

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse	§	AGREED
License Number 690365	§	
issued to LORNA REGIS SOMBILLA	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LORNA REGIS SOMBILLA, Registered Nurse License Number 690365, 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 informal conference, notice and hearing, and agreed to the entry of this Order offered on November 18, 2007, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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 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 a Baccalaureate Degree in Nursing from Abu Doctor's College of Nursing, Abu City, Philippines, on March 1, 1990. Respondent was licensed to practice professional nursing in the State of Texas on August 30, 2002.
5. Respondent's professional nursing employment history includes:

3/1990 - 5/1991	Unknown
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Respondent's professional nursing employment history continued:

6/1991 - 4/1994	Staff Nurse	Abu Doctor's Hospital Abu City, Philippines
5/1994 - 4/2002	Unknown	
5/2002 - 7/2002	Charge Nurse	Anaheim Terrace Care Center Anaheim, California
8/2002	Unknown	
9/2002 - 6/2007	Staff Nurse	Spring Branch Medical Center Houston, Texas
7/2007 - Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Spring Branch Medical Center, Houston, Texas, and had been in this position for four (4) years and three (3) months.
7. On or about December 29, 2006, while employed as a Staff Nurse at Spring Branch Medical Center, Houston, Texas, Respondent failed to initiate nursing interventions when the blood pressure of Patient Number 524509 dropped to 42/27 and the patient's respiratory rate was nine (9). The patient was admitted to the hospital for an infection in the left leg and required a central line placement for administration of antibiotics. The physician administered general anesthesia for the procedure and left the patient in the care of the Respondent. Respondent relied on monitor alarms, which malfunctioned, to notify her of any problems with the patient. Subsequently, the patient became hypotensive, unresponsive, and suffered respiratory failure. Although Respondent summoned the physician, she did not intervene to support the patient's respiratory or cardiovascular status for three (3) minutes. The patient required intubation with ventilator support and was transferred to the Intensive Care Unit, where she exhibited signs of severe neurological damage. The patient was later discharged to inpatient hospice care on January 15, 2007, and expired seven (7) days later. Respondent's conduct was likely to injure the patient from adverse complications due to anoxia, including brain damage and/or demise.
8. On or about December 29, 2006, while employed as a Staff Nurse at Spring Branch Medical Center, Houston, Texas, Respondent falsely documented vital signs in the medical record of the aforementioned Patient Number 524509 after the patient's procedure. Respondent's conduct was deceptive, resulted in an inaccurate medical record, and was likely to injure the patient in that it deprived subsequent caregivers of vital information on which to base decisions for further nursing care and interventions.

9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that there were several mitigating factors that led to the incident, including that there was no procedure in place for Post Anesthesia Care Unit (PACU) nurses to know what anesthesia was going to be used prior to a procedure beginning. As a result, Respondent indicates that she was not aware that the anesthesiologist was going to administer general anesthesia, instead of conscious sedation, as she expected. Respondent believes that the patient's diagnoses, which included end-stage renal disease and Human Immunodeficiency Virus infection, made the anesthesia more potent. According to Respondent, Propofol is seldom used in the PACU, and the nurses were not accustomed to caring for patients who received it. Respondent states that she was unaware that the anesthesiologist had compromised the patient's respiration, and that when she discovered that her patient was declining, she told another nurse to get the anesthesiologist immediately while she attempted to stimulate the patient. Regarding the documentation, Respondent indicates that she was devastated after the event and that she sought assistance from a more experienced nurse, who scared her and advised her to document incorrectly once they realized that the anesthesiologist had misrepresented the amount of medication that he had given to the patient. Respondent states that one week later, she informed hospital personnel that she had documented inappropriately. Respondent asserts that there were systems errors that she believes led to the situation, including that the PACU was not staffed appropriately according to the facility's newly implemented Staffing Policy and Procedure. Respondent concludes by stating that she was initially scared and intimidated, but that once she was able to think clearly, she reported her actions and she has consistently taken responsibility for them.

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)(B),(1)(D), (1)(M)&(3)(A) and 217.12(1)(A),(1)(B),(1)(C),(4)&(6)(A).
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 690365, heretofore issued to LORNA REGIS SOMBILLA, 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 §211.01 *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 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 Texas Board of Nursing 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 LORNA REGIS SOMBILLA, 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.bon.state.tx.us/about/stipscourses.html>.*

(3) 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.bon.state.tx.us/about/stipscourses.html>.*

(4) RESPONDENT SHALL, within sixty (60) days of entry of this Order, successfully complete a course in Advanced Cardiac Life Support (ACLS) for Healthcare Providers. In order to receive credit for completion of this course, RESPONDENT SHALL obtain the Verification of Course Completion form from the Board's website, <ftp://www.bne.state.tx.us/il7.pdf>, and SHALL SUBMIT the Verification of Course Completion form to the Board's office, to the attention of Monitoring, after having the form completed and signed by the course instructor. RESPONDENT SHALL also submit a front and back copy of the course completion card along with the Verification of Course Completion form. 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.

(5) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A 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:

(6) 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.

(7) 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.

(8) For the first year of employment as a Registered Nurse under 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.

(9) For the remainder of the stipulation 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.

(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.

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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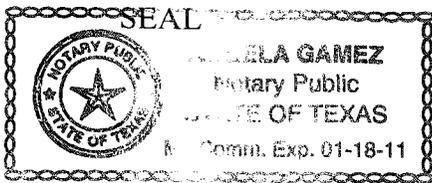
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RESPONDENT'S CERTIFICATION

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 24 day of Dec, 2007.
Lorna
LORNA REGIS SOMBILLA, Respondent

Sworn to and subscribed before me this 24 day of Dec, 2007.



Lela Gamez
Notary Public in and for the State of Texas

Approved as to form and substance.

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

Signed this 18th day of December 2007.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 24th day of December, 2007, by LORNA REGIS SOMBILLA, Registered Nurse License Number 690365, and said Order is final.

Effective this 12th day of February, 2008.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas", is written over a horizontal line.

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