



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 254696, and Vocational §
Nurse License Number 29356 §
issued to EILEEN T. BAKER § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of EILEEN T. BAKER, Registered Nurse License Number 254696, and Vocational Nurse License Number 29356, 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 June 22, 2011, by Katherine A. Thomas, MN, RN, 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 status to practice vocational nursing in the State of Texas is inactive and Respondent's License status to practice professional nursing in the State of Texas is inactive.
4. Respondent received a Certificate in Vocational Nursing from Hermann Hospital School of Practical Nursing, Houston, Texas, on February 17, 1964. Respondent received a Baccalaureate Degree in Nursing from the University of Texas at Galveston, Galveston, Texas, on May 1, 1981, and received a Masters Degree in Nursing from the University of Texas School of Allied Health, Houston, Texas, on May 1, 1984. Respondent was licensed to practice vocational nursing in the State of Texas on March 27, 1964, and

Respondent was licensed to practice professional nursing in the State of Texas on September 8, 1981, and Respondent was recognized as a Certified Registered Nurse Anesthetist on January 14, 1987.

5. Respondent's nursing employment history includes:

2/1964 - 7/1984	Unknown	
8/1984 - 6/1990		Baylor College of Medicine Jefferson Davis Hospital Lyndon B. Johnson Hospital Ben Taub Hospital Houston, Texas
7/2/1985 - 12/89		Anesthesia Specialists of Houston The Women's Hospital of Houston Houston, Texas
4/1990 - 12/1991		Woodlands Anesthesia Associates The Woodlands Hospital The Woodlands, Texas
1/1992 - 3/31/1999	Self Employed	North Houston Anesthesiologists Kingwood Plaza Hospital-Kingwood Memorial Hospital-The Woodlands Woodlands Anesthesia Associates- The Woodlands Keepers Anesthesia Services Cleveland Regional Hospital-Cleveland
		Northeast Houston Anesthesia Specialists- Northeast Medical Center, Humble, Texas Greater Houston Anesthesiology, Conroe Medical Center, Conroe, Texas Locum Tenens Assignments
4/1999 - 1/2001		Stephen Sims, Huntsville Surgery Center, Huntsville, Texas

1/2001 - 9/2002	Self Employed	<p>Mercy Hospital Obstetric Anesthesia Laredo, Texas Southeast Anesthesia Huntsville Memorial Hospital, Huntsville, Texas</p> <p>Woodlands Anesthesia Associates- The Woodlands Surgery Center, The Woodlands, Texas Conroe Regional Medical Center Conroe, Texas</p>
10/2002 - 12/2003		<p>Greater Houston Physicians Network- Conroe Regional Medical Center, Conroe, Texas</p>
1/2004	Unknown	
2/2004 - 7/2005		<p>Cedar Lake Surgery Center Biloxi, Mississippi</p>
8/2005 - 10/2007	Self Employed	<p>Gulfport Anesthesia Services Gulf Coast Outpatient Surgery Center</p> <p>Gulf South Surgery Center Gulfport, Mississippi St. Mark's Medical Center LaGrange, Texas</p>
10/2007 - Present		<p>E T Baker Anesthesia Service, PC St. Mark's Medical Center La Grange, Texas Lakeland Anesthesia Parkview Regional Hospital Mexia, Texas</p>

6. At the time of the incident in Findings of Fact Seven (7) through Nine(9) Respondent was

employed as a Certified Registered Nurse Anesthetist with St. Mark's Medical Center, LaGrange, Texas, and had been in this position for nine (9) months.

7. On or about March 14, 2008, while employed as a Certified Registered Nurse Anesthetist and providing anesthesia services at St. Mark's Medical Center, LaGrange, Texas, that although Respondent states she initially confirmed the location of the endotracheal tube by listening to bilateral breath sounds and obtaining gas readings, Respondent did not timely recognize that the tube subsequently dislodged. Respondent's conduct placed the patient at risk of undergoing a surgical procedure without adequate ventilation and respiratory support. Subsequently, the patient experienced hypoxemia and suffered extensive hypoxic brain damage.
8. On or about March 14, 2008 while employed as a Certified Registered Nurse Anesthetist and providing anesthesia services at St. Mark's Medical Center, LaGrange, Texas, Respondent failed to assess and intervene in a timely manner after intubating Patient BS and the CO₂ and O₂ saturations did not register on the patient monitors. Respondent's conduct deprived the patient of early detection and timely intervention of hemodynamic changes which may have resulted in delayed medical treatment.
9. In Response to the incident in Findings of Fact Seven (7) and Eight (8), Respondent states that due to the patient's many co-morbidities, a rapid sequence induction was performed. After the endotracheal tube was placed, Respondent states that she checked the patient for bilateral breath sounds before securing the endotracheal tube and found that they were present and equal. Respondent states the patient's oxygen saturation was ninety-eight (98%) percent end and tidal CO₂ was initially displaced and that the anesthesia machine alarm never sounded. Respondent states that the gas readings (oxygen saturation and tidal CO₂) were subsequently lost, from what Respondent believed to be an anesthesia machine malfunction. In response, Respondent states that she immediately sent for another anesthesia machine to replace the one she was using. Respondent states that in the interim, she obtained an O₂ tank and pulse oximeter, and manually ventilated the patient. According to Respondent, during this time, the patient appeared to be adequately ventilated. Respondent states she did not immediately attempt to reintubate the patient due to the patient's anesthesia classification of ASAIII, morbid obesity, and co-morbidities. Respondent states if she did not want to risk the patient's death if she was unable to reintubate her. Respondent also states that as soon as the new anesthesia machine arrived, the patient was connected to it and soon after became dusky and oxygen saturation began to decline and a short time later became bradycardic. Respondent states that she then made the decision to reintubate the patient due to decreased oxygen saturation despite hyperventilation.

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)(B)&(1)(M) and 22 TEX. ADMIN. CODE §217.12(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 254696, and Vocational Nurse License Number 29356, heretofore issued to EILEEN T. BAKER, 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 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 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 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 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. *Information regarding this workshop may be found at the following web address: <http://learningext.com/hives/a0f6f3e8a0/summary>.*

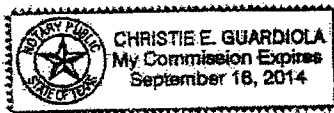
IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT'S licenses to practice nursing SHALL remain in INACTIVE status and RESPONDENT SHALL NOT return to the practice of nursing. Should RESPONDENT desire to reactivate her licenses and return to the practice of nursing, RESPONDENT SHALL first obtain authorization from the BOARD by filing a petition for exception to this Order.

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 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.

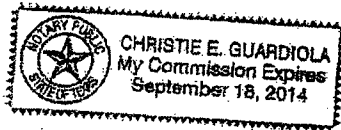
Signed this 2nd day of September, 2011.

Eileen T. Baker
EILEEN T. BAKER, Respondent



Sworn to and subscribed before me this 2nd day of September, 2011.

SEAL



Christie Guardiola

Notary Public in and for the State of Texas

Approved as to form and substance

Greg Myers

Greg Myers, Attorney for Respondent

Signed this 2nd day of September, 2011.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 2nd day of September, 2011, by EILEEN T. BAKER, Registered Nurse License Number 254696, and Vocational Nurse License Number 29356, and said Order is final.

Effective this 27th day of October, 2011.



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