



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 § AGREED
Registered Nurse License Number 758018 §
issued to ROSELYNE APIYO ODHIAMBO § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ROSELYNE APIYO ODHIAMBO, Registered Nurse License Number 758018, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to 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 August 1, 2012, by Katherine A. Thomas, MN, RN, FAAN, 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 professional nursing in the State of Texas.
4. Respondent received a Baccalaureate Degree in Nursing from Kansas Newman College, Wichita, Kansas, in December 2004. Respondent was licensed to practice professional nursing in the State of Kansas on March 4, 2005, and was licensed to practice professional nursing in the State of Texas on July 14, 2008.
5. Respondent's nursing employment history includes:

3/2005 - 6/2008	Staff Nurse	Wesley Medical Center Wichita, Kansas
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Respondent's nursing employment history continued:

9/2005 - 6/2008	Home Health Nurse	Progressive Home Health and Hospice Wichita, Kansas
6/2008 - 9/2011	Home Health Nurse	Maxim Healthcare McKinney, Texas
9/2008 - 12/2009	Home Health Nurse	Epic Medstaff Home Healthcare Dallas, Texas
1/2011 - 6/2011	Director of Nurses	Epic Medstaff Home Healthcare Dallas, Texas
10/2011 - Present		Not employed in nursing

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Home Health Nurse with Epic Medstaff Home Healthcare, Dallas, Texas, and had been in this position for eleven (11) months.
7. On or about August 28, 2009, while employed with Epic Medstaff Home Healthcare, Dallas, Texas, Respondent failed to document:
 - Assessment of the tracheostomy tube balloon inflation of Patient 742, as assigned; and
 - The amount of time that the patient received mechanical ventilator assistance and/or the time that the patient was off of the ventilator for attempted weaning.Respondent's conduct resulted in an incomplete medical record.
8. On or about August 28, 2009, while employed with Epic Medstaff Home Healthcare, Dallas, Texas, Respondent failed to timely clean and reinsert the tracheostomy (trach) tube of the aforementioned Patient 742 after it became partially blocked and was removed. The patient was tolerating being off the ventilator periodically, but two (2) hours later when Respondent attempted to reinsert the tube, the stoma had reduced and Respondent had to use a smaller, back-up trach tube.
9. On or about August 28, 2009, while employed with Epic Medstaff Home Healthcare, Dallas, Texas, Respondent documented in error that the aforementioned Patient 742 had spare 4.5 size tracheostomy tubes available. The 4.5 size tracheostomy tubes were not ordered by the provider until August 31, 2009. Respondent's conduct resulted in an inaccurate medical record.

10. On or about August 28, 2009, August 31, 2009, September 4, 2009, and September 5, 2009, while employed with Epic Medstaff Home Healthcare, Dallas, Texas, and caring for Patient 742, Respondent failed to document skin assessments every 2 hours, as ordered, and document the application and removal of splints to the patient's extremities every 2 hours, as ordered. Respondent's conduct resulted in an incomplete medical record.
11. On or about September 5, 2009, while employed with Epic Medstaff Home Healthcare, Dallas, Texas, Respondent failed to notify the physician that the oxygen delivery rate needed for Patient 742 to maintain adequate blood oxygen had increased over the prior eight (8) days from 1.0 - 2.0 Liters/minute to 2.0 - 2.5 Liters/minute. Respondent's conduct deprived the physician of information needed to correctly treat the patient.
12. Formal Charges were filed October 31, 2011.
13. Formal Charges were mailed to Respondent at her address of record on October 31, 2011.
14. In response to the incidents in Findings of Fact Numbers Seven (7) through Eleven (11), Respondent acknowledges that her documentation could have been better and indicates that the care and assessments were done, but because at least one of these days was the most stressful in her career, she forgot to completely document. Regarding the spare tube size, Respondent documented the size of tube that would be needed as the new backup size after the smaller tube was approved by the provider. In regard to replacing the patient's trach tube, Respondent states that she didn't realize the site would reduce in size so quickly; she completed other care, including the patient's tube feeding, diaper change, repositioning, extremity checks and splint application, before attempting the reinsertion. Respondent also indicates that the physician was well aware of the patient needing increased oxygen based upon earlier conversations.

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 violation(s) of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(C),(1)(D)&(1)(P) and 217.12(1)(A)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 758018, heretofore issued to ROSELYNE APIYO ODHIAMBO, 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, 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.texas.gov/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.texas.gov/disciplinaryaction/stipscourses.html>.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

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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FROM : SUTTON PLACE BUS CENT

FAX NO. : 9724979098

Aug 11 2012 02:58PM P1

RESPONDENT'S CERTIFICATION

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

I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my nature

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.

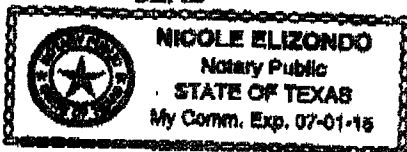
Signed this 10th day of August, 2012.

Rodhiambo RN

ROSELYNE APIYO ODHIAMBO, Respondent

Sworn to and subscribed before me this 10th day of August, 2012.

SEAL



Nicole Elizondo

Notary Public in and for the State of Texas

Approved as to form ^{and} ~~and substance~~.

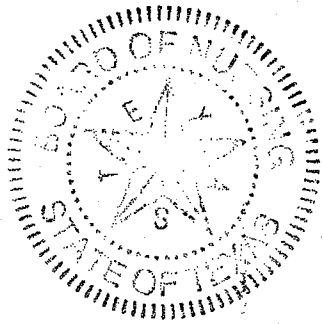
Nancy Rose Willson

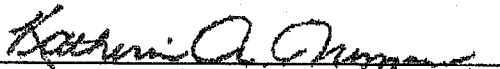
Nancy Rose Willson, Attorney for Respondent

Signed this 10th day of August, 2012.

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 10th day of August, 2012, by ROSELYNE APIYO ODHIAMBO, Registered Nurse License Number 758018, and said Order is final.

Effective this 13th day of August, 2012.




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