

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 243745 §
issued to REBECCA JOYCE CECIL § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that REBECCA JOYCE CECIL, hereinafter referred to as Respondent, Registered Nurse License Number 243745, may have violated Section 301.452(b)(10), (12) & (13), Texas Occupations Code.

An informal conference was held on November 9, 2007, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Patricia Driscoll, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Douglas Boone, Investigator; and Cynthia A. Smith, Supervising Investigator.

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 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 a Diploma in Nursing from Methodist Hospital, Lubbock, Texas, on June 1, 1978. Respondent was licensed to practice professional nursing in the State of Texas on September 1, 1978.

5. Respondent's professional nursing employment history includes:

1978 - 1979	Staff Nurse Recovery Room	St. Mary of the Plains Hospital Lubbock, Texas
1979 - 2003	Staff Nurse	Presbyterian Hospital Dallas, Texas
9/2003-10/2003	Staff Nurse	Southwestern Dialysis Center Dallas, Texas
11/2003 - 12/2004	Unknown	
1/2005 - 9/2005	Staff Nurse	Walnut Place Dallas, Texas
10/20/2005 - present	Primary Nurse Long Term Care Team	VITAS Innovative Hospice Care Dallas, Texas

6. At the time of the incidents in Findings of Fact Numbers Seven (7) through Nine (9), Respondent was employed as a Staff Nurse with Presbyterian Hospital, Dallas, Texas, and had been in this position for approximately twenty-four (24) years.
7. On or about January 2, 2003, while employed at Presbyterian Hospital of Dallas, Dallas, Texas, Respondent admitted that she misappropriated Stadol for her own personal use from the facility and the patients thereof. Respondent's conduct defrauded the facility and its patients of the cost of the medication.
8. On or about January 2, 2003, while employed at Presbyterian Hospital of Dallas, Dallas, Texas, Respondent expressed suicidal ideation and admitted she had been diagnosed with Bipolar Disorder. Respondent's condition may have prevented her from delivering safe nursing care.
9. On or about April 13, 2003, while employed at Presbyterian Hospital of Dallas, Dallas, Texas, Respondent administered Phenobarbital 30 mg to Patient MR# 1113551 instead of Lomotil 2.5 mg, as ordered by the physician. Respondent's conduct was likely to injure the patient in that the administration of Phenobarbital without a physician's order placed the patient at risk of suffering from adverse reactions including respiratory depression.
10. At the time of the incidents in Findings of Fact Numbers Eleven (11) and Twelve (12), Respondent was employed as a Staff Nurse with Walnut Place, Dallas, Texas, and had been in this position for eight (8) months.

11. On or about September 14, 2005, while employed as a Staff Nurse with Walnut Place, Dallas, Texas, Respondent failed to institute the appropriate nursing intervention required to stabilize Patient BS who was vomiting coffee ground emesis, had dry heaves, was pale, unresponsive and diaphoretic. Respondent was observed in the patient's room comforting the son instead of attempting to stabilize the patient (who was a full code) or activate the 911 Emergency Management System. Respondent's conduct deprived the patient of timely medical interventions required to stabilize the patient's condition.
12. On or about September 15, 2005, while employed as a Staff Nurse with Walnut Place, Dallas, Texas, Respondent failed to assess and evaluate, or institute the appropriate nursing intervention required to stabilize Patient ND, who was diabetic, and experienced a change in mental status, which included restlessness and irritability. Respondent failed to take the patient's vital signs or check the patient's blood sugar or oxygen saturation levels until the physician requested a blood sugar reading, which indicated a blood sugar level of "49." Respondent's conduct deprived the patient of timely medical interventions required to stabilize the patient's condition.
13. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that she was diagnosed with Bipolar Disorder in 1999 after experiencing a manic episode, sought treatment, was stabilized with medication and continued medical supervision. In 2002, Respondent developed arthritis, developed asthma and sleep apnea and experienced the breakup of a long term relationship which caused Respondent to misappropriate Stadol and express suicidal ideation. In response to Finding of Fact Number Nine (9), Respondent states that the Phenobarbital was erroneously withdrawn from the Pyxis Medication Dispensing System by another nurse and clipped to the patient's chart. Although Respondent does not remember giving the medication, she acknowledges that she probably did. In response to Finding of Fact Number Eleven (11), Respondent states that she assessed the patient, took vital signs and applied oxygen by mask. Respondent denies that there was any indication that the patient was unresponsive, a full code, or vomiting "coffee ground emesis." In response to Finding of Fact Number Twelve (12), Respondent denies knowledge that the patient was diabetic and states that she left the room to get the blood pressure cuff to take the patient's vital signs. Respondent feels that she acted appropriately in caring for both of these patients because she immediately identified a change in the patients' conditions.
14. Since October 20, 2005, Respondent has been employed with VITAS Innovative Hospice Care of Dallas as a Primary Nurse on the Long Term Care Team. Respondent's annual performance appraisal dated December 5, 2006 rates her 3.82 on a 4 point scale.

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), (12) & (13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(M) & (3)(A), 22 TEX. ADMIN. CODE §217.12(3), (12) & (19), and 22 TEX. ADMIN. CODE §217.12(1)(E), as amended September 2004.
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 243745, heretofore issued to REBECCA JOYCE CECIL, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a REPRIMAND WITH STIPULATIONS, 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 Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *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 compact states.

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 REBECCA JOYCE CECIL, to the office of the Texas Board of Nursing within ten (10) days from 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 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 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. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this course. 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 may be found at the following Board website address: <http://www.bne.state.tx.us/about/stipscourses.html>.*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge,

if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(6) For the first year of this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse 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). The 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.

(7) For the remainder of the stipulation/probation period, RESPONDENT SHALL be supervised by a Registered 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.

(8) Should RESPONDENT choose to work for VITAS Innovative Hospice Care (VITAS) as a Primary Nurse on a long term care team, this stipulation shall supercede Stipulations Six (6), Seven (7) and Ten (10). RESPONDENT'S practice of nursing will be monitored for two (2) years by a licensed Registered Nurse proficient in the area of hospice care nursing approved by the Board. RESPONDENT MUST, within ten (10) days of this Order, provide the name and license number of her Registered Nurse Team Manager for the Board to review. Monitoring shall commence no later than thirty (30) days following the date of Respondent's receipt of the name of the monitor selected by the Board. The monitor must identify and document individualized goals and objectives, resources to be utilized, and the methods to be used to determine successful completion of the monitoring period relative to the violations identified in this Order. RESPONDENT SHALL meet with the monitor at least once a month for a minimum of eight (8) hours each session and SHALL include monthly audits of RESPONDENT'S medical records. RESPONDENT SHALL ensure that the monitor submits reports addressing Respondent's progress toward achievement of the identified monitoring goals and objectives to the office of the Board at the end of each three (3) month period for the two (2) year stipulation period. Meetings may be longer and more frequent if the monitor determines necessary. If either improvement of documentation and/or physical assessment skills is a goal or objective of the monitoring, RESPONDENT SHALL perform assessments on and document assessment findings for live patients. Performing assessments on and documenting findings for mock patients or mannequins WILL NOT be accepted. Multiple employers are prohibited. Should RESPONDENT'S

employment as the Primary Nurse on a long term care team with VITAS cease or change, RESPONDENT SHALL COMPLY with all the stipulations of this order and Stipulation Number Eight (8) shall no longer be applicable or have effect.

(9) RESPONDENT SHALL NOT practice as a professional nurse in any critical care area for one (1) year of employment as a professional nurse. Critical care areas include, but are not limited to, intensive care units, emergency rooms, operating rooms, telemetry units, recovery rooms, and labor and delivery units.

(10) 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 Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) months for two (2) years of employment as a nurse.

(11) RESPONDENT SHALL abstain from the consumption of alcohol, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, RESPONDENT SHALL CAUSE the licensed practitioner to submit a written report identifying the medication, dosage and the date the medication was prescribed. The report shall be submitted directly to the office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription. **In the event that prescriptions for controlled substances are required for periods of two (2) weeks or longer, the Board may require and RESPONDENT SHALL submit to an evaluation by a Board approved physician specializing in Pain Management or Psychiatry. The performing evaluator will submit a written report to the Board's office, including results of the evaluation, clinical indications for the prescriptions, and recommendations for on-going**

treatment within thirty (30) days from the Board's request.

(12) RESPONDENT SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride (Ultram), and alcohol. For the first three (3) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the RESPONDENT's place of employment at any time during the stipulation period and require RESPONDENT to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. RESPONDENT SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board. Failure to report for a drug screen may be considered the same as a positive result and may result in further disciplinary action by this Board.

(13) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT's progress in

therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the RESPONDENT's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation period, or until RESPONDENT is dismissed from therapy.

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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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 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 this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and 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 4th day of December, 2007.

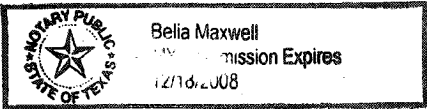
Rebecca Joyce Cecil
REBECCA JOYCE CECIL, Respondent

Sworn to and subscribed before me this 4 day of December, 2007.

SEAL

Belia Maxwell

Notary Public in and for the State of 12-18-08



Approved as to form and substance.

Pat Driscoll
Pat Driscoll, Attorney for Respondent

Signed this 4th day of December 2007

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 4th day of December , 2008 , by REBECCA JOYCE CECIL, Registered Nurse License Number 243745, and said Order is final.

Effective this 17th day of January , 2008 .



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