

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse	§	AGREED
License Number 712003	§	
issued to ELIODORO MENDOZA RIMANDO	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ELIODORO MENDOZA RIMANDO, Registered Nurse License Number 712003, 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 April 27, 2008, 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 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 a Baccalaureate Degree in Nursing from Dr. Carlos Lanting College, Quezon City, Republic of the Philippines, on October 1, 1994. Respondent was licensed to practice professional nursing in the Republic of the Philippines on February 13, 1995, was licensed to practice professional nursing in the State of Connecticut on March 3, 2003, was licensed to practice professional nursing in the State of Washington on September 30, 2003, and was licensed to practice professional nursing in the State of Texas on December 29, 2004.

5. Respondent's professional nursing employment history includes:

02/1995 - 11/2005	Staff Nurse	Cavaneyro Medical Center Quezon City, Republic of the Philippines
11/2005 - 12/2006	Staff Nurse	Central State Hospital Petersburg, Virginia
12/2006 - Unknown	Staff Nurse	Greensville Correctional Center Jarratt, Virginia
03/2007 - 07/2007	Staff Nurse	Southside Virginia Training Center Petersburg, Virginia
08/2007 - 10/2007	Unknown	
11/2007 - Present	Staff Nurse	Solara Hospital McAllen, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse with Southside Virginia Training Center, Petersburg, Virginia, working on a multistate compact privilege associated with his license to practice professional nursing in the State of Texas, and had been in this position for two (2) months.

7. On or about May 29, 2007, while employed as a Staff Nurse with Southside Virginia Training Center, Petersburg, Virginia, Respondent failed to intervene in the care of Client Number 3060, a mentally retarded adult who had sustained a laceration to his penis. Although Respondent was the first licensed staff member on the scene, had completed orientation and was working his regularly scheduled shift, he instructed a direct care staff person to notify a Licensed Practical Nurse (LPN), who was in another building, stating that he was still in orientation. When the LPN arrived, she found that the client was still bleeding, there was a large amount of blood covering the client's arms, face, body and the floor, and the client was rocking back and forth and grimacing as if in pain. Respondent had not initiated any interventions and was reported to be "standing there looking shocked." Rather than assist the LPN, Respondent just watched as the LPN administered first aid, and after the bleeding was stopped, Respondent left, stating that he had to administer a medication to another client. Although both the LPN and Respondent documented entries in the Interdisciplinary Notes for that time, Respondent failed to perform and/or document a follow-up assessment of the client's wound after treatment by the LPN. There were no further entries until the physician documented an entry nearly six (6) hours later. Respondent's conduct unnecessarily delayed nursing interventions and was likely to injure the client from complications associated with hemorrhage and from possible undetected complications associated with his wound and altered emotional status.

8. On or about May 29, 2007, while employed as a Staff Nurse with Southside Virginia Training Center, Petersburg, Virginia, Respondent failed to appropriately document in the medical record of the aforementioned Client Number 3060 that the nursing interventions provided in the care of the client's lacerated penis were performed by a LPN. Instead, Respondent documented the interventions as if he had performed them himself. Respondent's conduct was misleading, resulted in an inaccurate medical record, and was likely to injure the client in that subsequent care givers would not have accurate information on which to base their decisions regarding further care.
9. On or about June 30, 2007, while employed as a Staff Nurse with Southside Virginia Training Center, Petersburg, Virginia, Respondent failed to respond immediately and directly, and assess and intervene appropriately, when during end-of-shift report he was informed that Client Number 209379, who had a history of frequent episodes of aspiration pneumonia, had a fever and was experiencing respiratory difficulty. Because Respondent failed to respond, another Staff Nurse assessed the client and directed Respondent to administer Tylenol for fever and to administer an Albuterol nebulizer breathing treatment for the client's respiratory distress while the Staff Nurse prepared the client for transport to an acute care facility. Respondent failed to administer the medications as directed. Upon admission to the acute care facility, it was determined that the client had aspiration pneumonia. Respondent's conduct was likely to injure the client from non-efficacious care and unnecessarily delayed interventions which would have helped stabilize the client and/or prevent complications.
10. In response to the incidents in Findings of Fact Numbers Seven (7) through Nine (9), Respondent states that he was still under orientation and was familiarizing himself with the facility environment, his duties, and the patients, and that when he was told by direct care staff that help was needed, it was his judgement that he needed his preceptor to be there with him, even though he figured that no one was supervising him and he was counted as staff. According to Respondent, when he noticed the LPN was busy, he went to the client's room, saw that the client had a laceration of the penis, tried to obtain supplies from the medication room, and was still trying to find supplies when the LPN arrived. The LPN obtained the needed supplies and attended to the client's wound while Respondent observed so that he "would know what to do next time." Respondent states as far as he could remember, he did perform a follow-up assessment, which he documented. Respondent asserts that "somebody or his preceptor" should have checked that his documentation "was right and make necessary corrections" during this orientation period. Regarding Client Number 209379, Respondent states that he was not aware and was not informed that the patient was having respiratory difficulty. Respondent states that Tylenol had already been administered for fever by a Staff LPN and he did not administer the Albuterol because he could not find the Albuterol and liquid Tylenol in the patient's medication bin, so he looked in the medication bins of the other patients and was about to go to the cottage to look for the medications when the ambulance arrived, so he gave them report and they left.
11. Charges were filed on November 6, 2007.
12. Charges were mailed to Respondent on November 8, 2007.

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)(C), (1)(D),(1)(M),(3)(A)&(3)(B) and 217.12(1)(A),(1)(B),(1)(D),(4)&(6)(A).
4. The evidence received is sufficient cause pursuant to Sections 301.452(b) and 304.001, Article 5, Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 712003, heretofore issued to ELIODORO MENDOZA RIMANDO, 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 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 ELIODORO MENDOZA RIMANDO, 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. *Information regarding Board-approved courses in Texas Nursing Jurisprudence may be found at the Board's website www.bon.state.tx.us (on the Disciplinary Action page and on the page "About the Board"/"BON Meetings and Events).*

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

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

(5) 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>

(6) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address:*

<http://www.learningext.com/products/generalce/critical/ctabout.asp>

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:

(7) 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.

(8) 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.

(9) 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.

(10) 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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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 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 August, 2008.

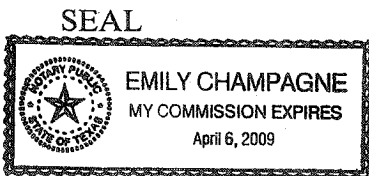
Eliodoro M. Rimando

ELIODORO MENDOZA RIMANDO, Respondent

Sworn to and subscribed before me this 4th day of August, 2008.


Emily Champagne

Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 4th day of August, 2008, by ELIODORO MENDOZA RIMANDO, Registered Nurse License Number 712003, and said Order is final.

Effective this 11th day of August, 2008.



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

