

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

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| In the Matter of Vocational Nurse | § | AGREED |
| License Number 128384 | § | |
| issued to BARBARA LEE CUEVAS | § | ORDER |

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of BARBARA LEE CUEVAS, Vocational Nurse License Number 128384, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on July 11, 2007, 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 vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Trinity Valley Community College, Kaufman, Texas, on January 16, 1990. Respondent was licensed to practice vocational nursing in the State of Texas on May 29, 1990.
5. Respondent's vocational nursing employment history includes:

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| 05/1990 - 12/1990 | Charge Nurse | Green Oaks Nursing Care Center Athens, Texas |
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|-------------------|---------|--|
| 01/1991 - 02/1991 | Unknown | |
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Respondent's vocational nursing employment continued:

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|-------------------|----------------------------------|---|
| 03/1991 - 12/1991 | Director of Nursing | Lakeview Manor San Angelo, Texas |
| 09/1991 - 12/1991 | Patient Care Coordinator | Riverside Manor Nursing Home San Angelo, Texas |
| 01/1992 - 06/1992 | Unknown | |
| 07/1992 - 04/1996 | Staff Nurse | Adult Day Care of San Angelo San Angelo, Texas |
| 04/1996 - 07/1996 | Charge Nurse | West Place Nursing Home Athens, Texas |
| 04/1996 - 08/1998 | Charge Nurse | Park Highland Nursing Home Athens, Texas |
| 08/1998 - 08/2001 | Charge Nurse/ Nurse Manager | South Place Nursing Center Athens, Texas |
| 09/2001 - 03/2005 | Unknown | |
| 04/2005 - 06/2005 | Treatment Nurse/ Charge Nurse | Bethany Place Nursing Home Athens, Texas |
| 07/2005 | Unknown | |
| 08/2005 - 09/2005 | Staff Nurse | Park Highlands Nursing Center Athens, Texas |
| 10/2005 - Present | Unknown | |

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse with Park Highlands Nursing Center, Athens, Texas, and had been in this position for one (1) month.
7. On or about September 24, 2005, while employed as a Staff Nurse with Park Highlands Nursing Center, Athens, Texas, Respondent inappropriately applied a discontinued medication, Silvadene, to Resident DR's wound, when the resident refused the ordered treatment. Additionally, Respondent failed to document in the resident's medical record the resident's refusal of the ordered treatment, and failed to notify the physician. Respondent's conduct resulted in an inaccurate medical record, and was likely to injure the patient in that failure to administer medications as ordered by the physician and failure to notify the physician could have resulted in non-efficacious treatment.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that Resident DR, who was fully alert and oriented, refused the treatment, stating that the new medication caused discomfort. The resident pulled an old container of Silvadene, which appeared discolored, from her bedside table and was about to apply it to her own wound. Rather than have the resident apply the old, discolored medication, Respondent asked the resident if she could apply fresh Silvadene from the treatment cart. The resident agreed, and Respondent completed the dressing change using the Silvadene from the treatment cart. Respondent states that another nurse, who was present during the incident, told her that she would notify the physician via facsimile so that Respondent could finish her morning treatments. Finally, Respondent states she may have failed to document the incident in the patient's medical record because there were several admissions that day.

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 violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(C)&(1)(D) and §217.12(1)(A).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 128384, heretofore issued to BARBARA LEE CUEVAS, including revocation of Respondent's license to practice vocational 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 §§301.001 *et seq.*, the Rules and Regulations Relating to Vocational 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 vocational 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-sized license issued to BARBARA LEE CUEVAS 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 Texas nursing jurisprudence and 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. 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, 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 Chemical Dependency, and Lying and Falsification. 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 at the following Board website address: <http://www.bne.state.tx.us/about/stipscourses.html>.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, 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 at the following Board website address: <http://www.bne.state.tx.us/about/stipscourses.html>.*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, 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 at the following Board website address:*
<http://www.bne.state.tx.us/about/stipscourses.html>

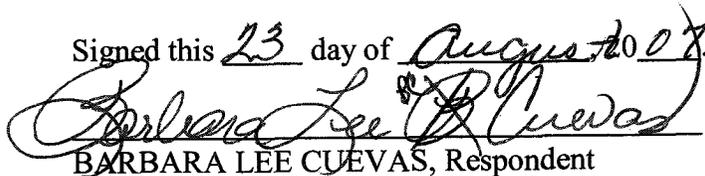
IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice vocational nursing in the State of Texas.

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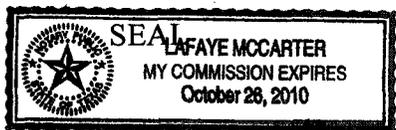
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RESPONDENT'S CERTIFICATION

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 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 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 vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 23 day of August, 2007.

BARBARA LEE CUEVAS, Respondent

Sworn to and subscribed before me this 23 day of August, 2007.




Notary Public in and for the State of Texas

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 23rd day of August, 2007, by BARBARA LEE CUEVAS, Vocational Nurse License Number 128384, and said Order is final.

Effective this 30th day of August, 2007.



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