

BEFORE THE TEXAS BOARD OF NURSING



In the Matter of Vocational Nurse License Number 165407
issued to JEONG MI YBARRA

§ AGREED
§ ORDER

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 Thomas
Executive Director of the Board

On this day the Texas Board of Nursing, hereinafter referred to as the Bo considered the matter of JEONG MI YBARRA, Vocational Nurse License Number 1654 hereinafter referred to as Respondent.

An informal conference was held on July 11, 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 represented by Kenda Dalrymple, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Victoria Cox North, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Cynthia A. Smith, Supervising Investigator; and Marcia Wilson, RN, 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 notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from South Plains College, Plainview, Texas, on August 19, 1997. Respondent was licensed to practice vocational nursing in the State of Texas on October 16, 1997.
5. Respondent's vocational nursing employment history includes:

10/1997 - 03/1999	Charge Nurse	Prairie House Living Center Plainview, Texas
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Respondent's vocational nursing employment history continued:

04/1999 - 12/1999	Charge Nurse	Integrated Health Services Plainview, Texas
01/2000 - 05/2002	Administrator	Ybarra Trucking Plainview, Texas
06/2002 - 10/2002	Charge Nurse	Prairie House Living Center Plainview, Texas
06/2002 - 05/2004	Travel Nurse	South Plains Health Provider Organization Plainview, Texas
06/2004 - Present	Charge Nurse	Hill Country Rehabilitation and Nursing Center Copperas Cove, Texas

6. At the time of the initial incident, Respondent was employed as a Charge Nurse with Hill Country Rehabilitation and Nursing Center, Copperas Cove, Texas, and had been in this position for two (2) years four (4) months.
7. On or about October 6, 2006, while employed with Hill Country Rehabilitation and Nursing Center, Copperas Cove, Texas, Respondent failed to notify and/or document notification of the physician, as required by facility policy, when Respondent found the blood sugar level for Resident MH to be 488 mg/dL at 5:00 p.m., and reportable to physician. Respondent states she did notify the physician of the blood sugar when he later signed the admission assessment, at 10 p.m. After a series of hypoglycemic and hyperglycemic episodes, the resident was found unresponsive on November 10, 2006, and was transferred to the hospital, where she was diagnosed with anoxic metabolic encephalopathy. The resident remained unresponsive in the hospital and subsequently expired.
8. On or about October 22, 2006, while employed with Hill Country Rehabilitation and Nursing Center, Copperas Cove, Texas, Respondent failed to document her nursing interventions when the aforementioned Resident MH became symptomatic due to critically reduced blood sugar. On November 10, 2006, Resident MH was found to be unresponsive and with a blood sugar level too low for the monitor to record a numerical result. Upon emergent transport to a hospital, it was determined that the resident had suffered anoxic metabolic encephalopathy. The resident remained unresponsive in the hospital and subsequently expired.

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9. On or about October 21, 2006, through October 29, 2006, while employed with Hill Country Rehabilitation and Nursing Center, Copperas Cove, Texas, Respondent failed to administer three (3) glucose tablets or a Glucagon injection to the aforementioned Resident MH, as ordered, after determining that the resident's blood sugar was critically reduced, as follows:

Date	Blood Sugar Reading	Physician's Order	Respondent's Action
10/21/2006	41	Glucose 3 tabs, 1 tab every 15 min. prn B/S <60 Glucagon injection prn for decreased sugar	Gave glucose gel
10/22/2006	55	Glucose 3 tabs, 1 tab every 15 min. prn B/S <60 Glucagon injection prn for decreased sugar	Gave glucose gel and peanut butter and jelly sandwich
10/29/2006	54	Glucose 3 tabs, 1 tab every 15 min. prn B/S <60 Glucagon injection prn for decreased sugar	Gave some cake mate and some graham crackers.

On November 10, 2006, Resident MH was found to be unresponsive and with a blood sugar level too low for the monitor to record a numerical result. Upon emergent transport to a hospital, it was determined that the resident had suffered anoxic metabolic encephalopathy. Resident remained unresponsive in the hospital and subsequently expired.

10. On or about November 5, 2006, and November 9, 2006, while employed with Hill Country Rehabilitation and Nursing Center, Copperas Cove, Texas, Respondent failed to notify and/or document notification of the physician, as required by facility policy, when Respondent twice found the blood sugar level of the aforementioned Resident MH to be elevated at 491 mg/dL and 452 mg/dL. After a series of hypoglycemic and hyperglycemic episodes, the resident was found unresponsive on November 10, 2006, and was transferred to the hospital where she was diagnosed with anoxic metabolic encephalopathy. The resident remained unresponsive in the hospital and subsequently expired.
11. In response to Finding of Facts Numbers Seven (7) through Ten (10), Respondent stated that, although not documented, she did call the physician on October 6, 2006, the date of admission, to report that the Resident had been admitted and give information about her condition. However, Respondent admits that she did not call the physician regarding the high and low blood sugars of Resident MH on other occasions when she was required to do so by facility policy. On October 6, 2006, when Resident MH was admitted, Respondent stated she had no medication to give Resident MH until the pharmacy delivered the medications ordered later that evening.
12. Charges were filed on February 29, 2008.

13. Charges were mailed to Respondent on March 6, 2008.
14. Respondent filed her Answer to the Formal Charges on March 21, 2008.

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)(C),(1)(D), (1)(M),(1)(P)&(2)(A).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 165407, heretofore issued to JEONG MI YBARRA, including revocation of Respondent's license to practice vocational nursing in the State of Texas.
5. Section 301.463(d) of the Act provides that this Agreed Order is a settlement agreement under Rule 408 of the Texas Rules of Evidence for purposes of civil or criminal litigation.

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, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to 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 privilege, if any, to practice vocational 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 JEONG MI YBARRA 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 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/disciplinaryaction/stipscourses.html>*

(3) 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/disciplinaryaction/stipscourses.html>*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall

include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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>

(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>.*

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 vocational nursing in the State of Texas.

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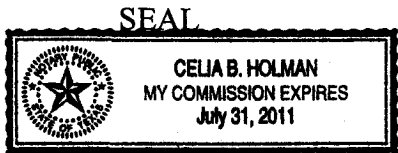
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I 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 to practice vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 4th day of September, 2008.

[Signature]
JEONG MI YBARRA, Respondent

Sworn to and subscribed before me this 4th day of September, 2008.



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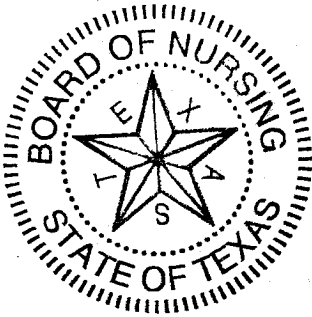
Notary Public in and for the State of Texas

Approved as to form and substance.


[Signature]
Kenda Dalrymple, Attorney for Respondent

Signed this 14th day of October, 2008

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 4th day of September, 2008, by JEONG MI YBARRA, Vocational Nurse License Number 165407, and said Order is final.



Effective this 16th day of October, 2008.


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