



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 A. Plummer*  
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of § AGREED  
Registered Nurse License Number 703042 §  
& Vocational Nurse License Number 149245 §  
issued to EVA TREVINO CANCHE § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, pro evidence indicating that EVA TREVINO CANCHE, hereinafter referred to as Respondent, Registered Nurse License Number 703042, and Vocational Nurse License Number 149245, violated Section 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on August 28, 2012, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent was represented by Elizabeth Higginbotham, RN, JD, Attorney at Law. In attendance were Bonnie Cone, MSN, RN - Consultant for Nursing Practice, Executive Director's Designee; Jena Abel, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Cynthia A. Smith, Supervising 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. Respondent holds a license to practice vocational nursing in the State of Texas which is in delinquent status.

4. Respondent received a Certificate in Vocational Nursing from San Jacinto College South, Houston, Texas, on August 18, 1994, and received an Associate Degree in Nursing from Alvin Community College, Alvin, Texas, on December 15, 2003. Respondent was licensed to practice vocational nursing in the State of Texas on October 10, 1994, and was licensed to practice professional nursing in the State of Texas on February 19, 2004.

5. Respondent's nursing employment history includes:

10/1994 - 02/1996	Staff Nurse	Twelve Oaks Hospital Houston, Texas
02/1996 - 11/1997	Staff Nurse	Integrated Health Care Houston, Texas
10/1997- Unknown	Staff Relief Nurse	Temporary Health Care Houston, Texas
10/1997 - 03/2004	Charge Nurse	Devereux Texas Network League City, Texas
10/1998 - 06/1999	Staff Nurse	Hospice of Texas Medical Center Houston, Texas
10/2002 - Unknown	Staff Relief	Mental Health Mental Retardation Authority of Harris County Houston, Texas
04/2004 - 06/2004	Charge Nurse	Watershed Webster, Texas
06/2004 - 11/2009	Staff Nurse	Menninger Clinic Houston, Texas
02/2007 - 04/2011	Staff Nurse Staff Relief Nurse	Mental Health Mental Retardation Authority of Harris County Houston, Texas
02/2009 - 04/2010	Staff Nurse	St. Giles Living Centers Houston, Texas
Unknown	Staff Nurse	Memorial Herman at the Park Houston, Texas

Respondent's nursing employment history continued:

Unknown	Staff Nurse	Bellaire Hospital Psych Facility Houston, Texas
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6. On October 23, 2009, Respondent was issued the sanction of Remedial Education through an Agreed Order by the Texas Board of Nursing. A copy of the Agreed Order of the Board dated October 23, 2009, Findings of Fact and Conclusions of Law is attached and incorporated by reference as part of this Order.
7. At the time of the initial incident in Finding of Fact Number Eight (8), Respondent was employed as a Staff Nurse with Mental Health Mental Retardation Authority of Harris County, Houston, Texas, and had been in this position for four (4) years.
8. On or about February 6, 2011, while employed as a Staff Nurse with Mental Health Mental Retardation Authority of Harris County, Houston, Texas, Respondent failed to ensure the safety of Client Number 464590, who was suicidal, when she admitted the client to the Psychiatric Emergency Services/Crisis Stabilization Unit. The client was subsequently found cutting herself on her wrists. Respondent's conduct may have exposed the client to the risk of harm from self-inflicted injuries.
9. On or about March 10, 2011, while employed as a Staff Nurse with Mental Health Mental Retardation Authority of Harris County, Houston, Texas, Respondent failed to appropriately document in the medical record of Client Number 37949 that the client had been assigned to the seclusion room, but was not under a physician's order for seclusion. Further, the Respondent failed to document the client's vital signs and her nursing assessments. Respondent's conduct created an incomplete medical record on which subsequent caregivers would rely on to provide ongoing medical care.
10. In response to the incident in Findings of Fact Number Eight (8), Respondent denies the allegation and states she was acting as the triage nurse following protocols at the time. Respondent adds that the client was placed on the stabilization unit and the mental health technicians were required to perform body searches and monitor clients. According to Respondent, the Nurse Manager had instructed triage nurses to continue with triage until all clients were triaged so there was no one waiting in the lobby. Respondent contends that this client was placed on the unit for her safety. In response to Finding of Fact Number Nine (9), Respondent states that she did do assessments, however, admits that she failed to appropriately document these assessments.
11. Charges were filed and mailed to Respondent on April 16, 2012.

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 that the Respondent may have violated 22 TEX. ADMIN. CODE §§217.11(1)(D) & (1)(M) and 217.12(1)(C).
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 703042, and Vocational Nurse License Number 149245, heretofore issued to EVA TREVINO CANCHE.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of 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 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, 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(S) 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:**

(4) 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.

(5) 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.

(6) RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.

(7) 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) year(s) 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.

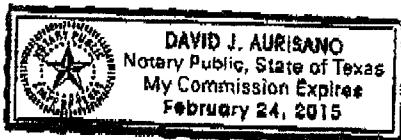
RESPONDENT'S CERTIFICATION

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 violation(s) 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 settle this matter in accordance with Section 301.463(d), Texas Occupations Code. 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 12 day of September, 20 12  
Eva Trevino Canche  
EVA TREVINO CANCHE, Respondent

Sworn to and subscribed before me this 12 day of September, 20 12.

SEAL



[Signature]  
Notary Public in and for the State of Texas

Approved as to form.

[Signature]  
ELIZABETH HIGGINBOTHAM, RN, JD, Attorney for Respondent

Signed this 12<sup>th</sup> day of September, 20 12



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 12<sup>th</sup> day of September, 2012, by EVA TREVINO CANCHE, Registered Nurse License Number 703042 and Vocational Nurse License Number 149245, and said Order is final.

Effective this 18<sup>th</sup> day of October, 2012.



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

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse License Number 703042	§	AGREED
and Vocational Nurse License Number 149245	§	
issued to EVA TREVINO CANCHE	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of EVA TREVINO CANCHE, Registered Nurse License Number 703042 and Vocational Nurse License Number 149245, 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 October 6, 2009, by Katherine A. Thomas, MN, RN, 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.
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 and holds a license to practice vocational nursing in the State of Texas which is in delinquent status.
4. Respondent received a Certificate Degree in Vocational Nursing from San Jacinto College South, Houston, Texas, on August 18, 1994. Respondent was licensed to practice vocational nursing in the State of Texas on October 10, 1994. Respondent received an Associate Degree in Nursing from Alvin Community College, Alvin, Texas, on December 15, 2003. Respondent was licensed to practice professional nursing in the State of Texas on February 19, 2004.

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

08/1994 - 09/1994		Employment history unknown.
09/1994 - 02/1996	LVN	Twelve Oaks Hospital Houston, Texas
02/1996 - 11/1997	LVN	Integrated Health Care Houston, Texas
10/1997 - Present	LVN/RN	Temporary Health Care Houston, Texas
10/1997 - 03/2004	LVN/RN	Devereux Texas Center League City, Texas
10/1998 - 06/1999	LVN	Hospice of Texas Medical Center Houston, Texas
06/2004 - Present	RN	The Menninger Clinic Houston, Texas

6. At the time of the initial incident, Respondent was employed as a registered nurse with the Menninger Clinic, Houston, Texas, and had been in this position for four (4) years and eight (8) months.

7. On or about February 2, 2009, while employed as a Registered Nurse with the Menninger Clinic, Houston, Texas, Respondent failed to intervene when another nurse provided Patient Medical Record Number 229825 with a disposable razor. The Patient had expressed suicidal thoughts earlier in the day and was under order for observation every fifteen minutes for passive suicide. Respondent failed to supervise the patient's use of the razor. Additionally, the patient was later found bleeding profusely from his neck and wrists. Respondent's conduct exposed the patient unnecessarily to a risk of harm from self-inflicted injuries which could have resulted in significant blood loss and death.

8. In response to Finding of Fact Number Seven (7), Respondent states: "on February 2, 2009 I provided professional nursing care to Patient Medical Records Number 229825. At or near 10:00 p.m. that same evening, the patient approached the sharps closet and requested, from D. H., RN, a razor to shave. I intervened and told Nurse D.H., twice, not to give the patient a razor. She disregarded my order and handed the patient a razor. The patient was on fifteen minute passive suicide watch. Immediately, I sought the aid of a mental health associate to check on the patient. Contemporaneously with this request, another patient required immediate attention. In less than two minutes, from the time the razor was given to the patient, he had managed to injure himself before staff could intervene."

### 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)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B)&(M), and 22 TEX. ADMIN. CODE §217.12(4)&(6)(C).
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 703042 and Licensed Vocational Nurse Number 149245, heretofore issued to EVA TREVINO CANCHE, including revocation of Respondent's license to practice professional and vocational 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 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 this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice 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, 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://www.learningext.com/products/generalce/critical/ctabout.asp>.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

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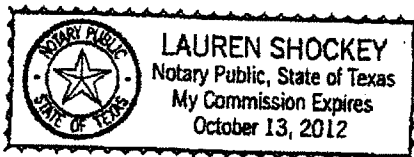
RESPONDENT'S CERTIFICATION

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 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 to practice professional and vocational nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 21<sup>st</sup> day of October, 2009.  
Eva Trevino Canche  
EVA TREVINO CANCHE, Respondent

Sworn to and subscribed before me this 21 day of October, 2009.

SEAL



Lauren Shockey  
Notary Public in and for the State of TEXAS

Approved as to form and substance.

Thomas C. Locke  
Thomas C. Locke, Attorney for Respondent

Signed this 21<sup>st</sup> day of October, 2009.

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 21<sup>st</sup> day of October, 2009, by EVA TREVINO CANCHE, Registered Nurse License Number 703042 and Vocational Nurse License Number 149245, and said Order is final.

Effective this 23<sup>rd</sup> day of October, 2009.

*Katherine A. Thomas*

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

