

BEFORE 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.
Katherine A. Thomas
 Executive Director of the Board

In the Matter of
 Registered Nurse License Number 609458,
 Multistate License Privilege Related to
 Arizona Registered Nurse License Number RN090059,
 and Multistate License Privilege Related to
 New Mexico Registered Nurse License Number R35746,
 issued to JULIETTA RODRIGUEZ DIAZ,
 a.k.a. JULIETTA DIAZ

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AGREED

ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JULIETTA RODRIGUEZ DIAZ, a.k.a. JULIETTA DIAZ, Registered Nurse License Number 609458, Multistate License Privilege related to Arizona Registered Nurse License Number RN090059, and Multistate License Privilege related to New Mexico Registered Nurse License Number R35746, 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 July 15, 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 's license to practice professional nursing in the State of Texas is currently in "MSR Invalid" status. Respondent's license to practice professional nursing in the Arizona is not currently active. Respondent is currently licensed to practice professional nursing in the State of New Mexico.

4. Respondent received an Associate Degree in Nursing from New Mexico State University, Las Cruces, New Mexico, on May 11, 1992. Respondent was licensed to practice professional nursing in the State of New Mexico on March 26, 1994, was licensed to practice professional nursing in the State of Texas on August 26, 1994, and was licensed to practice professional nursing in the State of Arizona on May 19, 1995.

5. Respondent's nursing employment history includes:

03/1994 - 09/1994	Unknown	
10/1994 - 05/1995	Staff Nurse	Columbia Medical Center El Paso, Texas
05/1995 - 08/1996	Charge Nurse	Tucson Medical Center Tucson, Arizona
09/1996	Unknown	
10/1996 - 02/1997	Charge Nurse	Mt. Shadows Health Care Las Cruces, New Mexico
02/1997 - 06/1997	Home Health Nurse	Alpha Nurses Las Cruces, New Mexico
07/1997 - Unknown	Staff Nurse	Providence Memorial Hospital El Paso, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse with Providence Memorial Hospital, El Paso, Texas, was working on a multistate compact privilege associated with her license to practice professional nursing in the State of New Mexico, and had been in this position for eight (8) years and eight (8) months.

7. On or about March 9, 2006, while employed as a Staff Nurse with Providence Memorial Hospital, El Paso, Texas, Respondent erroneously discharged Patient Number 834991 without an order from the attending physician and without reviewing the "discharge order" in the patient's medical record, as required. The patient had been admitted for treatment of gastrointestinal bleeding and acute anemia, and had diagnoses including Diabetes, End-Stage Renal Disease, Hypertension, and Liver Cirrhosis. The primary physician had requested a consultation with a cardiologist who had written an order on March 9, 2006, stating "Appointment to see me one (1) month after discharge home." Respondent also discharged the patient without prescriptions for home medications and without instructions regarding dialysis treatment. The attending physician requested that the patient return to the hospital, as care had not been completed. The patient was "readmitted" eight hours later, received a dialysis treatment the next day, and was discharged fourteen days after returning to the hospital. Respondent's conduct was likely to harm the patient from progression of clinical complications associated with untreated disease processes.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that a physician gave orders to discharge the patient on a very busy morning; there was no clerk, and Respondent and her colleagues were helping each other enter orders. Respondent asserts that another nurse informed her that the patient had discharge orders, told Respondent that she had already noted the orders, handed Respondent the orders and discharge instructions, which were written in English, and instructed Respondent to rewrite the discharge instructions in Spanish, which she did. According to Respondent, she took the discharge instructions to the patient and assessed him for discharge. Respondent states that the primary physician was very upset that the patient had been discharged without his orders and that within eight hours of discharge the patient was readmitted to the hospital. Respondent concludes that she regrets her actions, that sending the patient home without the orders of the primary physician and without prescriptions "scared her;" moreover, she has learned from this experience and as a result has been "taking extraordinary care with all [her] patients."

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)(P), and 217.12(1)(A),(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Sections 301.452(b) and 304.001, Article 3(c), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 609458, Multistate License Privilege related to Arizona Registered Nurse License Number RN090059, and Multistate License Privilege related to New Mexico Registered Nurse License Number R35746, heretofore issued to JULIETTA RODRIGUEZ DIAZ, a.k.a. JULIETTA DIAZ, including revocation of Respondent's license and privileges 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 REMEDIAL EDUCATION, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Professional

Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privileges, if any, to practice 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, 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. *Information regarding Board-approved courses in Texas*

*Nursing Jurisprudence may be found at the Board's website
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.*

(2) 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/disciplinaryaction/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, 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 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 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 and multistate license privileges to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 15 day of Sept, 2008.

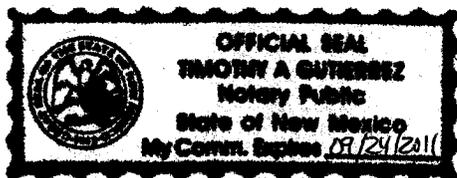
Julietta Rodriguez Diaz
JULIETTA RODRIGUEZ DIAZ, Respondent

Sworn to and subscribed before me this 15TH day of September, 20 08.

SEAL

Timothy A. Gutierrez

Notary Public in and for the State of New Mexico



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 15th day of September, 2008, by JULIETTA RODRIGUEZ DIAZ, a.k.a. JULIETTA DIAZ, Texas Registered Nurse License Number 609458, Arizona Registered Nurse License Number RN090059, and New Mexico Registered Nurse License Number R35746, and said Order is final.

Effective this 22nd day of September, 2008.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas", is written over a horizontal line.

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