



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 P. Roman
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse License Number 442624 § AGREED
issued to ANNAMMA K. NINAN § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that ANNAMMA K. NINAN, Registered Nurse License Number 442624, hereinafter referred to as Respondent, may have violated Section 301.452 (b)(10)&(13), Texas Occupations Code.

An informal conference was held on October 28, 2008, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Denise Benbow, MSN, RN, CMSRN, Nursing Practice Consultant, Executive Director's Designee; John F. Legris, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Bonnie Krznarich, Investigator; Christen Werley, Investigator; J. L. Skylar Caddell, RN, C, Lead Investigator; and Nancy Krause, 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 representation by counsel, notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Diploma in Nursing from Jamshedji Jeejebhoy Group of Hospitals, Bombay, India, on November 28, 1968. Respondent was licensed to practice professional nursing in the State of Texas on March 21, 1978

5. Respondent's nursing employment history includes:

1969-1974	Charge Nurse	Municipal Hospital-Sewri Bombay, India
1974- 1975	Nurse Tech	Teaneck Nursing Home Teaneck, New Jersey
2/1975-2/1978	Nurse Tech/RN	Bayshore Hospital Pasadena, Texas
3/1978-3/1979	Staff Nurse	Bayshore Hospital Pasadena, Texas
4/1979-6/2006	Staff Nurse	St. Joseph's Hospital Houston, Texas
7/2006		Not employed in nursing
8/2006-11/2006	Supervisor, RN	Park Manor Care Missouri City, Texas
12/2006-Present		Not employed in nursing

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with St. Joseph's Hospital, Houston, Texas, and had been in this position for twenty-seven (27) years and one (1) month.

7. On or about May 19, 2006, while employed at St. Joseph's Hospital, Houston, Texas, Respondent failed to timely document her neurological assessment after finding Patient 655153 on the floor an hour before the end of Respondent's shift. Respondent obtained the patient's vital signs, noted that the patient had a bump on her head but was correctly oriented, notified the physician, and informed the oncoming nurse that she had found the patient on the floor and the patient was "fine." About three (3) hours after Respondent's shift ended, the patient complained of having a head ache and a CT scan was ordered, which revealed that the patient had suffered a subdural hematoma. The patient was later transferred to the Intensive Care Unit. When Respondent later returned for her shift that evening, she documented in the medical record that she had performed a Neuro Check before the end of her earlier shift, but failed to document the time of the late entry, as appropriate. The patient subsequently expired the morning of the next day.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that she performed a complete neurological assessment, which she indicates is reflected in her documentation as "vital signs stable, alert and oriented times three," and documented the later neuro checks as a correct assessment of the patient "just after the incident." Respondent indicates that she was the charge nurse and in addition to overseeing the overall management of the floor, she was also assigned the care of multiple patients. This particular incident occurred less than an hour before the end of her shift, and Respondent states that she did notify the physician, who indicated that the patient could proceed with dialysis.

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)(D) and 217.12(1)(B)&(1)(C).
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 442624, heretofore issued to ANNAMMA K. NINAN, including revocation of Respondent's license to practice professional nursing in the State of Texas.
5. Pursuant to Section 301.463, Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, for purposes of civil 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 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 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 ANNAMMA K. NINAN to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order.

(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 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/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>.

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.

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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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this _____ day of 28th Oct, 2008
[Signature]
ANNAMMA K. NINAN, Respondent

Sworn to and subscribed before me this 28th day of October, 2008.


SEAL



Noemi Reyes
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 28th day of October, 2008, by ANNAMMA K. NINAN, Registered Nurse License Number 442624, and said Order is final.

Effective this 3rd day of November, 2008.


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

