



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

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In the Matter of § AGREED ORDER  
Registered Nurse License Number 643707 § FOR  
issued to DOLORES MASON § KSTAR PILOT PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DOLORES MASON, Registered Nurse License Number 643707, 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 3, 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 professional nurse in the State of Texas is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from The University of Texas Health Science Center - San Antonio, San Antonio, Texas, on December 1, 1996. Respondent was licensed to practice professional nursing in the State of Texas on July 22, 1997.
5. Respondent's nursing employment history includes:
 

7/1997 - 8/1/1997	Registered Nurse	Texas Home Management San Antonio, Texas
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Respondent's nursing employment history continued:

9/1997 - 9/1998	Registered Nurse	University Hospital San Antonio, Texas
10/1998 - Present	Registered Nurse	Christus Santa Rosa Healthcare San Antonio, Texas

6. At the time of the incident, Respondent was employed as a Registered Nurse with Christus Santa Rosa Healthcare, San Antonio, Texas, and had been in that position for sixteen (16) years and four (4) months.
7. On or about February 24, 2015, while employed as a Registered Nurse with Christus Santa Rosa Healthcare, San Antonio, Texas, Respondent failed to notify the physician in a timely manner or call for a Rapid Response Team when Patient Number AI0021240677 began to exhibit continuing signs of decreasing oxygen levels. Initially, Respondent administered oxygen to the patient by nasal cannula, without a physician's order, and failed to document administration in the medical record. Three (3) hours later, when the patient's oxygen levels declined again, Respondent consulted with the Respiratory Therapist and the patient was placed on a ventimask followed by a 100% non-rebreather mask to maintain an adequate oxygen level. Although Respondent notified the physician and obtained an order for the oxygen and to administer Ativan to the patient, when the physician arrived at bedside shortly thereafter, the physician declined Respondent's request to have the patient transferred to the Intensive Care Unit (ICU) until after Arterial Blood Gasses (ABG) were obtained. Thirty (30) minutes later, Respondent was at the patient's bedside, noted rapidly decreasing oxygen levels, and again notified the physician, who then ordered that a Code be called. The patient was pronounced deceased shortly after attempted resuscitation during the Code was unsuccessful. Respondent's conduct may have resulted in delayed treatment of the patient's changes in respiratory status.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states she presumed an oxygen protocol was in effect because there was a nasal cannula connected to the oxygen regulator that was set at 2 liters. During her 5 a.m. assessment, Respondent indicates she obtained oxygen saturation of 83% and then consulted the Respiratory Therapist who was present in the hallway. Respondent and the Respiratory Therapist placed the patient on a ventimask, then 100% non-rebreather to maintain oxygen level at 98%. Respondent states she promptly contacted the physician and received oxygen orders over the phone and the physician, who was at the patient's bedside within five (5) minutes, ordered Ativan 2mg be administered intravenously "now". Respondent states she medicated the patient then asked the physician if he wanted to transfer patient to ICU, but the physician explained that, given the patient's history, he wanted to obtain ABG results and assess effectiveness of medication. Respondent states when she was at the patient's bedside and the

patient's oxygen saturation decreased rapidly from 98% to 78% with increased respiratory rate & effort, she immediately notified the physician at the nurse's station and physician ordered a Code Blue to be called because the patient needed immediate respiratory ventilation support. Respondent states she and the physician remained at the patient's bedside preparing for the code team's arrival and, upon code team arrival, the ER physician proceeded to provide mechanical ventilation at bedside. Respondent states she has obtained a copy of and reviewed criteria for calling the Rapid Response Team at her facility.

### 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)(D),(1)(M),(1)(N)&(1)(P) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)&(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 643707, heretofore issued to DOLORES MASON.
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** 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. KNOWLEDGE, SKILLS, TRAINING, ASSESSMENT AND RESEARCH (KSTAR) PILOT PROGRAM**

IT IS AGREED and ORDERED that RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the Knowledge, Skills, Training, Assessment and Research (KSTAR) Pilot Program and RESPONDENT SHALL:

- (A) Within forty-five (45) days of entry of this Order, apply to and enroll in the KSTAR Pilot Program, including payment of any fees and costs, unless otherwise agreed in writing;
- (B) Submit to an individualized assessment designed to evaluate RESPONDENT'S nursing practice competency and to support a targeted remediation plan;
- (C) Follow all requirements within the remediation plan, if any;
- (D) Successfully complete a Board-approved course in Texas nursing jurisprudence and ethics as part of the KSTAR Pilot Program; and
- (E) Provide written documentation of successful completion of the KSTAR Pilot Program to the attention of Monitoring at the Board's office.

## **IV. FURTHER COMPETENCY ISSUES AND VIOLATIONS**

IT IS FURTHER AGREED, SHOULD RESPONDENT'S individualized KSTAR Pilot Program assessment identify further competency issues and violations of the Nursing Practice

Act, including inability to practice nursing safely, further disciplinary action, up to and including revocation of Respondent's license(s) to practice nursing in the State of Texas, may be taken based on such results in the assessments.

**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

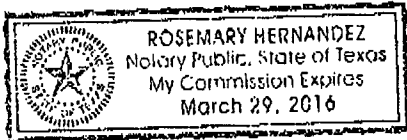
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary 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<sup>th</sup> day of January, 2016.

Dolores Mason  
DOLORES MASON, Respondent

Sworn to and subscribed before me this 4 day of January, 2016.

SEAL



Rosemary Hernandez

Notary Public in and for the State of Texas

Approved as to form and substance.

Oscar San Miguel  
Oscar San Miguel, Attorney for Respondent

Signed this 4th day of January, 2016.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 4th day of January, 2016, by DOLORES MASON, Registered Nurse License Number 643707, and said Order is final.

Effective this 9th day of February, 2016.



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