



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 548414 and §
Vocational Nurse License Number 97062 §
issued to CHARLOTTE ANN MONTALVO § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CHARLOTTE ANN MONTALVO, Registered Nurse License Number 548414 and Vocational Nurse License Number 97062, 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 September 3, 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 in delinquent status.
4. Respondent received a Certificate in Practical Nursing from Centralia Community College, Centralia, Washington, on July 10, 1981; and received an Associate Degree in Nursing from Paris Junior College, Paris, Texas, on May 1, 1987. Respondent was licensed to practice vocational nursing in the State of Texas on December 2, 1982; and was licensed to practice professional nursing in the State of Texas on September 1, 1988.

5. Respondent's nursing employment history includes:

1982 - 1998	Unknown	
1999 - 2000	Case Manager	Health Care Unlimited, Inc. McAllen, Texas
2000 - 2003	Assistant Director of Nursing	Villa Visiting Nurses Mt. Pleasant, Texas
2003 - 2006	Case Manager	Outreach Health Services Mt. Pleasant, Texas
2006	Administrator	Outreach Health Services Mt. Pleasant, Texas
01/07 - 02/07	Case Manager	Life Care Health Services Longview, Texas
03/07 - Present	Unknown	

6. At the time of the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent was employed as a Case Manager with Life Care Health Services, Longview, Texas, and had been in this position for less than one (1) month.
7. On or about January 29, 2007, while employed as a Case Manager with Life Care Health Services, Longview, Texas, Respondent failed to accurately and completely assess a left hip decubitus for Client PBN - 00125 and also failed to perform wound care on the decubitus, as ordered. Two (2) days later, the client was hospitalized because of generalized weakness and rectal bleeding, but was also found to have a wound abscess of the left hip requiring incision, drainage and intravenous (IV) antibiotics. A week later, the client was discharged to a rehabilitation hospital for continued wound care and rehabilitation but ultimately expired after eight (8) days in the rehabilitation hospital. Respondent's conduct was likely to injure the client from clinical care decisions formulated based on incomplete assessment information and may have contributed to the client's subsequent demise.
8. On or about January 29, 2007, while employed as a Case Manager with Life Care Health Services, Longview, Texas, Respondent failed to notify the physician that the wound of aforementioned Client PBN-00125 was infected. Respondent's conduct delayed medical interventions and may have contributed to the client's subsequent demise.
9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent admits that she did not perform the wound care to the patient's hip, as ordered, but explains that prior to her arrival, the patient had been incontinent of stool and the

dressing had become soiled. The patient's care giver, who is a Licensed Vocational Nurse (LVN), performed incontinent care and changed the dressing. The patient was sitting in a chair and did not want to go back to bed in order for Respondent to change her dressing. Furthermore, Respondent asserts that she attempted to contact the physician on his cell phone and left a message at his office but never heard back from the physician.

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)(D), (1)(M)&(3)(A) and 217.12(1)(A),(1)(B)&(4).
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 548414 and Vocational Nurse License Number 97062, heretofore issued to CHARLOTTE ANN MONTALVO, 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 Texas Board of Nursing, 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 privilege, if any, to practice nursing in the State of Texas.

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 licenses issued to CHARLOTTE ANN MONTALVO to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order.

(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 Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; 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/disciplinaryaction/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.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

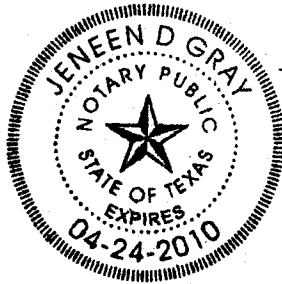
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 21 day of Oct, 2008.

Charlotte Ann Montalvo
CHARLOTTE ANN MONTALVO, Respondent

Sworn to and subscribed before me this 21 day of Oct, 2008.

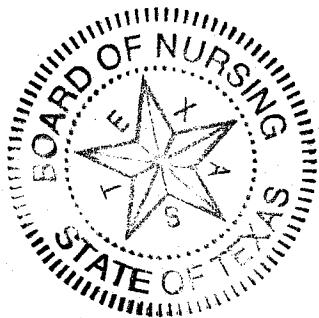
SEAL



Jeneen Gray
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 ratify and adopt the Agreed Order that was signed on the 21st day of October, 2008, by CHARLOTTE ANN MONTALVO, Registered Nurse License Number 548414 and Vocational Nurse License Number 97062, and said Order is final.

Effective this 24th day of October, 2008.



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