

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Vocational Nurse § AGREED
License Number 48331 §
issued to MARY INEZ DANIEL § ORDER

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, accepted the voluntary surrender of Vocational Nurse License Number 48331, issued to MARY INEZ DANIEL, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal conference and hearing, and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to 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, 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 Greenbelt School of Vocational Nursing, Crowell, Texas on February 1, 1971. Respondent was licensed to practice vocational nursing in the State of Texas in March 27, 1971.
5. Respondent's complete nursing employment history is unknown.
6. At the time of the initial incident, Respondent was employed as a Charge Nurse with Gibson Care Center, Aspermont, Texas.

7. On or about February 1, 2008 while employed as a Charge Nurse with the Gibson Care Center, Aspermont, Texas, Respondent failed to assess and intervene, including failing to notify the physician of the change in condition of Patient RP, who was experiencing decreased oxygen saturation, labored respirations, and decreased level of consciousness at the beginning of the shift. Approximately three (3) hours later, when the Assistant Director of Nurses (ADON) arrived and was made aware of the situation by several concerned staff members, Patient RP was transferred to the hospital and died within twenty-four hours of admission. Respondent's conduct delayed the patient's treatment and may have contributed to the patient's subsequent demise.
8. In response to the incident Finding of Fact Number Seven Respondent states that at 06:30, the beginning of the shift, another nurse checked the patients and did not report any abnormal conditions to her. Respondent was unaware that Patient RP was that ill until 08:00am when an aide told her she needed to go check on the patient. After checking on the patient, Respondent called the physician and was on the phone with him when the ADON arrived. After speaking with the physician Respondent called the ambulance and transferred the patient to the hospital, as ordered.
9. Respondent, by her signature to this Order, expresses her desire to voluntarily surrender her license to practice nursing in the State of Texas.

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 a violations of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B),(M) & (2) (A), and 22 TEX. ADMIN. CODE §217.12(1)(A), (1)(B) & (4).
4. The evidence received is sufficient cause pursuant to Section 301.453(a), Texas Occupations Code, to take disciplinary action against Vocational License Number 48331, heretofore issued to MARY INEZ DANIEL, including revocation of Respondent's license to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the VOLUNTARY SURRENDER of Vocational License Number 48331, heretofore issued to MARY INEZ DANIEL, to practice nursing in the State of Texas, is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-sized license, heretofore issued to Mary Inez Daniel, to the office of the Texas Board of Nursing.
2. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate privilege, if any, to practice nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

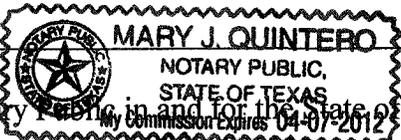
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 16 day of July, 2008.

Mary J. Daniel
MARY INEZ DANIEL, Respondent

Sworn to and subscribed before me this 16 day of July, 2008.

SEAL

 Mary J. Quintero
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Texas Board of Nursing does hereby accept the voluntary surrender of Vocational Nurse License Number 48331, previously issued to MARY INEZ DANIEL.

Effective this 28th day of July, 2008.



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