



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.
William F. Kemp
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse	§	AGREED
License Number 254878 and	§	
Vocational Nurse License	§	
Number 90984 issued to	§	
CYNTHIA G. BANHART	§	ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that CYNTHIA G. BANHART, hereinafter referred to as Respondent, Registered Nurse License Number 254878 and Vocational Nurse License Number 90984, may have violated Section 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on July 12, 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. Respondent was represented by William F. Kemp, Attorney at Law. In attendance were Mary Beth Thomas, PhD, RN, Director of Nursing, Executive Director's Designee; Deborah Bell, Board Member; Lance Brenton, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Kathy Duncan, RN, 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.
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 a Certificate in Vocational Nursing from San Antonio College, San Antonio, Texas, on February 9, 1981. Respondent was licensed to practice vocational nursing in the State of Texas on June 3, 1981. Respondent received a Baccalaureate Degree in Nursing from The University of Texas at Austin, Austin, Texas on May 1, 1981. Respondent was licensed to practice professional nursing in the State of Texas on September 8, 1981.
5. On May 11, 2004, Respondent was issued a Warning with Stipulations by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law and Agreed Order dated May 11, 2004, is attached and incorporated by reference as part of this Order.
6. On April 21, 2006, Respondent was issued a Reprimand with Stipulations by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law and Agreed Order dated May 11, 2004, is attached and incorporated by reference as part of this Order.
7. Respondent's professional nursing employment history includes:

06/1981-07/198	Staff Nurse	Brackenridge Hospital Austin, Texas
07/1988-04/1994	Field Nurse	St. David's Home Health Austin, Texas
05/1994-10/1995	Unknown	
11/1995-08/1999	Field Nurse	Outreach Home Health Austin, Texas
9/1999-10/1999	Unknown	
11/1999-02/2001	Triage Nurse	Austin Regional Clinic Austin, Texas
03/2001-07/2001	Unknown	
08/2001-11/2002	School Nurse	Seton Healthcare Network Austin, Texas
12/2002-02/2003	Unknown	
03/2003-02/2006	Field Nurse	Texas Home Health Austin, Texas

Respondent's nursing employment history continued:

03/2006-04/2006	Unknown	
04/2006-09-2008	Charge Nurse	Regency Village Care Center Austin, Texas
09/2008-04/2009	Charge Nurse	West Oaks Rehab/Longterm Care Austin, Texas
5/2009-09/2009	Unknown	
10/2009-03/2010	Field Nurse	Hallmark Homecare, LP, d/b/a Encompass Home Health of Central Texas Austin, Texas

6. At the time of the initial incident, Respondent was employed as a Field Nurse with Hallmark Homecare, LLP, d/b/a/Encompass Home Health of Central Texas, Austin, Texas, and had been in this position for one (1) year and six (6) months.
7. On or about March 17, 2010, while employed as a Field Nurse with Hallmark Home Care, LLP, d/b/a Encompass Home Health of Central Texas, Austin, Texas, Respondent failed to adequately intervene when she assessed that Patient A1700003925701 was having a blood sugar noted as "Hi", O2 saturation of 83%, skin sweaty, pale, cool and clammy with 3+ edema noted to all extremities. Respondent called Arcadian Ambulance Service to transport Patient A1700003925701 to the hospital instead of calling EMS. Respondent's conduct exposed the patient unnecessarily to a risk of harm in that it contributed to the patient suffering medical complications and delayed the patient from receiving emergency medical attention.
- 8.. On or about March 17, 2010, while employed as a Field Nurse with Hallmark Home Care, LLP, d/b/a Encompass Home Health of Central Texas, Austin, Texas, Respondent failed to institute appropriate nursing interventions and failed to report the status of Patient A1700003925701. Instead, she left the patient unattended by leaving the patient's home and driving away prior to the arrival of the Arcadian transportation van. Respondent's conduct was likely to deceive other caregivers who needed complete information on which to base their care and exposed the patient unnecessarily to a risk of harm from a delay of treatment of her disease process.
9. On or about March 17, 2010, while employed as a home health nurse with Hallmark Home Care, LLP, d/b/a Encompass Home Health of Central Texas, Austin, Texas, Respondent emailed the on-call nurse instead of calling her to report that Patient A1700003925701 was being transported to the hospital unknowing that when the Arcadian transport staff had

arrived to the patient's bedside she had already expired. Respondent's conduct was likely to deceive other caregivers who needed complete information on which to base their care.

10. In response to the incidents in Findings of Fact Numbers Nine (9) through Eleven (11), Respondent states that she checked the patient's blood sugar with her glucometer and it read high. Respondent's meter would only register a blood sugar of up to 600. Mary, the patient's daughter stated that the patient had been breathing fast and also moaning all that day and had not looked good for several days. Respondent stated that she attempted to adjust the Oxygen to give the patient more oxygen, but the dial on the oxygen was broken, so she (Respondent) was unable to tell if the patient was actually getting more oxygen. The patient was pale, sweating, and had 3+ edema to her arms and legs. Since the patient was lying on her back with her head elevated, Respondent was unable to check for sacral edema because they could only turn her slightly. Mary, the patient's daughter said that the patient had been edematous as well for several days. Respondent states that she called Arcadian Ambulance Service per Mary's request and that she gave report to Liz, dispatcher for Arcadian Ambulance Service, and was told by Liz that she would relay this report to the ambulance EMT's. It was routine with ambulance transport services to give the report over the phone and have that person relay the report. Respondent states that she was walking to the door of the house, she received a return call from Liz with Arcadian Ambulance Service. Liz asked her if they needed lights and sirens. Respondent said yes and Liz said that Travis County EMS would have to be called for that. At that time the Arcadian Ambulance arrived and the EMTs were getting the stretcher out to walk into the patient's home to transport her to St. David's hospital. Respondent told Liz that the ambulance was there and Liz said that the EMT could call EMS if they thought that they needed to. Respondent left the patient's home, as the EMT's were in the process of transporting her to the hospital. Respondent was in the patient's home a total of 30 minutes.

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)(I),(1)(M)&(1)(P) and 22 Tex. Admin. Code §217.12(1)(A),(1)(B),(4)&(12).
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 254878 and Vocational Nurse License Number 90984, heretofore issued to CYNTHIA G. BANHART, 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 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 providing 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 to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 11 day of August, 2011.

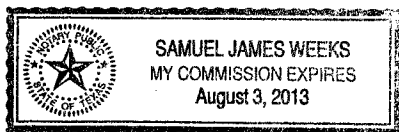
Cynthia G. Banhart-Smith
CYNTHIA G. BANHART, Respondent

Sworn to and subscribed before me this 11 day of August, 2011.

SEAL

Samuel Weeks

Notary Public in and for the State of Texas



Approved as to form and substance.

William F. Kemp
William F. Kemp, Attorney for Respondent

Signed this 11 day of August, 2011.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 11th day of August 2011, by CYNTHIA G. BANHART, Registered Nurse License Number 254878 and Vocational Nurse License Number 90984, and said Order is final.

Effective this 13th day of September, 2011.



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse	§	
License Number 254878 and Vocational	§	AGREED
Nurse License Number 90984	§	ORDER
issued to CYNTHIA G. BANHART	§	

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of CYNTHIA G. BANHART, Registered Nurse License Number 254878, and Vocational Nurse License Number 90984, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1) and (10), Texas Occupations Code. Respondent waived representation by counsel, informal conference, notice and hearing, and agreed to the entry of this Order offered on February 12, 2006, 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.
2. Respondent waived representation by counsel, informal conference, 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. Respondent's license to practice vocational nursing in the State of Texas is currently in delinquent status.

4. Respondent completed the required courses, to sit for the vocational nursing exam, at the University of Texas at Austin, Austin, Texas, in 1981. Respondent was licensed to practice vocational nursing in the State of Texas on June 3, 1981. Respondent received a Baccalaureate Degree in Nursing from the University of Texas at Austin, Austin, Texas, on May 23, 1981. Respondent was licensed to practice professional nursing in the State of Texas on September 8, 1981.

5. Respondent's vocational and professional nursing employment history includes:

9/81 - 6/88	Unknown	
7/88 - 4/94	Field Nurse	St. David's Home Health Austin, Texas
7/94 - 12/94	Field Nurse	Travis County Health Department Austin, Texas
12/94 - 11/95	Not employed in nursing	
11/95 - 8/99	Field Nurse/Case Manager	Outreach Health Services Austin, Texas
10/99 - 2/01	Telephone Triage Nurse	Austin Regional Clinic Austin, Texas
2/01 - 8/01	Unknown	
8/01 - 11/02	School Nurse	Seton Healthcare Network Children's/AISD Student Health Services Austin, Texas
11/02 - 4/04	Unknown	
5/04 - present	Staff Nurse	Texas Home Health Services Austin, Texas

6. On May 11, 2004, Respondent's license to practice professional nursing in the State of Texas was issued the sanction of a Warning with Stipulations by the Board of Nurse Examiners for the State of Texas. A copy of the May 11, 2004, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.

7. On or about May 21, 2004, while employed with Texas Home Health Services, Austin, Texas, Respondent failed to comply with the Agreed Order issued to her on May 11, 2004, by the Board of Nurse Examiners for the State of Texas. Noncompliance is the result of her failure to comply with Stipulation Number Five (5) of the Agreed Order which states, in pertinent part:

(5) RESPONDENT SHALL CAUSE each present employer in professional 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....

8. On or about August 31, 2004, November 30, 2004, February 28, 2005, and May 31, 2005, while employed with Texas Home Health Services, Austin, Texas, Respondent failed to comply with the Agreed Order issued to her on May 11, 2004, by the Board of Nurse Examiners for the State of Texas. Noncompliance is the result of her failure to comply with Stipulation Number Six (6) of the Agreed Order which states, in pertinent part:

(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 professional nursing....

9. Respondent states she truly did not think that she had to keep up with the paperwork. Her director was sent the documents in May 2004, and knew they needed to be sent in.

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)(1) and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(11)(B).
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 254878, and Vocational Nurse License Number 90984, heretofore issued to CYNTHIA G. BANHART, including revocation of Respondent's licenses to practice professional and vocational nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a Reprimand with Stipulations, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional and vocational nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's licenses are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure 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 deliver the wallet-sized licenses issued to CYNTHIA G. BANHART, to the office of the Board of Nurse Examiners within ten (10) days from the date of ratification of this Order for appropriate notation.

(2) The stipulations outlined and required herein SHALL supercede all previous stipulations required by any Order entered by the Board of Nurse Examiners.

(3) RESPONDENT SHALL pay a monetary fine in the amount of eleven hundred (\$1100.00) dollars. RESPONDENT SHALL pay this fine within ninety (90) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence. 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) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(5) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing 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. The course shall be a minimum of six (6) contact hours in length. In order for the course to be approved, the target

audience shall include Nurses. The course shall include content on the following: principles of nursing ethics; confidentiality; and professional boundaries. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to verify RESPONDENT's successful completion of the course. 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED NURSE OR LICENSED VOCATIONAL NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH 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 VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(6) RESPONDENT SHALL notify each present employer in vocational or professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. 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 professional or vocational nursing of this Order of the Board and the stipulations on RESPONDENT's license. 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.

(7) RESPONDENT SHALL CAUSE each present employer in professional or vocational 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 professional or vocational nurse.

(8) 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 professional or vocational nursing. These reports shall be completed by the Registered 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) months for one (1) year of employment as a professional or vocational nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued unencumbered licenses and multistate licensure privileges, if any, to practice professional and vocational nursing in the State of Texas.

RESPONDENT'S CERTIFICATION

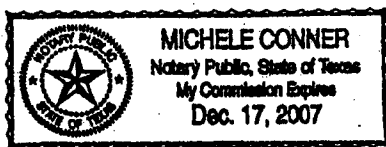
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 licenses to practice professional and/or vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 22 day of March, 2006.

Cynthia G. Banhart
CYNTHIA G. BANHART, Respondent

Sworn to and subscribed before me this 22nd day of March, 2006.


SEAL



M Conner
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 22nd day of March, 2006, by CYNTHIA G. BANHART, Registered Nurse License Number 254878 and Vocational Nurse License Number 90984, and said Order is final.

Effective this 21st day of April, 2006.


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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 254878 § AGREED
issued to CYNTHIA G. BANHART § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of CYNTHIA G. BANHART, License Number 254878, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(13), Texas Occupations Code. Respondent waived ~~representation by counsel, informal conference,~~ notice and hearing, and agreed to the entry of this Order offered on October 19, 2003, 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.
2. Respondent waived ~~representation by counsel, informal conference,~~ 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 the University of Texas at Austin, Austin, Texas, on May 22, 1981. Respondent was licensed to practice professional nursing in the State of Texas on September 8, 1981.

5. Respondent's professional employment history includes:

9/81 to 6/88	Unknown
7/88 to 4/94	Field Nurse St. David's Home Health Austin, Texas
7/94 to 12/94	Field Nurse Austin Travis County Health Department Austin, Texas
12/94 to 11/95	Not employed in nursing
11/95 to 8/99	Field Nurse/Case Manager Outreach Health Services Austin, Texas
10/99 to 2/01	Telephone Triage Austin Regional Clinic Austin, Texas
2/01 to 8/01	Unknown
8/01 to 11/02	School Nurse Seton Healthcare Network Children's/AISD Student Health Services Austin, Texas
11/02 to present	Unknown

6. At the time of the initial incident, Respondent was employed as a School Nurse with Seton Healthcare Network, Children's/AISD Student Health Services, Austin, Texas, and assigned to Jordan Elementary School, Austin, Texas, and had been in this position for approximately two (2) months.

7. On or about October 25, 2001, while employed with Seton Healthcare Network, Children's/AISD Student Health Services, Austin, Texas, and assigned to Jordan Elementary School, Austin, Texas, Respondent failed to ensure that Student KH received Trileptal as directed by the parent, and ordered by the physician. The physician's order was for Trileptal one (1) tablet at noon. Respondent reviewed the medication on October 25, 2001, but the medication was not administered until November 1, 2001. Respondent's conduct exposed the student unnecessarily to a risk of harm from seizures.
8. On or about February 8, 2002, while employed with Seton Healthcare Network, Children's AISD/Student Health Services, Austin, Texas, and assigned to Pecan Springs Elementary School, Austin, Texas, Respondent failed to ensure that Student DC had a current Plan of Care. Student DC was in the special needs classroom and had seizures during the normal school day. Respondent's conduct exposed the student unnecessarily to a risk of harm in that non-licensed staff would rely on the Plan of Care for guidance when providing care to the student in the event of seizure activity.
9. On or about November 11, 2002, while employed with Seton Healthcare Network, Children's/AISD Student Health Services, Austin, Texas, and assigned to Galindo Elementary School, Austin, Texas, Respondent mistakenly took the keys to the students' medications home. The following day she gave the keys to her 13-year-old daughter to return to the appropriate person. The keys were eventually taken by a teacher, who saw Respondent's daughter attempting to give the keys to a younger child. Respondent's conduct exposed the students to a risk of harm from unsupervised access to medications, and exposed the other students unnecessarily to a risk of harm in that subsequent caregivers would not be able to access the medications without the keys.

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 of Section 301.452(b)(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(2),(3)&(21).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 254878, heretofore issued to CYNTHIA G. BANHART, including revocation of Respondent's professional license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

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

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure 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 deliver the wallet-size license issued to CYNTHIA G. BANHART, to the office of the Board of Nurse Examiners within ten (10) days from date of ratification of this Order for appropriate notation.

(2)RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a Texas course in nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course 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 Registered Nurses. It shall

be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. 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 on the Board's website, www.bne.state.tx.us (under BNE events).*

(3) 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. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Registered 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 on the Board's website www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH 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) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

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

(5) RESPONDENT SHALL CAUSE each present employer in professional 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 professional nurse.

(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 professional nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising Registered Nurse to the office of the Board at the end of each three (3) months for one (1) year of employment as a professional nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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Agreed Order
License No. 254878

RESPONDENT'S CERTIFICATION

I, the undersigned, certify that I have the right to legal counsel prior to the signing of the foregoing Agreed Order and I further certify that I have obtained legal counsel which has been satisfactory to me. I further certify that I have read and that I understand the foregoing agreed order and by signing this certification I neither admit nor deny the violations alleged in the agreed order. By my signature below I agree to the findings of fact, conclusions of law, the order and any conditions of the order. Such agreement is made to avoid further disciplinary action in this matter and I waive judicial review of the order. I understand that this agreed order is subject to ratification by the Board of Nurse Examiners and that when the order is so ratified this order becomes effective and that a copy of the ratified order will be mailed to me at the address of 1616 Cattle Trail, Austin, Texas 78748. I further certify that I understand that if I fail to comply with all terms and conditions of this order then I will be subject to investigation, discipline, and that such discipline could include revocation of my license to practice professional nursing in the State of Texas.

Witness my hand this the 1st day of April, 2004

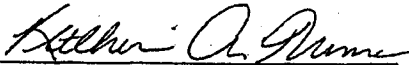
Cynthia G. Banhart
Cynthia G. Banhart, Respondent

Approved as to form:

Michael R. Davis
Michael R. Davis, Attorney for Respondent

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 1st day of April, 2004, by CYNTHIA G. BANHART, License Number 254878, and said Order is final.

Effective this 11th day of May, 2004.



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