Board of Nurse Examiners For the State of Texas

Location Address: William P. Hobby Building, Ste. 3-460, 333 Guadalupe Street, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 Web: www.bne.state.tx.us

Katherine A. Thomas, MN, RN
Executive Director

October 27, 2004

Dianna Banks
812 Foreman Street
Gainesville, Texas 76240

Dear Ms. Banks:

Our file reflects that all requirements of the Order of the Board entered on September 19, 2003, have been met.

Please return your current wallet-sized license along with a copy of this letter. We will then issue you a license without the stipulated designation.

If you have any questions, please contact me at (512) 305-6827.

Sincerely,

Diane E. Burell
Investigator
Monitoring

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Members of the Board

Joyce Adams, PhD, RN, Houston
Deborah Bell, CLU, ChFC, Abilene
George Buchenan, Jr., BSN, RN, MBA, Amarillo
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Frank Sandoval, Jr., J.D., San Antonio

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
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In the Matter of License Number 593497	§	AGREED
issued to DIANNA JANE BANKS	§	ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of DIANNA JANE BANKS, License Number 593497, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on May 23, 2003, by Katherine A. Thomas, MN, RN, Executive Director.

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, informal conference, notice and hearing, and agreed to the entry of this Order.

3. Respondent is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received an Associate Degree in Nursing from Grayson County College, Denison, Texas, on May 1, 1993. Respondent was licensed to practice professional nursing in the State of Texas on September 22, 1993.

5. Respondent's professional employment history includes:

09/93 to 09/01	Unknown	
10/01 to 2/02	Director of Nursing	Silver Pines Geriatric Center Bastrop, Texas
3/02 to Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Director of Nursing with Silver Pines Geriatric Center, Bastrop, Texas, and had been in this position for four and a half (4 1/2) months.

7. During the period of January 10, 2002 through January 21, 2002, while employed as Director of Nursing with Silver Pines Geriatric Center, Bastrop, Texas, Respondent failed to implement nursing interventions required to stabilize Resident R. J., an Insulin Dependent Diabetic. Resident R.J. had been admitted to Smithville Hospital, Smithville, Texas, on January 7, 2002, with "HI" glucometer blood sugar readings, and was stabilized with an insulin infusion drip. Resident R. J. was re-admitted to Silver Pines Geriatric Center, Bastrop, Texas, on January 10, 2002, and continued to maintain consistently high blood sugar levels for eleven (11) days. Consequently, Resident R. J. went into a diabetic coma and had to be admitted to South Austin Medical Center, Austin, Texas, on January 21, 2002. At the time of admission, the blood sugar reading was 1375mg/dl. Respondent's conduct deprived her of timely medical intervention to stabilize the resident's condition.

8. During the period of January 10, 2002, through January 21, 2002, while employed as Director of Nursing with Silver Pines Geriatric Center, Bastrop, Texas, Respondent failed to adequately report to the physician Resident R. J.'s consistently high blood sugar levels while on a daily insulin treatment regimen. Respondent's conduct deprived the physician and subsequent care givers of essential information required to institute timely medical interventions to stabilize Resident R. J., and was likely to expose her to risk of harm.

9. During the period of January 10, 2002, through January 21, 2002, while employed as Director of Nursing with Silver Pines Geriatric Center, Bastrop, Texas, Respondent failed to supervise the delivery of appropriate nursing care to Resident R. J., a fragile diabetic. Resident R. J. was re-admitted to Silver Pines Geriatric Center, Bastrop, Texas, on January 10, 2002 and maintained consistently high blood sugar levels, ranging from 310mg/dl to "HI". Respondent failed to ensure staff assessed Resident R.J. or instituted appropriate interventions required to stabilize her medical condition, which was likely to expose the resident to unnecessary risk of harm.

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 of Section 301.452(b)(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(2),(4)(11),(18)&(21).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 593497, heretofore issued to DIANNA JANE BANKS, 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 RESPONDENT SHALL receive the sanction of Remedial Education, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, Section §§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.

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-size license issued to DIANNA JANE BANKS to the office of the Board of Nurse Examiners within ten (10) days of the date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing jurisprudence. 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 Registered 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 can be found on the Board's website* www.bne.state.tx.us *(under BNE events).*

(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 Registered 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 which shall be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of physical assessment only. 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 can be found on the Board's website* www.bne.state.tx.us *(under BNE events).*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in long term care nursing. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study and video programs will not be approved. The course shall be a minimum of six (6) hours in length. In order for the course to be approved, the target audience shall include Registered Nurses. The course shall include content on State and Federal regulations pertaining to long term care. 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 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.

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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CONTINUED ON NEXT PAGE.

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 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 15 day of Sept, 2003.

Dianna Jane Banks

DIANNA JANE BANKS, Respondent

Sworn to and subscribed before me this 15 day of September, 2003.

SEAL

CYNTHIA A. WOOD
Notary Public, State of Texas
My Commission Expires
November 30, 2005

Cynthia A. Wood

Notary Public in and for the State of Texas

County of Grayson

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby ratify and adopt the Agreed Order that was signed on the 15th day of September, 20____, by DIANNA JANE BANKS, License Number 593497, and said Order is final.

Effective this 19th day of September, 2003.

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

Board of Nurse Examiners for the State of Texas
P.O. Box 430
Austin, Texas 78767-0430

Board Order Billing Form
(Monitoring)

PLEASE SUBMIT THIS FORM WITH REMITTANCE OF FINE

Name _____
(Please Print) First Middle Last

_____
Maiden Name

_____ _____
RN License Number Social Security Number

I have enclosed a **cashier's check or U.S. Money Order** payable to the Texas Board of Nurse Examiners in the amount of $ _____. (Please initial)

DO NOT WRITE BELOW THIS LINE
****

Amount of Remittance _____ Audit Number _____

Date Received _____ Accepted By _____

BOARD OF NURSE EXAMINERS FOR THE STATE OF TEXAS
BOX 430
AUSTIN, TEXAS 78767-0430
(512) 305-6838

NOTICE

Be advised that the following information relates to the monitoring of your compliance with the enclosed Board Order:

Read your Board Order carefully. **Return your wallet-sized license to this office immediately so that it may receive the appropriate coding.** A new, stipulated license will be mailed to you within 7-10 working days of the Board's receipt of your current license.

All required courses must be completed within one (1) year from the date of the order regardless if your license is in delinquent status or current.

A Notification of Employment form is enclosed for you to give to your employer for submission to this office. This form is only to be used by employers who employ you as a registered nurse in the State of Texas.

1. If you are currently employed as a professional nurse, you are required to cause your current employer to submit the Notification of Employment form to our office within ten (10) days of your receipt of the enclosed Board Order.

2. If you are not currently employed as a registered nurse, you will be required to cause your potential employer to submit the Notification of Employment form to our office within five (5) days of employment as a registered nurse.

3. If you change employers during the term of your Order, you will be required to cause your new employer to submit a new Notification of Employment form to this office within five (5) days of your new employment as a registered nurse.

Once this office receives the completed Notification of Employment form, you will be sent your first set of report forms to be used to document your compliance with the stipulations of your Board Order. You will also be informed of the date on which your first set of reports will be due in the Board's office.

This office works on due dates of either the 15th or the last day of any given month. **All reports will only be accepted if received in this office within two weeks prior to, or two weeks immediately following the due date. Also, please be aware that all reports, except for Support Group attendance, must be submitted directly from the individual completing the report.**

You are responsible for ensuring the appropriate forms are mailed to the Board's office within the correct time frame. You are also responsible for ensuring that the appropriate personnel at your place of employment have been notified of the Order and that you have provided your employer with a copy of the Order.

You will be credited only for reports verifying your compliance with your stipulations during periods of time in which you are employed as a registered nurse.

The effective date of the Order is the date the Order was ratified by the Board. That date may be found on the Executive Director's signature page contained in your Order.

You will be responsible for compliance with the Order of the Board without further notice from our office. **Be aware that any failure to comply with the terms of the Order may result in another investigation and possible further disciplinary action being taken against your license (including possible revocation of your license) due to your non-compliance.** Review the enclosed Board Order carefully and contact Diane E. Burell, Investigator, at (512) 305-6827 if you have questions.