

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse License Number 658255 § AGREED
and Vocational Nurse License Number 60181 §
issued to SUSANNA RODRIGUEZ § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SUSANNA RODRIGUEZ, Registered Nurse License Number 658255 and Vocational Nurse License Number 60181, 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 8, 2008, 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 professional nursing in the State of Texas. Respondent's license to practice vocational nursing in the State of Texas is currently in "delinquent" status.
4. Respondent received a Certificate in Vocational Nursing from School of Vocational Nursing San Antonio Independent School District, San Antonio, Texas, on February 4, 1974, and received an Associate Degree in Nursing from San Antonio College, San Antonio, Texas, on December 1, 1998. Respondent was licensed to practice vocational in the state of Texas on March 21, 1974, and was licensed to practice professional nursing in the State of Texas on February 18, 1999.
5. Respondent's nursing employment history includes:

03/1974 - 02/1992 Office LVN Dr. Thomas Herbert
San Antonio, Texas

Respondent's nursing employment history continued:

1983 - 1985	Staff LVN	Southwest Care Center San Antonio
1989 - 1991	Staff LVN	Southwest Care Center San Antonio
1992 - 05/1999	Staff LVN	Wilford Hall Medical Center San Antonio, Texas
05/1999 - 05/2006	Charge RN	Air Force Village San Antonio, Texas
06/2006 - Present	Unknown	

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Charge Nurse with Air Force Village, San Antonio, Texas, and had been in this position for six (6) years and eleven (11) months.
7. On or about April 12, 2006, while employed as a Charge Nurse with Air Force Village, San Antonio, Texas, Respondent inappropriately obtained Phenergan from a patient and administered the medication, without a physician's order, to a Staff LVN. When the LVN told Respondent that she was very nauseated, had finished her duties, and needed to go home, Respondent told her that she "shouldn't go home." The LVN repeated her request after she had vomited twice, so Respondent took a Phenergan tablet from the medication cart and handed it to the LVN. The LVN voiced her reluctance to take the Phenergan because it could make her sleepy, so Respondent instructed her to take one half of the pill and the LVN followed Respondent's instructions. The LVN became very sleepy, told Respondent she could no longer safely perform her duties, and left the facility to go home. Respondent's conduct was likely to injure the co-worker from adverse reactions due to a medication administered without the benefit of a physician's order and was likely to defraud the facility and patient of the cost of the medication.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that the new Director of Nurses (DON) discussed her concerns with staff several times regarding employee attendance, and instructed the nurses to "give the employee something" if the employee had complaints of "diarrhea, nausea, vomiting, headache, fever, etc." According to Respondent, while she and the LVN were working the 11-7 shift, the LVN stated that she felt nauseated and was trying not to "throw up," so with the DON's instructions "fresh in mind," Respondent told the LVN "maybe she should take some Phenergan." Respondent states that when the LVN told her Phenergan would make her sleepy, Respondent suggested that she take half a tablet, then Respondent got a Phenergan tablet from a patient's medication drawer and gave it to the LVN.

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) and 217.12(1)(A),(1)(B)&(6)(G).
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 658255 and Vocational Nurse License Number 60181, heretofore issued to SUSANNA RODRIGUEZ, including revocation of Respondent's licenses to practice 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, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to 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 privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's licenses are 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 licenses issued to SUSANNA RODRIGUEZ to the office of the Texas Board of Nursing 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. *Information regarding Board-approved courses in Texas Nursing Jurisprudence may be found at the Board's website <http://www.bon.state.tx.us/disciplinaryaction/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.bon.state.tx.us/disciplinaryaction/stipscourses.html>

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

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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 4th day of September, 2008.

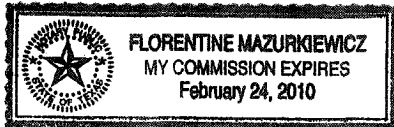
Susanna Rodriguez
SUSANNA RODRIGUEZ, Respondent

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

Florentine Mazurkiewicz


Notary Public in and for the State of Texas

SEAL



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 4th day of September, 2008, by SUSANNA RODRIGUEZ, Registered Nurse License Number 658255 and Vocational Nurse License Number 60181, and said Order is final.

Effective this 9th day of September, 2008.



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