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Katherine A. Thomas
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 222333 § AGREED
issued to WANDA G. DOSIER MCATEE § ORDER

An investigation by the Board produced evidence indicating that WANDA G. DOSIER MCATEE, hereinafter referred to as Respondent, License Number 222333, may have violated Article 4525(b)(9),(11)&(12), Revised Civil Statutes of Texas, as amended.

An informal conference was held on October 16, 2000, at the office of the Board of Nurse Examiners, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Katherine A. Thomas, MN, RN, Executive Director; James W. Johnston, General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Cynthia A. Smith, 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 representation by counsel, 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 an Associate Degree in Nursing from San Jacinto Junior College, Pasadena, Texas, in August 1968, and was licensed to practice professional nursing in the State of Texas in December 1968.

5. Respondent's professional employment history includes the following:

12/68 - 12/69	Not employed in nursing	
1/70 - 8/70	Staff Nurse, Newborn Nursery	Southmore Medical Center Pasadena, Texas
8/70 - 10/70	Unknown	
1/70 - 8/70	Staff Nurse, Newborn Nursery	Southmore Medical Center Pasadena, Texas
10/70 - 3/71	Staff Nurse, Med/Surg/Ortho	Scott and White Hospital Temple, Texas
3/71 - 5/71	Unknown	
5/71 - 1/83	Staff Nurse, Med/Surg	St. Joseph Hospital Houston, Texas
1/83 - 4/84	Unemployed	
4/84 - 9/84	Pharmacy Tech	St. Edwards Hospital Cameron, Texas
10/84 - 4/94	Staff Nurse Post Partum, NICU	Conroe Regional Medical Center Conroe, Texas
4/94 - 9/97	Staff Nurse Newborn Nursery, L & D	Cleveland Regional Hospital Cleveland, Texas
9/97 - 5/99	Staff Nurse, NICU	Northeast Medical Center Humble, Texas
6/99 - present	Staff Nurse, NICU	Cleveland Regional Hospital Cleveland, Texas

6. At the time of the initial incidents, Respondent was employed as a Staff Nurse in the Neonatal Intensive Care Unit (NICU) at Northeast Medical Center, Humble, Texas, and had been in this position for eleven (11) months.

7. On or about August 4, 1998, while employed in the NICU at Northeast Medical Center, Humble, Texas, Respondent failed to report to the physician abnormal laboratory results of a capillary blood gas specimen collected from a patient, a baby boy named Sam. The results indicated the "PH" and the "PCo2" were out of normal range. Respondent's conduct was likely to injure the patient because it deprived the physician of information essential in making sound clinical judgments regarding the progress of the patient and may have delayed treatment needed to stabilize the patient.
8. On or about March 10, 1999, while employed in the NICU at Northeast Medical Center, Humble, Texas, Respondent made threatening comments to staff in that she said, "I am going to get a gun, come and blow everyone away and then myself." Respondent's mental condition may have prevented the delivery of safe nursing care.
9. Respondent attributes her behavior in Finding of Fact Number Eight (8) to financial and personal problems she was experiencing, resulting in her becoming severely depressed. Respondent sought treatment from a psychiatrist, P.K. Roy, M.D. in June 1999, who diagnosed her with Major Depression. Respondent continues in treatment with Dr. Roy which includes psychotherapy and medication management.
10. On or about April 4, 1999, while employed in the NICU at Northeast Medical Center, Humble, Texas, Respondent removed a patient, a baby boy named Carr, from his isolette and monitors to take the patient with Respondent while delivering specimens to the lab. During this time, the patient was removed from his heat source, cardiac, respiratory and oxygen saturation monitors. The patient was anemic, had a heart murmur, and had a percutaneous intravenous line in his right foot which had required four (4) attempts to insert. In addition, Respondent had recorded a heart rate of "230" for this patient earlier in the shift. Respondent's conduct resulted in the patient becoming stressed subsequent to the incident.

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 violations of Article 4525(b)(9),(11)&(12), TEX. REV. CIV. STAT. ANN., 22 TEX. ADMIN. CODE §217.11(7)&(12), and 22 TEX. ADMIN. CODE §217.13(4)&(6).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 222333, heretofore issued to WANDA G. DOSIER MCATEE, 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 privilege, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-size license issued to WANDA G. DOSIER MCATEE, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a 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 must include registered nurses. It must 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 is to be taken in addition to any continuing education requirements the Board may have for relicensure.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in physical assessment with an emphasis on Neonatal Care. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The target audience must include registered nurses. The didactic portion of this course must be a minimum of six (6) hours and the course must contain a minimum of twenty-four (24) hours in clinical practice with neonatal emphasis which is to be supervised by another registered nurse. To be approved, the course should cover all systems of the body. The course description must 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 is to be taken in addition to any continuing education requirements the Board has for relicensure.

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing ethics to include professional boundaries. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The course must be a minimum of six (6) contact hours in length. 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.

IT IS FURTHER AGREED, SHOULD RESPONDENT CHOOSE TO 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, UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT:

(5) 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 copy of this Order 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 copy of this Order to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in professional nursing to submit the Notification of Employment form, which is provided 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 to the Board's office within five (5) days of employment as a professional nurse.

(7) RESPONDENT SHALL be supervised by a registered nurse who is on the premises. The supervising RN is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided 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 to the office of the Board at the end of each three (3) months for one (1) year of employment as a professional nurse.

(9) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the RESPONDENT's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulations, or until RESPONDENT is dismissed from therapy.

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

Signed this 8 day of Dec, 2000.

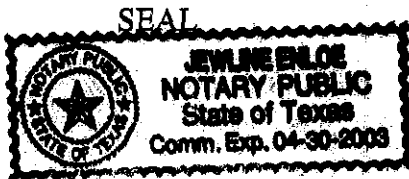
Wanda G. Dosier McAttee

WANDA G. DOSIER MCATEE, Respondent

Sworn to and subscribed before me this 8th day of December, 2000.

Jewline Erbe

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 8th day of December, 2000, by WANDA G. DOSIER MCATEE, License Number 222333, and said Order is final.

Effective this 18th day of January, 2001.



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