

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED
Registered Nurse License Number 581957	§	
& Vocational Nurse License Number 135166	§	
issued to GINA LYNN MENDELSON	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of GINA LYNN MENDELSON, Registered Nurse License Number 581957 and Vocational Nurse License Number 135166, 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)(2),(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 October 14, 2015.

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 Paris Junior College, Paris, Texas, on August 16, 1991, and received an Associate Degree in Nursing from Paris Junior College, Paris, Texas, on May 15, 1992. Respondent was licensed to practice vocational nursing in the State of Texas on December 3, 1991, and was licensed to practice professional nursing in the State of Texas on August 31, 1992.

5. Respondent's nursing employment history includes:

12/91 - 04/92	Unknown	
05/92 - 01/95	RN	St. Joseph Hospital Paris, Texas
01/95 - 04/95	RN	Cross Country Travel Boca Raton, Florida
04/95 - 08/97	RN	Presbyterian Hospital Dallas, Texas
08/97 - 01/00	RN	Baylor University Medical Center Dallas, Texas
01/00 - 08/02	RN	Presbyterian Hospital of Plano Plano, Texas
09/02 - 12/03	Unknown	
01/04 - 01/05	RN	Centennial Medical Center Frisco, Texas
02/05 - 01/11	Unknown	
02/11 - 02/13	RN	Paris Regional Medical Center Paris, Texas
02/13 - Present	RN	American Traveler and Nightingale Nurses: Boca Raton, Florida

6. On or about August 30, 1999, Respondent entered a plea of Guilty to, and was convicted of DRIVING WHILE INTOXICATED, a misdemeanor offense committed on January 14, 1999, in the County Court at Law No. 3, Collin County, Texas, under Cause Number 3-81560-99. As a result of the conviction, Respondent was sentenced to confinement for a period of one hundred twenty (120) days; however, the imposition of confinement was suspended and Respondent was placed on probation for a period of two (2) years, and ordered to pay a fine and court costs.
7. On or about October 3, 2000, Respondent submitted a Registered Nurse License Renewal Form to Texas Board of Nursing, in which she provided false, deceptive, and/or misleading information, in that she answered "no" to the following question:

“Since the issuance or last renewal of your RN license, have you been convicted of a felony or misdemeanor other than a minor traffic violation?”

Respondent failed to disclose that on or about August 30, 1999, she entered a plea of Guilty to, and was convicted of DRIVING WHILE INTOXICATED, a misdemeanor offense committed on January 14, 1999, in the County Court at Law No. 3, Collin County, Texas, under Cause Number 3-81560-99. As a result of the conviction, she was sentenced to confinement for a period of one hundred twenty (120) days; however, the imposition of confinement was suspended and she was placed on probation for a period of two (2) years, and ordered to pay a fine and court costs.

8. On or about October 20, 2014, Respondent submitted a Texas Board of Nursing-Online Renewal Document, Registered Nurse, in which she provided false, deceptive, and/or misleading information, in that she answered "no" to the following question:

"Have you, within the past 24 months or since your last renewal, for any criminal offense, including those pending appeal:

- A. been convicted of a misdemeanor?
- B. been convicted of a felony?
- C. pled nolo contendere, no contest, or guilty?
- D. received deferred adjudication?
- E. been placed on community supervision or court-ordered probation, whether or not adjudicated guilty?
- F. been sentenced to serve jail or prison time? court-ordered confinement?
- G. been granted pre-trial diversion?
- H. been arrested or have any pending criminal charges?
- I. been cited or charged with any violation of the law?
- J. been subject of a court-martial; Article 15 violation; or received any form of military judgment/punishment/action?"

Respondent failed to disclose that on or about October 6, 2014, she was arrested by the Melissa Police Department, Melissa, Texas, and subsequently charged under Cause Number 02-87962-2014 for DRIVING WHILE INTOXICATED 2nd, a Class A misdemeanor offense.

9. On or about January 26, 2015, while employed as a Registered Nurse with American Traveler, Boca Raton, Florida, and on assignment at Parkland Health and Hospital System, Dallas, Texas, Respondent falsely documented in the electronic medical record (EPIC) that she administered Benadryl 25mg, Hydrocodone 5/325, and Phenergan 25mg to Patient Medical Record Number 4493139, when in fact the medications were administered to an unidentified individual. Respondent's conduct created an inaccurate medical record, and was likely to injure the patient in that subsequent care givers would rely on her documentation

to base their decisions for further care.

10. On or about January 26, 2015, while employed as a Registered Nurse with American Traveler, Boca Raton, Florida, and on assignment at Parkland Health and Hospital System, Dallas, Texas, Respondent failed to administer Benadryl 25mg, Hydrocodone 5/325, and Phenergan 25mg to Patient Medical Record Number 4493139, per physicians orders. Respondent's conduct was likely to injure the patient in that failure to administer medications as ordered by a physician could have resulted in non-efficacious treatment.
11. On or about January 26, 2015, while employed as a Registered Nurse with American Traveler, Boca Raton, Florida, and on assignment at Parkland Health and Hospital System, Dallas, Texas, Respondent failed to utilize two (2) patient identifiers before performing a lab draw. As a result, Respondent incorrectly drew blood from an unidentified person, then labeled the specimen with Patient Medical Record Number 4493139's labels. Further, Respondent failed to document the error in the patient's medical record. Respondent's conduct unnecessarily exposed the patient to risk of harm from medical decisions based on inaccurate laboratory studies results.
12. On or about January 26, 2015, while employed as a Registered Nurse with American Traveler, Boca Raton, Florida, and on assignment at Parkland Health and Hospital System, Dallas, Texas, Respondent failed to complete a blood draw on Patient Medical Record Number 4493139, as ordered. Respondent's conduct was likely to injure the patient in that failure to complete blood work as ordered by a physician could have resulted in non-efficacious treatment.
13. On or about January 26, 2015, while employed as a Registered Nurse with American Traveler, Boca Raton, Florida, and on assignment at Parkland Health and Hospital System, Dallas, Texas, Respondent inappropriately administered medications intended for Patient Medical Record Number 4493139, to an unidentified person. Respondent failed to correctly identify a patient, and consequently, wrongfully administered medications to said patient without an order from a physician. Further, Respondent failed to document the error in the patient's medical record. Respondent's conduct created an incomplete medical record, and was likely to injure the patient in that the administration of medications without a physician's order could result in the patient suffering from adverse reactions.
14. In response to Findings of Fact Number Six (6), through Number Thirteen (13), Respondent states she does not dispute that she was convicted of misdemeanor Driving While Intoxicated, on January 14, 1999. Respondent states she did not realize that a misdemeanor had to be reported. Respondent states she was under the impression that only felonies needed to be reported. Respondent states she thought that she only had to report final convictions, and not an arrest. Respondent further states she administered medications to a patient that verified her name upon request.
15. Formal Charges were filed on July 23, 2015.

16. Formal Charges were mailed to Respondent on July 27, 2015.

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) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C),(1)(E),(4),(6)(A),(6)(H),(6)(I),(10)(B),(11)(B)&(13).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2),(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 581957 and Vocational Nurse License Number 135166, heretofore issued to GINA LYNN MENDELSON.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS AND A FINE** 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 medication administration with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components be provided by the same Registered Nurse. The course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the six (6) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The clinical component SHALL focus on tasks of medication administration only. 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. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.

- 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.*

IV. MONETARY FINE

RESPONDENT SHALL **pay a monetary fine in the amount of five hundred dollars (\$500.00) within forty-five (45) days of entry of this Order.** Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

V. EMPLOYMENT REQUIREMENTS

In order to complete the terms of this Order, RESPONDENT must work as a nurse in the State of Texas, providing direct patient care in a licensed healthcare setting, **for a minimum of sixty-four (64) hours per month** for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) 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. **Indirect Supervision:** 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.
- D. **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 four (4) quarters [one (1) year] of employment as a nurse.

VI. 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.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

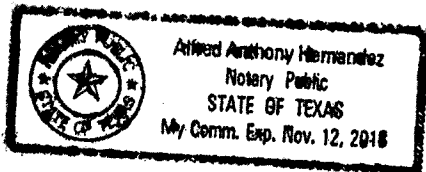
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary 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 4 day of Nov, 2015.

Gina Mendelson
GINA LYNN MENDELSON, Respondent

Sworn to and subscribed before me this 4th day of November, 2015.

SEAL



Alfred Hernandez
Notary Public in and for the State of Texas

Approved as to form and substance.

Jeff B. McDonald
Jeff B. McDonald, Attorney for Respondent

Signed this 20th day of November, 2015.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 4th day of November, 2015, by GINA LYNN MENDELSON, Registered Nurse License Number 581957 and Vocational Nurse License Number 135166, and said Order is final.

Effective this 21st day of January, 2016.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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