



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Vocational Nurse License Number 310520 §
issued to VANESSA MARIE GARCIA § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of VANESSA MARIE GARCIA, Vocational Nurse License Number 310520, 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 November 27, 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 vocational nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Vernon College, Wichita Falls, Texas, on August 16, 2012. Respondent was licensed to practice vocational nursing in the State of Texas on October 11, 2012.
5. Respondent's nursing employment history includes:

10/2012 - 9/2013	Licensed Vocational Nurse	Knox Family Wellness Knox City, Texas
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Respondent's nursing employment history continued:

10/2013 - 2/2015	Licensed Vocational Nurse	Stamford Hospital Stamford, Texas
4/2015 - 10/2016	Licensed Vocational Nurse	Brazos Valley Care Home Knox City, Texas
11/2016 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Brazos Valley Care Home, Knox City, Texas, and had been in that position for three (3).
7. On or about August 1, 2015, through November 17, 2016, while employed as a Licensed Vocational Nurse with Brazos Valley Care Home, Knox City, Texas, Respondent failed to ensure that her license to practice vocational nursing was current. Subsequently, Respondent was practicing nursing without a current license. Additionally, on or about November 2015 through October 20, 2016, Respondent accepted patient assigned and provided care to residents without having a current certification in cardiopulmonary resuscitation (CPR). Respondent's conduct was likely to deceive the facility in that they relied on the nursing license while making assignments to Respondent which included patient care.
8. On or about October 20, 2016, while employed as a Licensed Vocational Nurse with Brazos Valley Care Home, Knox City, Texas, Respondent failed to ensure that rounds were conducted, incontinence care was provided, and nursing assessments performed for Patients G.M., J.G., F.F., J.C., R.M., I.S., and A.C. Subsequently, Patients J.G., F.F., J.C., R.M., I.S., and A.C., were found in their beds double-padded with incontinence bed padding and naked, and Patient G.M. was found unresponsive and pulseless. Respondent's conduct was likely to injure the residents in that significant changes in the patients' status may have gone undetected and prevented a timely intervention, as well as exposed the patients to risk of harm, including impaired skin integrity.
9. On or about October 20, 2016, while employed as a Licensed Vocational Nurse with Brazos Valley Care Home, Knox City, Texas, Respondent failed to properly and timely initiate Cardiopulmonary Resuscitation (CPR) for Resident G.M. when the resident was found unresponsive. Additionally, Respondent failed to verify the resident's code status prior to the event, and failed to ensure that the resident was correctly positioned, delaying CPR. Subsequently, the resident's head of bed remained elevated, the back board was not utilized, and CPR was stopped after three (3) minutes. Respondent's conduct was likely to injure the resident in that improper resuscitation and emergency care techniques may result in ineffective lifesaving treatment, possibly resulting in death.

10. In response to the incident in Finding of Fact Number Seven (7), Respondent states she was unaware that her license wasn't current and when her license was due to renew. Respondent states she became aware of this when the Assistant Director of Nursing informed her. Respondent states weeks following, she was informed by mail by the BON that something was missing from the renewal application, and would need to be corrected. Respondent states when the Director of Nursing (DON) requested she cover the shift, and Respondent informed the DON about her license status, and Director of Nursing told Respondent she was able to work, so Respondent assumed her license was current. Respondent states she takes full responsibility because she should have checked herself. In response to the incident in Finding of Fact Number Eight (8), Respondent states Resident G.M. was assessed in a timely manner and using call bell when he needed, and that resident G.M. had no pain or medications when last assisted. Respondent states as a shift nurse, she was never informed that it was necessary to go to every room and check on residents sleeping as that was CNAs duty. Respondent states she verbally asked each CNA every shift if residents were properly dressed for bed and linens are properly fixed on beds. In response to the incident in Finding of Fact Number Nine (9), Respondent states there was a slight delay on initiating CPR due to shock of being informed of resident G.M.'s status. Respondent states her delayed time was brief and not over a minute, and when she initiated CPR, she only stopped when the volunteer emergency help arrived and took over CPR.
11. Formal Charges were filed on October 6, 2017
12. Formal Charges were mailed to Respondent on October 9, 2017.

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)(M)&(1)(R) and 22 TEX. ADMIN. CODE §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 310520, heretofore issued to VANESSA MARIE GARCIA, 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. **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.
- C. **Within sixty (60) days of entry of this Order, a course in Basic Cardiopulmonary Life Support for Healthcare Providers** that shall be, at a minimum, four and one half (4 ½) hours in length. The course's content shall include: Adult, Infant, and Child 1- and 2-Rescuer CPR; Adult, Infant, and Child Foreign Body Airway Obstruction for both responsive and unresponsive victims; and Adult Automated External Defibrillation. Home study courses and video programs will not be approved.

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 waive representation by counsel. 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.

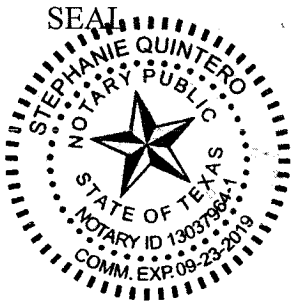
Signed this 28th day of Feb, 2018.

Vanessa Garcia
VANESSA MARIE GARCIA, Respondent

Sworn to and subscribed before me this 28th day of Feb, 2018.

Stephanie Quintero

Notary Public in and for the State of _____



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 28th day of February, 2018, by VANESSA MARIE GARCIA, Vocational Nurse License Number 310520, and said Order is final.

Effective this 19th day of April, 2018.



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