



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 Vocational Nurse § AGREED
License Number 182743 §
issued to JAYNE WANJIRU KIRUBI § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JAYNE WANJIRU KIRUBI, Vocational Nurse License Number 182743, 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 proceedings, notice and hearing, and agreed to the entry of this Order offered on May 27, 2011, 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(s).
2. Respondent waived informal proceedings, 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 Wichita Area Technical College, Wichita, Kansas, on June 28, 2001. Respondent was licensed to practice vocational nursing in the State of Texas on November 1, 2001.
5. Respondent's nursing employment history includes:

12/2001 - 12/2009	Staff Nurse	The Village at Richardson Richardson, Texas
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Respondent's nursing employment history continued:

2005 - 2007	Staff Nurse	Veranda Preston Hollow Dallas, Texas
2008 - 2010	Staff Nurse	Life Care Plano Plano, Texas
2010 - Unknown	Staff Nurse	Legacy Preston Hollow Dallas, Texas

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with The Village at Richardson, Richardson, Texas, and had been in this position for seven (7) years and ten (10) months.
7. On or about October 31, 2009, while employed as a Staff Nurse at The Village at Richardson, Richardson, Texas, Respondent failed to initiate appropriate emergency interventions to relieve the foreign body airway obstruction of Resident Number 280479 when she and another LVN found the resident in respiratory distress and gasping for air. Instead of attempting the Heimlich Maneuver and/or abdominal thrusts to clear the airway obstruction, the other LVN shook the resident, Respondent performed a finger swipe of the resident's oral cavity, and both nurses checked to see if the resident had a pulse. Respondent asked a nurse aide to bring oxygen and elevated the resident's head while the other LVN left to obtain the facility's pulse oximeter. Respondent administered supplemental oxygen through a nasal cannula as the other LVN returned with the pulse oximeter and determined that the resident's pulse was low, at 48 beats per minute, and his oxygen level was only 75%. Shortly thereafter, a staff RN arrived who scooped additional food from the resident's mouth, increased the oxygen rate to 6 liters per minute, and instructed Respondent to take over using the Ambu bag to ventilate the resident. Respondent's conduct unnecessarily delayed appropriate medical intervention and exposed the resident to the risk of death due to unrelieved foreign body airway obstruction.
8. On or about October 31, 2009, while employed as a Staff Nurse at The Village at Richardson, Richardson, Texas, Respondent accepted the assignment of nursing functions even though she was physically unable and/or unwilling to carry out those functions, in that she refused to assist other nurses with moving the aforementioned Resident Number 280479 from his bed to the floor when directed to do so by a staff RN so that the resident could be resuscitated more effectively. Respondent's conduct could have delayed effective emergency interventions.
9. On or about October 31, 2009, while employed as a Staff Nurse at The Village at Richardson, Richardson, Texas, Respondent disregarded the directions of the Supervising RN when the Supervising RN instructed her to assist with resuscitation and ventilate the aforementioned Resident Number 280479 with the Ambu-bag. Instead of complying with the

RN's directions, Respondent handed the Ambu-bag back to the Supervising RN and walked out of the room. Respondent's conduct delayed the delivery of effective emergency interventions.

10. In response to the incidents in Findings of Fact Numbers Seven (7) through Nine (9), Respondent states that the resident did not require Cardiopulmonary Resuscitation (CPR) at the time because the resident was still breathing and had a pulse. Respondent assisted in performing "mouth sweeps" to remove any food blocking the airway and she and two (2) other nurses in the room applied oxygen to the resident at six (6) liters per minute via the ambu-bag with a mask attached to the crash cart. Respondent applied some pressure to the resident's chest but felt as though it was not possible to perform the Heimlich maneuver due to the resident's contractures. The nurses attempted to get the suction machine off the crash cart, but the suction tube and cannister were not found on the cart and the nurses had to go get them. As one of the nurses prepared to suction the resident, the Supervising RN appeared at the door and ordered that the patient be moved to the floor for CPR.

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)(M),(1)(T)&(2) and 217.12(1)(E).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 182743, heretofore issued to JAYNE WANJIRU KIRUBI, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION WITH A FINE, 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, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact 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, 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) 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>.

(2) RESPONDENT SHALL, within sixty (60) days of entry of this Order, successfully complete a course in Basic Cardiopulmonary Life Support for Healthcare Providers. RESPONDENT SHALL obtain Board approval of the course and instructor 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 course shall be a minimum of four and one half (4 ½) hours in length. The course's content shall include: Adult, Infant, and Child 1- and 2- Rescuer CPR; Adult, Infant, and Child Foreign Body Airway Obstruction for both responsive and unresponsive victims; and Adult Automated External Defibrillation. In order to receive credit for completion of this workshop, RESPONDENT SHALL obtain the Verification of Course Completion form from the Board's website, <http://www.bon.state.tx.us/disciplinaryaction/pdfs/i17.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.

(3) 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, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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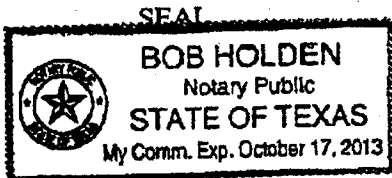
RESPONDENT'S CERTIFICATION

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 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 license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 23rd day of June, 2011.

JW Kirubi
JAYNE WANJIRU KIRUBI, Respondent

Sworn to and subscribed before me this 23rd day of June, 2011.



Bob Holden
Notary Public in and for the State of TX

Approved as to form and substance.
John W. Reeder
John W. Reeder, Attorney for Respondent

Signed this 23rd day of June, 2011.

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 23rd day of June, 2011, by JAYNE WANJIRU KIRUBI, Vocational Nurse License Number 182743, and said Order is final.



Effective this 29th day of June, 2011.

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