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

05/03:E15esp

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
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In the Matter of Multi-State Privilege Associated with Permanent New Mexico License Number R51951, Issued to APRIL DAWN AZEVEDO, Respondent and Texas Permanent License Number 694042 issued to APRIL DAWN AZEVEDO	§ § § § § §	AGREED ORDER

An investigation by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, produced evidence indicating that APRIL DAWN AZEVEDO, hereinafter referred to as RESPONDENT may have violated Section 301.452(b)(10) & (13), Texas Occupations Code. Respondent is a Registered Nurse in the State of New Mexico, a member of the Nurse Licensure Compact, holding license number R51951, which is in Active status, and holds Texas Permanent License Number 694042, which is Multi State Regulation (MSR) Invalid status.

An informal conference was held on June 7, 2006, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Courtney Newton, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Skylar Caddell, RN, Lead Investigator; Kevin Freemyer, Investigator; and Cynthia A. Smith, Supervising 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 holds a home state license to practice professional nursing in the State of New Mexico which is in current status with no encumbrances

4. Respondent received a Baccalaureate in Nursing from New Mexico State University, Las Cruces, New Mexico on December 1, 2002. Respondent became licensed in the State of New Mexico on March 10, 2004.

5. Respondent's professional employment history includes:

2/03 - 3/06	Staff Nurse	Del Sol Medical Center El Paso, Texas
4/06 - present	Staff Nurse	Rehabilitation Hospital of Southern New Mexico Las Cruces, New Mexico

6. At the time of the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent was employed as a Staff Nurse in the Cardiac Intensive Care Unit with Del Sol Medical Center, El Paso, Texas, and had been in this position for three (3) years and one (1) month.

7. On or about March 11, 2006, while working on a multi state compact privilege associated with her license to practice professional nursing in the State of New Mexico, and employed with Del Sol Medical Center, El Paso, Texas, Respondent failed to administer medications in a responsible manner in that she administered 10 mg Norcuron (a paralytic) to non-intubated Patient Number V84592487 for "shivering," despite protests by other staff nurses, and without a valid physician's order. Within seconds of the administration of the Norcuron, Patient Number V84592487 began to experience symptoms of respiratory and cardiac arrest and subsequently expired. Respondent's conduct may have resulted in the patient's death. Respondent denies that the medication was administered for "shivering" and that it was given despite protests from other staff nurses.

8. On or about March 11, 2006, while working on a multi state compact privilege associated with her license to practice professional nursing in the State of New Mexico, and employed with Del Sol Medical Center, El Paso, Texas, Respondent completely re-wrote the original "C.P.R." record for Patient Number V84592487, which contained documentation of resuscitation attempts for Patient Number V84592487. Furthermore, Respondent inaccurately documented the time the code was initiated, falsely documented a physician's order for Norcuron for intubation and then threw the original "C.P.R." record in the "HIPAA bin" to be destroyed. Respondent's conduct resulted in an inaccurate "C.P.R." record which subsequent caregivers would rely to base their on-going medical care. Respondent denies placing the original CPR record in the "HIPPA bin" and asserts that she left both code sheets at the nurses' desk.

9. Charges were filed on April 25, 2006.

10 Charges were mailed to Respondent on April 25, 2006.

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 a violationof Section 301.452(b)(10) & (13) Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(C),(D) & (N) and 22 TEX. ADMIN. CODE §217.12(1)(A)&(C), & (4), (6)(A)&(H), .

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Multi State Compact Privilege associated with Permanent New Mexico License Number R51951 and Texas Permanent License Number 694042, heretofore issued to APRIL DAWN AZEVEDO, including revocation of Respondent's professional license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that Multi State Compact Privilege associated with Permanent New Mexico License Number R51951 and Texas Permanent License Number 694042, previously issued to APRIL DAWN AZEVEDO, to practice professional nursing in Texas is hereby SUSPENDED and

said suspension is enforced until Respondent complies with the following stipulations:

(1) RESPONDENT SHALL successfully complete a course in Texas nursing jurisprudence. 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, and documentation of care. 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(2) RESPONDENT SHALL 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(3) RESPONDENT SHALL 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(4) RESPONDENT SHALL successfully complete a course in pharmacology. 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 course and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. The six (6) hours may not be configured to include homework assignments. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on: all of the major drug classifications and their physiological and therapeutic effects; dosages and administration; precautions; contraindications; and nursing implications. Courses focusing on only one (1) or two (2) groups of drugs, or relating to only one (1) clinical area of practice, 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 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(5) RESPONDENT SHALL successfully complete a course in nursing 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. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify RESPONDENT's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, upon verification of successful completion of the on the conditions outlined in Stipulations Numbers One (1) through Five (5), the Suspension will be stayed, and RESPONDENT will be placed on probation for two (2) years with the following agreed terms of probation:

(6) 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.

(7) RESPONDENT SHALL be issued a multi state compact privilege to practice professional nursing in the State of Texas with the appropriate notation.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING

A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING PROBATION CONDITIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE PROBATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE, WILL NOT APPLY TO THIS PROBATIONARY PERIOD:

(8) RESPONDENT SHALL notify all future employers in professional nursing of this Order of the Board and the probation conditions on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(9) RESPONDENT SHALL CAUSE each present employer in professional nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a professional nurse.

(10) For the first year of employment as a Registered Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as RESPONDENT and readily available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT

SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(11) For the duration of the probation period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising RN is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising RN shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(12) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising Registered Nurse to the office of the Board at the end of each three (3) months for two (2) years of employment as a professional nurse.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's Multi State Compact Privilege or license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

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 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 this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and 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 multi state compact privilege and license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 24 day of Aug, 2006

APRIL DAWN AZEVEDO, Respondent

Sworn to and subscribed before me this 24 day of Aug, 2006.

SEAL

Notary Public in and for the State of NEW MEXICO

Approved as to form and substance.

Courtney Newton, Attorney for Respondent

Signed this 24th day of August, 2006

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 24th day of August, 2006, by APRIL DAWN AZEVEDO, Multi State Compact Privilege and License Number 694042, and said Order is final.

Effective this 12th day of September, 2006.

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