



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 145003	§	
issued to CATHY DEKINDER	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of CATHY DEKINDER, Vocational Nurse License Number 145003, 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 proceedings, notice and hearing, and agreed to the entry of this Order offered on February 8, 2012, by Katherine A. Thomas, MN, RN, FAAN, 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(s).
2. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice vocational nursing in the State of Texas is currently in inactive status.
4. Respondent received a Certificate in Vocational Nursing from Navarro College, Corsicana, Texas, on August 13, 1993. Respondent was licensed to practice vocational nursing in the State of Texas on December 1, 1993.
5. Respondent's nursing employment history includes:

12/1993 - 04/2004

Unknown

Respondent's nursing employment history continued:

05/2004 - 12/2004	Staff Nurse	Heritage Oaks West Corsicana, Texas
12/2004 - 09/2005	Staff Nurse	Twilight Home Corsicana, Texas
09/2005 - 01/2006	Staff Nurse	Epic Med Staff Dallas, Texas
01/2006 - 05/2006	Staff Nurse	Westside Development Corsicana, Texas
06/2006 - Unknown	Staff Nurse	The University of Texas Medical Branch (UTMB) - Correctional Managed Care Galveston, Texas, assigned to Texas Department of Criminal Justice Coffield Unit Tennessee Colony, Texas

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with UTMB-Correctional Managed Care, Galveston, Texas, and assigned to Texas Department of Criminal Justice, Coffield Unit, Tennessee Colony, Texas, and had been in this position for three (3) years and three (3) months.
7. On or about October 15, 2009, while employed with UTMB - Correctional Managed Care, Galveston, Texas, and assigned to Texas Department of Criminal Justice, Coffield Unit, Tennessee Colony, Texas, Respondent failed to complete focused assessments for cardiac and gastrointestinal complaints and initiate appropriate interventions, as required by the facility's nursing protocols, when Patient TDCJ#662318 complained of nausea, vomiting, and chest pain. Although Respondent obtained the patient's vital signs and verified that the patient's blood pressure was elevated, Respondent did not document the vital signs in the medical record, as required. Respondent's conduct was likely to injure the patient, including possible demise, from undetected signs and symptoms without appropriate interventions and from an incomplete medical record, which would have been required for subsequent care givers to make appropriate decisions regarding the patient's care.
8. On or about October 15, 2009, while employed with UTMB - Correctional Managed Care, Galveston, Texas, and assigned to Texas Department of Criminal Justice, Coffield Unit, Tennessee Colony, Texas, Respondent assigned a Certified Medication Aide (CMA) to complete an electrocardiogram (EKG), after the Physician's Assistant (PA) ordered one for

the aforementioned patient, and then did not review the EKG to determine its results or ensure that the PA was aware of the patient's abnormally elevated blood pressure. After seeing the patient, the PA released the patient back to his cell. The patient was found in his cell several hours later, in cardiac arrest, and was pronounced deceased after attempted resuscitation was unsuccessful. Respondent's conduct may have contributed to the patient's subsequent demise.

9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that she picked up the patient's nursing sick call slip and the CMA had taken his vitals by machine and found his blood pressure to be high. Respondent states she took his blood pressure manually and found the diastolic to be around 100 and consulted with PA-C, who ordered an EKG. Respondent states she conversed with the CMA, who was already doing EKGs and stated she would do this patient also. Respondent explains that she went back to the nurses' station and found her sick call slip with her notes on it on the senior LVN's desk and when Respondent asked about it, the senior LVN stated, "I'm taking care of him now." Respondent reports she began taking care of other patients, including sending one to the hospital. Respondent states she observed the senior LVN giving Patient TDCJ#662318 an injection and a "tub" after he threw up, and states the senior LVN sent the inmate back to his cell on the orders of the PA-C. Respondent states that the incident did happen in the morning hours of October 15, 2009, and that the patient was brought back to the clinic in the evening by the senior LVN and another employee and subsequently passed away.
10. Charges were filed on January 17, 2012.
11. Charges were mailed to Respondent on January 19, 2012.

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)(D),(1)(M),(1)(P),(1)(S)&(2)(A) and 217.12(1)(A),(1)(B),(1)(D),(1)(F)&(4).
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 145003, heretofore issued to CATHY DEKINDER, 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 LIMITED LICENSE 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 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) While under the terms of this Order, RESPONDENT SHALL NOT provide direct patient care. For the purposes of this Order, direct patient care involves a personal relationship between the Nurse and the client, and includes, but is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care.

(2) SHOULD RESPONDENT desire to return to a clinical practice setting, which would require her to provide direct patient care, RESPONDENT SHALL petition the Board for such approval.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order.

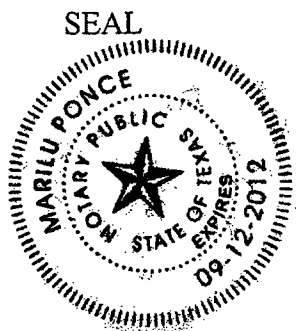
I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive 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 2 day of March, 2012.

Cathy DeKunder
CATHY DEKUNDER, Respondent

Sworn to and subscribed before me this

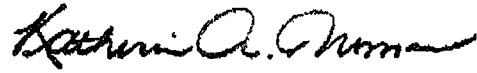
2nd day of March, 2012.



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 2nd day of March, 2012, by CATHY DEKINDER, License Number 145003, and said Order is final.

Effective this 19th day of April, 2012.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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