 50 mg	Yes	No	No
15:59	375788284218	(1) Demerol 25 mg	Yes	No	No
18:53	341727814217	(1) Demerol 75 mg	Yes	No	No
21:16	348760974219	(1) Lortab 7.5/500	No	No	No
21:17	348760974219	(1) Restoril 15 mg	Yes	No	No

Respondent's conduct was in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act) and was likely to injure patients in that subsequent care givers would rely on her documentation to further medicate patients, which could result in overdoses.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(2),(3),(4)&(28).

**CHARGE X.**

On or about August 10, 2004, while employed with Pulse Medical Staffing, Houston, Texas, and assigned to Memorial Hermann Houston, Houston, Texas, Respondent lacked fitness to safely practice nursing in that she exhibited impaired behaviors, including, but not limited to, writing "Hey, look there's nothing in the sky" on the physician's order sheet, and when asked about it, Respondent replied, she was "dancing on the beach." Respondent's conduct was likely to injure patients in that her condition may have affected her ability to make rational, accurate, and appropriate assessments, judgments, and decisions regarding patient care.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(12), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §239.11(10)&(27)(B).

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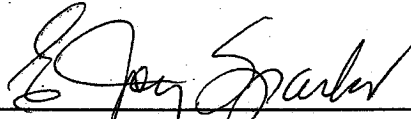
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Lying and Falsification, and for Fraud Theft & Deception, which can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

Filed this 14<sup>th</sup> day of November, 2007.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel

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