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*Katherine A. Thomas*  
Executive Director of the Board

## BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED
Registered Nurse License Number 670122	§	
& Vocational Nurse License Number 154254	§	
issued to DEBORAH LYNN BAETHGE	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DEBORAH LYNN BAETHGE, Registered Nurse License Number 670122 and Vocational Nurse License Number 154254, 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), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on December 17, 2014.

### 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 agreed to the entry of this Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in delinquent status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Schreiner College, Kerrville, Texas, on August 11, 1995, and received an Associate Degree in Nursing from San Antonio College, Kerrville, Texas, on May 1, 2000. Respondent was licensed to practice vocational nursing in the State of Texas on September 28, 1995, and was licensed to practice professional nursing in the State of Texas on July 11, 2000.

5. Respondent's nursing employment history includes:

9/1995 - 10/2001	Staff Nurse	Kerrville State Hospital Kerrville, Texas
1/2001 - 10/2001	Staff Nurse	Hill Country Memorial Hospital Fredericksburg, Texas
11/2001 - 4/2002	Staff Nurse	Dr. James C. Hayhurst Fredericksburg, Texas
4/2002 - 5/2012	Staff Nurse	Hill Country Memorial Hospital Fredericksburg, Texas
5/2012 - 5/2013	Staff Nurse	Windcrest Nursing & Rehab Fredericksburg, Texas
5/2013 - 12/2014	Home Health Nurse	Encompass Home Health Fredericksburg, Texas
1/2015 - Present	Staff Nurse	Windcrest Nursing & Rehab Fredericksburg, Texas

6. At the time of the initial incident, Respondent was employed as a staff nurse with Hill Country Memorial Hospital, Fredericksburg, Texas, and had been in this position for nine (9) years and five (5) months.
7. On or about September 19, 2011, while employed as a surgical circulating nurse with Hill Country Memorial Hospital, Fredericksburg, Texas, Respondent failed to ensure that an accurate sponge count was completed for Patient Number F1146049 before closure of the surgical site. A subsequent count initiated by the surgical tech indicated that there was a missing laparotomy sponge, which required the patient to return to surgery to have the sponge removed from his abdominal cavity. Respondent's conduct contributed to the patient unnecessarily requiring a second surgical procedure to remove a retained sponge from the abdominal cavity.
8. On or about March 27, 2012, while employed as a surgical circulating nurse with Hill Country Memorial Hospital, Fredericksburg, Texas, Respondent mislabeled a specimen obtained from Patient Number F1180875 during surgery for a left breast segmental resection with axillary node dissection. The mislabeled specimen was sent to pathology, which resulted in the patient being required to have a second surgical procedure in order to obtain a new specimen. Respondent's conduct contributed to the patient unnecessarily requiring a second surgical procedure and may have contributed to possibly delayed diagnosis and treatment of the patient.

9. On or about May 4, 2012, while employed as a surgical circulating nurse with Hill Country Memorial Hospital, Fredericksburg, Texas, Respondent inserted a latex catheter into Patient Number F1188149, who had a clearly documented latex allergy. In addition, Respondent prepared the entire operating room with latex products, which she observed and removed prior the start of the surgery. Further, Respondent failed to communicate the incident to the Surgical Supervisor or Director until another staff member stepped forward three (3) days later. Respondent's conduct was likely to injure the patient from adverse allergic reactions to latex, including possible anaphylaxis and/or demise.
10. In response to the incidents in Findings of Fact Numbers Seven (7) through Nine (9), Respondent states that the count at closure that she and the surgical tech performed was accurate. After the patient was transferred to recovery, the tech felt compelled to perform her own sponge count, which indicated a laparotomy sponge was missing and the surgeon ordered a KUB x-ray. The radiologist could not see anything, so the surgeon decided to re-open the incision. The surgeon reached in with his hand to where he "remembered" and located the retained sponge. Respondent believes that the surgeon inserted a sponge after they had counted and without their knowledge. Regarding the specimen, Respondent points out that she has handled in excess of 2000 breast biopsies over the past 10 years and this is the first mislabeling incident. As a result of the incident, the CEO asked her to devise a better system to handle specimens, which she did and believes is currently still in use. Regarding the latex, Respondent admits to inserting the latex catheter, stating the allergy was not clearly written but hand written in between 2 other allergies. Respondent failed to see it. When the surgeon came in the room and called her attention to it, Respondent removed the latex products from the room. While she knows the incident needed to be reported, Respondent states she decided to wait until the supervisor came back from a 3 day sabbatical since there was no imminent threat to anyone once the error had been caught.

#### 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)(D),(1)(M),(1)(P)&(3) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(6)(H).
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 670122 and Vocational Nurse License Number 154254, heretofore issued to DEBORAH LYNN BAETHGE, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

## **TERMS OF ORDER**

### **I. SANCTION AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **REPRIMAND WITH STIPULATIONS** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

### **II. COMPLIANCE WITH LAW**

While under the terms of this Order, RESPONDENT agrees to 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.

### **III. REMEDIAL EDUCATION COURSE(S)**

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) **within one (1) year of the effective date of this Order, unless otherwise specifically indicated:**

- A. **A Board-approved course in Texas nursing jurisprudence and ethics** that 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. Home study courses and video programs will not be approved.

- B. **A Board-approved course in nursing documentation** that shall be a minimum of six (6) hours in length. The course's content shall include: 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. Home study courses and video programs will not be approved.
- C. **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/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at [www.bon.texas.gov/compliance](http://www.bon.texas.gov/compliance).*

#### IV. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse, providing direct patient care in a licensed healthcare setting, for a minimum of sixty-four (64) hours per month for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as a nurse have elapsed. Any quarterly period without continuous employment with the same employer for all three (3) months will not count towards completion of this requirement. 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 period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. **Direct Supervision:** For the first year [four (4) quarters] 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). 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.
- D. **Indirect Supervision:** 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.

- E. Nursing Performance Evaluations:** 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 and these reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month quarterly period for eight (8) quarters [two (2) years] of employment as a nurse.

**V. RESTORATION OF UNENCUMBERED LICENSE(S)**

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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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 violation(s) alleged herein. By my signature on this Order, I agree to the entry of this 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

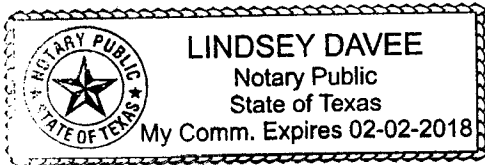
Signed this 27 day of January, 2015.

Deborah Lynn Baethge  
DEBORAH LYNN BAETHGE, Respondent

Sworn to and subscribed before me this 27<sup>th</sup> day of January, 2015.

SEAL

Lindsey Davee  
Notary Public in and for the State of Texas





WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 27<sup>th</sup> day of January, 2015, by DEBORAH LYNN BAETHGE, Registered Nurse License Number 670122 and Vocational Nurse License Number 154254, and said Order is final.

Effective this 10<sup>th</sup> day of March, 2015.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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