



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or its of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 584263 §
issued to ELIZA RODRIGUEZ § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ELIZA RODRIGUEZ, Registered Nurse License Number 584263, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on December 18, 2017.

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 professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree in Nursing from Galveston College, Galveston, Texas, on May 1, 1992. Respondent was licensed to practice professional nursing in the State of Texas on August 31, 1992.
5. Respondent's professional nursing employment history includes:

08/92 - 06/97 Unknown

Respondent's professional nursing employment history continued:

07/97 - 09/12	Float RN	UTMB Clinical Staffing Galveston, Texas
12/01 - 07/01	Staff RN	Texas Children's Hospital Houston, Texas
08/01 - 07/05	Staff RN	M.D. Anderson Cancer Center Houston, Texas
07/05 - 10/08	Float RN	M.D. Anderson Cancer Center Houston, Texas
10/08 - 12/11	Staff RN	M.D. Anderson Cancer Center Houston, Texas
10/12 - 07/13	Unknown	
08/13 - 12/13	RN	UTMB TDCJ Galveston, Texas
01/14 - 02/14	Unknown	
03/14 - 06/14	RN	Memorial Hermann Southwest Hospital Houston, Texas
07/14 - 07/14	Unknown	
08/14 - 11/14	RN	Methodist St. John's Hospital Houston, Texas
12/14 - 02/15	RN	Bay Area Regional Hospital Webster, Texas
02/15 - 02/17	RN	Harris Health System - LBJ Hospital Houston, Texas
03/17 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Lyndon B. Johnson Hospital, Houston, Texas, and had been in that position for two (2) years.

7. On or about February 7, 2017, through February 8, 2017, while employed as a Registered Nurse with Lyndon B. Johnson Hospital, Houston, Texas, Respondent inaccurately documented that she administered Xifaxan to Patient Number 035737456 when the medication had not been approved by the Infectious Disease team and the pharmacy had not dispensed the medication. Respondent's conduct was deceptive, created an inaccurate medical record, and was likely to injure the patient in that subsequent care givers would rely on her documentation to further medicate the patients.
8. On or about February 8, 2017, while employed as a Registered Nurse with Lyndon B. Johnson Hospital, Houston, Texas, Respondent may have bypassed the safety mechanisms in the electronic medical record by not scanning Guaifenesin with Codeine and other scheduled 0900 medications, prior to administering them to Patient Number 044390868. Respondent's conduct could have unnecessarily exposed the patient to a risk of harm from inappropriately administered medications and/or incorrectly documented medication administrations. Additionally, Respondent's conduct may have injured the patient in that subsequent care givers would rely on her documentation to further medicate the patients.
9. On or about February 17, 2017, while employed as a Registered Nurse with Lyndon B. Johnson Hospital, Houston, Texas, it was discovered that Respondent may have violated the facility's policy and procedure because Fluconazole, Acyclovir, Senna Plus, Gabapentin, Losartan, Benzonatate, Ciprofloxacin, Acetaminophen, Humulin N and Humulin R from the facility and patients thereof were discovered in her work locker. Respondent's conduct could defraud the facility and patients of the cost of the medications.
10. In response to Findings of Fact Numbers Seven (7) through Nine (9), regarding the Xifaxan, Respondent states she thinks she may have hit the override key by accident. Respondent adds that the medication was obviously not given because it was not present due to not being released by the pharmacy. Regarding the scanning of medications, Respondent states that many times, the electronic charting system would allow her to scan the patient's ID bracelet, but she was unable to scan the scheduled medication due to light printing on the medication or it would not read the bar code. Respondent adds that she was not the only nurse with this problem and asserts she gave the medications. Regarding the medications in her locker, Respondent insists she did not keep medications in her locker, she did not keep her locker locked, and did not use it regularly.

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),(B),(C)&(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(4),(6)(G),(6)(H)&(8).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 584263, heretofore issued to ELIZA RODRIGUEZ, 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 **WARNING 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. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

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 medication administration** 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: a review of proper administration procedures for all standard routes; computation of drug dosages; the six (6) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The clinical component SHALL focus on tasks of medication administration only. 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. **A Board-approved course in nursing documentation** that shall be a minimum of six (6) hours in length. The course's content shall include: 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. Home study courses and video programs will not be approved.
- D. **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 four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) 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. Indirect Supervision:** 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.

- D. 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 four (4) quarters [one (1) year] 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 RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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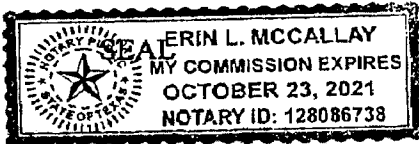
RESPONDENT'S CERTIFICATION

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.

State of Texas
County of Galveston
This instrument was acknowledged before me
on 1st day of December, 2017
by Eliza Rodriguez
Notary Public Signature [Signature]

Signed this 1st day of December, 2017.
[Signature]
ELIZA RODRIGUEZ, Respondent

Sworn to and subscribed before me this 1st day of December, 2017.



[Signature]
Notary Public in and for the State of TX

Approved as to form and substance.

Taralynn R. Mackay
Taralynn R. Mackay, Attorney for Respondent

Signed this 11th day of January, 2018.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 1st day of December, 2017, by ELIZA RODRIGUEZ, Registered Nurse License Number 584263, 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