



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 A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Vocational Nurse License Number 310575 §
issued to AMEE ESPERANSA CANCINO § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that AMEE ESPERANSA CANCINO, Vocational Nurse License Number 310575, hereinafter referred to as Respondent, may be subject to discipline pursuant to Sections 301.452(b)(10)&(13) and 301.453, Texas Occupations Code.

An informal conference was conducted on November 7, 2017, in accordance with Section 301.464, Texas Occupations Code. Respondent appeared in person. Respondent was represented by Brian S. Walsh, Attorney at Law.

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(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from South Plains College, Levelland, Texas, on August 15, 2012. Respondent was licensed to practice vocational nursing in the State of Texas on October 16, 2012.
5. Respondent's nursing employment history includes:

10/2012-Present	Licensed Vocational Nurse	Brownfield Regional Medical Center Brownfield, Texas
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09/2015-Present	Licensed Vocational Nurse	Interim Healthcare Lubbock, Texas
2015-Present	Licensed Vocational Nurse	Cochran Memorial Hospital Morton, Texas
03/2016-10/2016	Licensed Vocational Nurse	Epic Pediatric Therapy Lubbock, Texas

6. At the time of the incident, Respondent was employed as a Licensed Vocational Nurse with Epic Pediatric Therapy, Lubbock, Texas, and had been in that position for one (1) month.
7. On or about April 4, 2016, while employed as a Licensed Vocational Nurse with Epic Pediatric Therapy, Lubbock, Texas, and caring for Patient T.W., Respondent failed to perform an emergency equipment check to ensure the presence and functionality of the patient's vagus nerve stimulator (VNS) magnet. The VNS magnet was ordered by the patient's physician to control the patient's seizures. Respondent's conduct was likely to injure the patient from adverse effects of uncontrolled seizures, including loss of consciousness.
8. On or about April 4, 2016, while employed as a Licensed Vocational Nurse with Epic Pediatric Therapy, Lubbock Texas, and caring for Patient T.W., Respondent failed to report to the physician when the patient experienced changes in condition, including: increased and shallow respirations; a firm, distended abdomen; decreased bowel sounds; abnormal lung sounds; and an elevated heart rate. Respondent also failed to report to the physician when she withheld the patient's ordered morning medications. Respondent's conduct deprived the patient of medical interventions needed to treat symptoms of respiratory and gastrointestinal distress.
9. On or about April 4, 2016, while employed as a Licensed Vocational Nurse with Epic Pediatric Therapy, Lubbock, Texas, and caring for Patient T.W., Respondent failed to ensure the timely transport of Patient T.W. to an Emergency Room (ER) or to the patient's physician per the instructions of Respondent's Registered Nurse Supervisor. Subsequently, Patient T.W. went into cardiac and respiratory arrest. Emergency medical services (EMS) were called, and the patient was emergently transported to an acute care facility, where he was pronounced deceased. Respondent's conduct was likely to injure the patient from a delay of the onset of emergency medical services necessary to treat the patient's conditions.
10. In response to the incidents in Findings of Fact Numbers Seven (7) through Nine (9), Respondent states she was informed on the evening of April 3, 2016, by the patient's "on call" nurse that the patient had a vagus nerve stimulator (VNS) magnet, which was kept in his green diaper bag. Respondent states when she arrived to Patient T.W.'s great-grandmother's home on April 4, 2016, Respondent located the green diaper bag, but did not

look for the VNS magnet because she presumed it was in the bag. Respondent states she was not informed by the “on call nurse” nor by any family members living with Patient T.W. that the VNS magnet had been removed from the green diaper bag and placed in a different diaper bag. Respondent states the patient’s passing was not the result of a seizure or “anything related to or deriving from a seizure,” so the location of the VNS magnet was of no consequence to the patient’s ailment(s) that caused his demise. Respondent states her observation of Patient T.W. was that he did not appear to be in any pain or distress. Respondent states she communicated to Epic her assessment of the patient, which included a distended stomach, and testimony from the patient’s grandmother that the patient: was not feeling well over the weekend, had not had a bowel movement since the previous Saturday, and experienced pain while eating. Respondent states Epic’s message to Respondent was that the patient needed to be transported to the ER or to his regular physician. Respondent states she communicated this message to the patient’s family as instructed. Respondent states the patient’s grandmother’s response was to wait until she heard back from the patient’s physician. Respondent states she instructed the patient’s aunt to call 911 while Respondent began CPR immediately. Respondent states none of her actions delayed the onset of emergency medical services and did not contribute to the patient’s demise. Respondent states it is arguable that even the timely response of trained emergency professionals could have saved the patient and it is difficult to attribute causation to “any one actor or set of actors.” Respondent states she did everything in her power to care for and treat Patient T.W..

11. Formal Charges were filed on October 14, 2016.
12. Formal Charges were mailed to Respondent on October 18, 2016.

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(s) of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(D),(1)(M)&(1)(P) and 217.12(1)(A),(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 310575, heretofore issued to AMEE ESPERANSA CANCINO, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement

agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **REPRIMAND WITH STIPULATIONS** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. As a result of this Order, Respondent's license(s) will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to 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.

III. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders," which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which

automatically transmits the verification to the Board.

IV. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) **within one (1) year of the effective date of this Order, unless otherwise specifically indicated:**

- A. **A Board-approved course in Texas nursing jurisprudence and ethics** that shall be a minimum of six (6) 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. Home study courses and video programs will not be approved.
- B. **A Board-approved course in physical assessment** with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include physical assessment of all body systems. The clinical component SHALL include physical assessment of live patients in a clinical setting; 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. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.
- C. **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/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of*

Course Completion forms are available from the Board at www.bon.texas.gov/compliance.

V. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, for a minimum of sixty-four (64) hours per month for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as a nurse have elapsed. Periods of unemployment or of employment that do not require the use of a registered nurse (RN) or a vocational nurse (LVN) license, as appropriate, will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. **Direct Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on 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.

- D. Indirect Supervision:** For the remainder of the stipulation/probation period, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse 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 nurse 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.
- E. Nursing Performance Evaluations:** 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 nursing. These reports shall be completed by the individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for eight (8) quarters [two (2) years] of employment as a nurse.

VI. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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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 violation(s) alleged herein. By my signature on this Order, I agree to the entry of this 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 31 day of December, 2017.

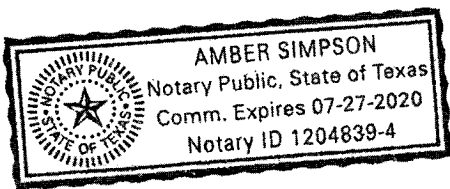
Amee Esperansa Cancino
AMEE ESPERANSA CANCINO, Respondent

Sworn to and subscribed before me this 31st day of December, 2017.

SEAL

Amber Simpson

Notary Public in and for the State of Texas



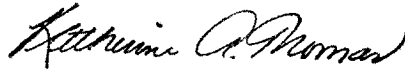
Approved as to form and substance.

Brian S. Walsh
Brian S. Walsh, Attorney for Respondent

Signed this 31st day of December, 2017.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 31st day of December, 2017, by AMEE ESPERANSA CANCINO, Vocational Nurse License Number 310575, and said Order is final.

Effective this 13th day of February, 2018.



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