



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 736376 §
issued to ETHELBLYTH FORTUN DUHAC § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ETHELBLYTH FORTUN DUHAC, Registered Nurse License Number 736376, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13) and 301.453, Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on October 23, 2013, 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 informal proceedings, notice and hearing, and agreed to the entry of this Order.
- 3. Respondent is currently licensed to practice professional nursing in the State of Texas.
- 4. Respondent received a Baccalaureate Degree in Nursing from Cebu Doctors University, Cebu City, Philippines on March 1, 1999. Respondent was licensed to practice professional nursing in the State of Texas on January 9, 2007.
- 5. Respondent's nursing employment history includes:

1/2007 - 10/2010	Staff Nurse	Valley Baptist Medical Center Brownsville, Texas
11/2007 - 10/2010	Telemetry Nurse	Valley Baptist Medical Center Brownsville, Texas

Respondent's nursing employment history continued:

3/2010 - Present	Agency Nurse	Superstaffers, LLC Brownsville, Texas
7/2010 - Present	Med/Surg Nurse	Valley Baptist Medical Center Brownsville, Texas
6/2011 - 12/2011	Staff Nurse	Solara Hospital Harlingen Brownsville, Texas

6. At the time of the initial incident, Respondent was employed as a Staff Nurse with Solara Hospital Harlingen, Brownsville, Texas, and had been in that position for four (4) months.
7. On or about October 7, 2011, through October 8, 2011, while employed as a Staff Nurse with Solara Hospital Harlingen, Brownsville, Texas, Respondent failed to assess and obtain vital signs every hour as required by the facility's Intensive Care Protocol for Patient Medical Record Number 001136, age 91, who had been admitted for continuation of heart failure treatment. Respondent's conduct exposed the patient unnecessarily to a risk of experiencing unrecognized clinical changes of condition, including possible demise.
8. On or about October 7, 2011, through October 8, 2011, while employed as a Staff Nurse with Solara Hospital Harlingen Brownsville Campus, Brownsville, Texas, Respondent failed to place Patient Medical Record Number 001136 on two (2) liters of oxygen per minute via nasal cannula, and failed to ensure that the patient was placed on a bi-level positive airway pressure (BIPAP) machine, as ordered by the physician. The oxygen and BIPAP were ordered as treatment for the patient's heart failure and would increase the oxygenation level in the patient's bloodstream. Respondent made one (1) unsuccessful attempt to get the respiratory therapist (RT) to place the patient on the BIPAP, but the patient never received the oxygen or BIPAP application. Approximately five (5) hours after arriving on the unit, the patient suffered cardiopulmonary arrest and expired. Respondent's conduct exposed the patient unnecessarily to decreased oxygenation and may have contributed to his death.
9. In response to the incidents in Findings of Fact Numbers Seven (7) through Eight (8), Respondent states that patient was transferred from another hospital with no oxygen, was not short of breath, and had good oxygenation on room air. She explains that she was aware from the charge nurse report that the patient had an order for oxygen and BIPAP. Respondent relates that the personal care technician took the patient's vital signs, but that she did not know that they were not recorded. Respondent states that she told the RT that the patient needed the BIPAP, and he argued with her saying that the patient did not need it, as his oxygen saturations were 94 %. She told him to talk to the charge nurse, and about an hour later she saw the RT in the patient's room and thought that he was finally getting the BIPAP hooked up, so she did not go in. Respondent relates that she is so regretful of this event and kept thinking of what she could have done differently to have the outcome changed. Respondent felt that since she had many other patients, one (1) in isolation, and another on

- BIPAP, that the charge nurse should not have assigned her to care for this patient in the capacity of an intensive care unit (ICU) nurse. Respondent had no ICU experience, or training, and was not aware of the ICU forms that were needed. Respondent also states that there was another ICU nurse that could have been assigned to this patient.
- 10. The Board finds that the facility cited as mitigation for the Respondent's conduct: high work volume, inexperience, lack of orientation and training, conflict with team members, lack of team support, and lack of adequate staff.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §§ 217.11(1)(A), (1)(B), (1)(C), (1)(M), (1)(P), (1)(T) & (3)(A) and 217.12(1)(A), (1)(B), (1)(E), (1)(F) & (4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 736376, heretofore issued to ETHELBLYTH FORTUN DUHAC, 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 REPRIMAND 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 physical assessment. 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 Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. 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 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 AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) 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) For the first year of employment as a Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(7) For the remainder of the stipulation/probation period, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse 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. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, 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 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 two (2) 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 may be eligible for nurse licensure compact privileges, if any.

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PAGE 02

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 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.

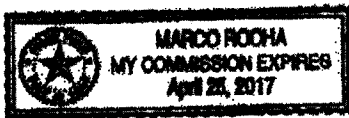
Signed this 15 day of JANUARY, 2014.

[Handwritten Signature]

ETHEL BLYTH FORTUN DUHAC, RESPONDENT

Sworn to and subscribed before me this 15 day of January, 2014.

SEAL



[Handwritten Signature]

Notary Public in and for the State of Texas

Approved as to form and substance.

[Handwritten Signature]

Oscar San Miguel, Attorney for Respondent

Signed this 15 day of January, 2014

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on 15th day of January, 2014, by ETHELBLYTH FORTUN DUHAC, Registered Nurse License Number 736376, and said Order is final.

Effective this 11th day of February, 2014.



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