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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 527162	§	
issued to DANIELA C. DECELL (WALLACE)	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DANIELA C. DECELL (WALLACE), Registered Nurse License Number 527162, 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 24, 2008, by Katherine A. Thomas, MN, RN, Executive Director.

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 a Baccalaureate Degree in Nursing from Texas Christian University, Fort Worth, Texas, on May 1, 1985. Respondent was licensed to practice professional nursing in the State of Texas on August 28, 1985.

5. Respondent's professional nursing employment history includes:

1985 - 1991	Unknown
1992 - 1994	Intensive Care Area/Cath Lab Manager Plaza Medical Center of Fort Worth Fort Worth, Texas

1994 - 1996	Director Emergency Services/Critical Care Plaza Medical Center of Fort Worth Fort Worth, Texas
1996 - 1/1997	Administrative Director Inpatient Services Plaza Medical Center of Fort Worth Fort Worth, Texas
1997 - 8/1997	Neuroscience Services Line Director Plaza Medical Center of Fort Worth Fort Worth, Texas
9/1997 - 9/2001	Chief Nursing Officer Plaza Medical Center of Fort Worth Fort Worth, Texas
9/2000 - Present	Chief of Operations / Ethics & Compliance Officer Plaza Medical Center of Fort Worth Fort Worth, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as the Chief Operations Officer with Plaza Medical Center of Fort Worth, Fort Worth, Texas, and had been in this position for approximately four (4) years and seven (7) months.

7. On or about April 7, 2005, through May 18, 2005, while employed as the Chief Operations Officer, Plaza Medical Center, Fort Worth, Texas, Respondent failed to ensure that due process requirements were met relating to Safe Harbor Peer Review requests invoked by a staff nurse, assigned to the Emergency Department, on April 7, 2005, and on April 9, 2005. Respondent determined inappropriately, and independently, that this particular staff nurse's request for Safe Harbor Peer Review was invalid. Respondent's conduct deprived this particular staff nurse of the protection afforded a nurse who believes administrative decisions may compromise her duty to patients, which is a violation of 22 TEX. ADMIN. CODE §217.20.

8. In Response to Finding of Fact Number (7), Respondent stated that Registered Nurse License Number 446822 did not follow the chain-of-command when invoking Safe Harbor Peer Review. Additionally, Respondent stated that the requesting staff nurse did not communicate directly to her or the Charge nurse regarding her concerns or needs. Respondent stated that sufficient assistance and resources were deployed to the Emergency Department, thus making any Safe Harbor Peer Review request moot.

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, 22 TEX. ADMIN. CODE §217.11(1)(A), 22 TEX. ADMIN. CODE§217.12(2), and 22 TEX. ADMIN. CODE §217.20.

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 527162, heretofore issued to DANIELA C. DECELL (WALLACE), 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 REMEDIAL EDUCATION, 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 the State of Texas.

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 DANIELA C. DECELL (WALLACE) to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year 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 Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; 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.*

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 waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation 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 when this Order becomes final and the terms of this Order become effective, 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 13TH day of MAY, 2008.

Daniela C. Decell

DANIELA C. DECELL (WALLACE), Respondent

Sworn to and subscribed before me this 13TH day of MAY, 2008.

SEAL

CHRISTINE CUIN
MY COMMISSION EXPIRES
December 7, 2011

Christine Cuin

Notary Public in and for the State of TEXAS

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 16 day of May, 2008, by DANIELA C. DECELL (WALLACE), Registered Nurse License Number 527162, and said Order is final.

Effective this 16th day of May, 2008.

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