



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.  
*Patricia P. Thomas*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse § AGREED  
License Number 638870 §  
issued to THESSA SEVILLA PERNITEZ § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that THESSA SEVILLA PERNITEZ, hereinafter referred to as Respondent, Registered Nurse License Number 638870, may have violated Section 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on November 1, 2011, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person and was represented by Nancy Roper-Willson, Attorney at Law. In attendance were Mary Beth Thomas, PhD, RN, Director of Nursing, Executive Director's Designee; Lance Brenton, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Toni Frizell, RN, CNOR, Investigator.

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 notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Southwestern University, Cebu City, Philippines, on March 7, 1975. Respondent received a Bachelor of Science in Nursing degree from the University of Phoenix, Arizona, on August 31, 2010 Respondent was licensed to practice professional nursing in the State of Texas on March 11, 1997.
5. Respondent's nursing employment history includes:

2/1994 - 12/1996	RN	Providence Centre Toronto Ontario, MiLiWi
1/1997 - 1/1998	RN	Columbia Spring Branch Medical Center Houston, Texas
2/1998 - 3/2001	RN	The Methodist Hospital Houston, Texas
3/2001 - Unknown	RN	U.T.M.D. Anderson Cancer Center Houston, Texas
11/2002 - 2/2010	RN	Memorial Hermann Northwest Hospital Houston, Texas
2/2010 - 8/2011	Supervisor	Health South Hospital of Houston Houston, Texas
8/2011 - Present	Supervisor	Triumph Hospital Town & Country Houston, Texas

6. At the time of the incidents, Respondent was employed as a RN with Memorial Hermann Northwest Hospital and had been in this position for seven (7) years and three (3) months.
7. On or about February 2, 2009, while working as a RN at Memorial Hermann Northwest Hospital, Houston, Texas, Respondent failed to administer packed red blood cells to Patient # 34572544-9029, as ordered. Additionally, Respondent failed to accurately report to the oncoming nurse that the patient had ordered Packed Red Blood Cells pending, which was discovered during a chart check twelve hours after the blood was available in the blood bank. Respondent's conduct was likely to injure the patient in that failure to administer blood at the time ordered by the physician could have resulted in nonefficacious treatment.
8. On or about March 13, 2009, while working as a RN at Memorial Herman Northwest Hospital, Houston, Texas, Respondent failed to assess Patient # 378703589058 Calcium blood level and administer Calcium Gluconate to the patient, as ordered. Respondent's conduct was likely to injure the patient in that failure to administer medications as ordered by the physician could have resulted in nonefficacious treatment.
9. On or about May 22, 2009, while working as a RN at Memorial Hermann Northwest Hospital, Houston, Texas, Respondent failed to care adequately for Patient # 347404129130 in that she:
  - A. Failed to verify that a physician's order for Vancomycin was entered on the electronic MAR correctly; and
  - B. Failed to administer 250mg Vancomycin as ordered.

Respondent's conduct was likely to injure the patient in that failure to administer medications

- as ordered by the physician could have resulted in nonefficacious treatment.
10. On or about December 8, 2009 while working as a RN at Memorial Hermann Northwest Hospital, Houston, Texas, Respondent failed to care adequately for Patient # 347404129130 in that she mistakenly documented administering Folic Acid. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would not have complete information on which to base their care decisions.
  11. In response to Finding of Facts Numbers Seven (7) through Ten (10), Respondent denies failing to administer the ordered blood and states it was not available from the Blood Bank at the time the order was given. Respondent asserts that she called the blood bank prior to shift change to see if the blood was ready and learned that the blood bank had already alerted the unit that the blood was available, however, the person that received the report failed to inform her. In response to Finding of Fact Number Eight (8), Respondent denies failing to assess the patient's calcium level and administer Calcium Gluconate as ordered and asserts that at the time the order was given, Calcium Gluconate was not available from the pharmacy. In response to Finding of Fact Number Nine (9), Respondent denies seeing the order and states the computer must not have been working properly because normally when there is a new physician's order, it would appear on the computer, which alerts the nurse. Respondent adds that both the secretary and the Charge Nurse failed to inform her that there was a new order. In response to Finding of Fact Number Ten (10), Respondent states Folic Acid was not transcribed on the Electronic Medication Administration Record, because there was a major breakdown in the computing system. Respondent contends that Hydromophone was appropriately administered to the patient due to pain and states that she was attempting to update the patient's chart when the computer came back up, and mistakenly clicked that Folic Acid was administered.
  12. On or about April 28, 2011, Respondent successfully completed a Board approved class in Texas nursing jurisprudence and ethics, which would have been a requirement of this Order.
  13. On or about August 22, 2011, Respondent successfully completed a Board approved class in Sharpening Critical Thinking Skills, which would have been a requirement of this Order.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation 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)&(M) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C)&(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 638870, heretofore issued to THESSA SEVILLA PERNITEZ, including revocation of Respondent's license(s) 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 a WARNING WITH STIPULATIONS, 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 Texas Board of Nursing 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 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>

(2) 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/disciplinaryaction/stipscourses.html>*

**IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:**

(3) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). 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(s). 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.

(4) 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.

(5) RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational 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.

(6) 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 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) month period for one (1) years of employment as a nurse.

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.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, 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 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 19<sup>th</sup> day of December, 2011.

*Thessa Sevilla Pernitez*  
THESSA SEVILLA PERNITEZ, Respondent

Sworn to and subscribed before me this 19<sup>th</sup> day of December, 2011.

SEAL

*Reena Brohi*  
Notary Public in and for the State of TEXAS



Approved as to form and substance.

*Nancy Roper Willson*  
Nancy Roper-Willson, Attorney for Respondent

Signed this 19<sup>th</sup> day of December, 2011.



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 19th day of December, 2011, by THESSA SEVILLA PERNITEZ, Registered Nurse License Number 638870, and said Order is final.

Effective this 19th day of January, 2012.



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