



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

IN THE MATTER OF  
PERMANENT NURSE  
LICENSE NUMBER 182350,  
ISSUED TO CASSIE LYNN BAUMBACH,  
RESPONDENT

§ BEFORE THE TEXAS  
§  
§  
§  
§ BOARD OF NURSING

**NUNC PRO TUNC ORDER OF THE BOARD**

TO: CASSIE LYNN BAUMBACH  
1710 JONES STREET  
WESTLAKE, LA 70669

An Order of the Board was entered for Cassie Lynn Baumbach on November 10, 2015. The Order, however, contained typographical errors. Upon notice and hearing, administrative agencies, like the Courts, have the power to enter nunc pro tunc orders where it can be seen by reference to a record that what was intended to be entered, but was omitted by inadvertence or mistake, can be corrected upon satisfactory proof of its rendition provided that no intervening rights will be prejudiced. *Railroad Comm'n v. McClain*, 356 S.W.2d 330, 334 (Tex. App.--Austin 1962, no writ) (citing *Frankfort Ky. Nat. Gas Co. v. City of Frankfort*, 276 Ky. 199, 123 S.W.2d 270, 272).

The Executive Director, as agent of the Texas Board of Nursing, after review and due consideration of the record and the facts therein submits and enters the corrected Order. Respondent received due process regarding her license; therefore, her rights have not been prejudiced.

NOW, THEREFORE, IT IS ORDERED that the corrected Order of the Board is hereby approved and entered on the dates set forth below.

Order effective November 10, 2015.

Entered this 25<sup>th</sup> day of February, 2016.

BY: *Katherine A. Thomas*  
KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

IN THE MATTER OF PERMANENT § BEFORE THE TEXAS  
VOCATIONAL NURSE § BOARD OF NURSING  
LICENSE NUMBER 182350, §  
ISSUED TO CASSIE LYNN BAUMBACH, § ELIGIBILITY AND  
RESPONDENT § DISCIPLINARY COMMITTEE

**ORDER OF THE BOARD**

TO: CASSIE LYNN BAUMBACH  
1710 JONES STREET  
WESTLAKE, LA 70669

During open meeting held in Austin, Texas, on **November 10, 2015**, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order

will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Vocational Nurse License Number 182350, previously issued to CASSIE LYNN BAUMBACH, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 10th day of November, 2015.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed September 8, 2015.  
d17r(2014.12.05)

Re: Permanent Vocational Nurse License Number 182350  
Issued to CASSIE LYNN BAUMBACH  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of November, 2015, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

CASSIE LYNN BAUMBACH  
1710 JONES STREET  
WESTLAKE, LA 70669

Via USPS First Class Mail

BY:



---

KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of § BEFORE THE TEXAS  
Permanent Vocational Nurse §  
License Number 182350 §  
-----  
Issued to CASSIE LYNN BAUMBACH, §  
Respondent § BOARD OF NURSING

### FORMAL CHARGES

~~This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CASSIE LYNN BAUMBACH, is a Vocational Nurse holding License Number 182350, which is in current status at the time of this pleading.~~

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

#### CHARGE I.

On or about March 19, 2015, Respondent failed to comply with the Order of WARNING WITH STIPULATIONS - DEFERRED, issued to her on March 18, 2014, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number one (1) of the Order which states, in pertinent part:

(1) Respondent SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics....

A copy of the Findings of Fact, Conclusions of Law and Agreed Order dated March 18, 2014, is attached and incorporated herein, by reference, as part of this Order.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

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CONTINUED ON NEXT PAGE.

## CHARGE II.

On or about March 19, 2015, You failed to comply with the Order of WARNING WITH STIPULATIONS - DEFERRED, issued to you on March 18, 2014, by the Texas Board of Nursing. Non-compliance is the result of Your failure to comply with Stipulation Number two (2) of the Order which states, in pertinent part:

(2) Respondent SHALL, within one (1) year of entry of this Order, successfully complete a course in physical assessment...

A copy of the Findings of Fact, Conclusions of Law and Agreed Order dated March 18, 2014, is attached and incorporated herein, by reference, as part of this Order

~~The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).~~

## CHARGE III.

On or about March 19, 2015, You failed to comply with the Order of WARNING WITH STIPULATIONS, issued to you on March 18, 2014, by the Texas Board of Nursing. Non-compliance is the result of Your failure to comply with Stipulation Number three (3) of the Order which states, in pertinent part:

(3) Respondent SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills,"....

A copy of the Findings of Fact, Conclusions of Law and Agreed Order dated March 18, 2014, is attached and incorporated herein, by reference, as part of this Order

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

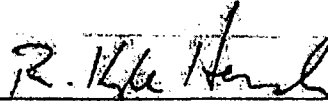
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order dated March 19, 2015.

Filed this 8<sup>th</sup> day of September, 2015.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Jena Abel, Assistant General Counsel  
State Bar No. 24036103

Natalie E. Adelaja, Assistant General Counsel  
State Bar No. 24064715

John R. Griffith, Assistant General Counsel  
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

John Vanderford, Assistant General Counsel  
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-8657  
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated March 19, 2015

D(2015.07.29)



BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of  
Vocational Nurse License Number 182350  
issued to CASSIE LYNN BAUMBACH

§ AGREED ORDER  
§  
§ FOR DEFERRED DISCIPLINE

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

On this day the Texas Board of Nursing, hereinafter referred to as the Board,

~~considered the matter of CASSIE LYNN BAUMBACH, Vocational Nurse License Number 182350,~~

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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on November 4, 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Lee College, Baytown, Texas, on August 15, 2001, and was licensed to practice vocational nursing in the State of Texas on October 25, 2001.
5. Respondent's nursing employment history includes:

|                  |                                |  |
|------------------|--------------------------------|--|
| 10/2001 - 1/2009 | Staff LVN,<br>Labor & Delivery | San Jacinto Methodist Hospital<br>Baytown, Texas |
|------------------|--------------------------------|--|



|                  |                      |  |
|------------------|----------------------|--|
| 2/2009 - 1/2011  | Day Shift Charge LVN | St. James House<br>Baytown, Texas              |
| 2/2011           | Unknown              |  |
| 3/2011 - 7/2011  | Staff LVN            | Allenbrook Healthcare Center<br>Baytown, Texas |
| 8/2011 - Present | Unknown              |  |

6. At the time of the incident, Respondent was employed as a Staff LVN with Allenbrook Healthcare Center, Baytown, Texas, and had been in that position for four (4) months.

7. On or about July 25, 2011, while employed as a Staff LVN with Allenbrook Healthcare Center, Baytown, Texas, Respondent failed to notify the Director of Nursing, who was also the facility Abuse Coordinator, that Resident ES had sustained an injury of unknown origin. Respondent assessed the resident and noted a large bruise on her right arm, from her armpit to her elbow. The arm was very swollen and warm to the touch, causing the resident to cry out in pain. Respondent believed these findings to be the result of a blood clot and not trauma. Respondent failed to stabilize the resident's right arm and continued with her assessment by asking the resident to move her arm in different directions and to grip Respondent's fingers. Respondent contacted an on-call physician's service and received an order to x-ray the resident's arm, and the x-ray revealed an acute fracture to the resident's right upper arm. Respondent's conduct placed the resident at increased risk of additional and possibly life threatening internal bleeding, damage to nerves, compartment syndrome (a painful condition that occurs when pressure within the muscles builds to dangerous levels) shock, and embolisms.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states she never had any reason to believe this was an instance of abuse or any type of reportable occurrence. She states the resident can tell staff when something has happened to her and Respondent believes if the resident had hurt herself or been hurt that she would have been able to report it. Respondent states this is what led her to believe the resident had a possible blood clot.

#### 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) & (2)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A), (1)(B), (4) & (6)(C).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 182350, heretofore issued to CASSIE LYNN BAUMBACH, 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 a WARNING with STIPULATIONS, DEFERRED, 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 and ORDERED that RESPONDENT SHALL not commit any violation of 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.* for a period of five (5) years from the date of this Order.

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 ONE (1) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) 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) 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.

(7) 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 one (1) year(s) of employment as a nurse.

IT IS FURTHER AGREED, that upon successful completion of Stipulations Numbers One (1) through Seven (7) 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.

IT IS FURTHER AGREED, that upon the successful completion of the required period of deferral, the complaint or complaints which formed the basis for this action will be dismissed and this Order will be made confidential to the same extent as a complaint filed under Section 301.466, Texas Occupations Code.

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IT IS FURTHER AGREED that until such time that this Order is made confidential, this Order is subject to disclosure in accordance with applicable law.

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IT IS FURTHER AGREED and ORDERED that should an additional allegation, complaint, accusation, or petition be reported or filed against Respondent prior to the time this Order is made confidential, the deferral period shall be extended until the allegation, accusation, or petition has been finally acted upon by the Board.

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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 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, the Board may stay the dismissal of the complaint filed against me, and that I will be subject to investigation and possible disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 14 day of February, 2014.

Cassie Lynn Baumbach  
CASSIE LYNN BAUMBACH, Respondent

Sworn to and subscribed before me this 14 day of February, 2014.

Anna P. Murreaux #77306

Notary Public in and for the State of Louisiana

SEAL



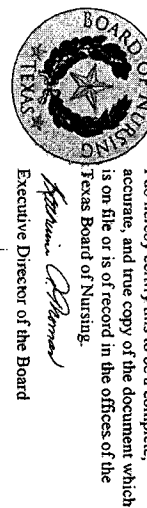
WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order for Deferred Discipline that was signed on the 14 day of February, 2014, by CASSIE LYNN BAUMBACH, Vocational Nurse License Number 182350, and said Order is final.

Effective this 18 day of March, 2014.



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

|                                 |   |                        |
|---------------------------------|---|------------------------|
| IN THE MATTER OF PERMANENT      | § | BEFORE THE TEXAS       |
| VOCATIONAL NURSE                | § | BOARD OF NURSING       |
| LICENSE NUMBER 182350           | § |                        |
| ISSUED TO CASSIE LYNN BAUMBACH, | § | ELIGIBILITY AND        |
| RESPONDENT                      | § | DISCIPLINARY COMMITTEE |



**ORDER OF THE BOARD**

TO: CASSIE LYNN BAUMBACH  
1710 JONES STREET  
WESTLAKE, LA 70669

During open meeting held in Austin, Texas, on, the Texas Board of Nursing Eligibility and

Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order

will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Advanced Practice Registered Nurse License Number , Permanent Registered Nurse License Number 0, and Permanent Vocational Nurse

License Number 182350, previously issued to CASSIE LYNN BAUMBACH, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 10th day of November, 2015.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charges filed September 8, 2015.

d17r(2014.12.05)

Re: Permanent Advanced Practice Registered Nurse License Number,  
Permanent Registered Nurse License Number 0  
& Permanent Vocational Nurse License Number 182350  
Issued to CASSIE LYNN BAUMBACH  
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 13<sup>th</sup> day of November, 20 15, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

CASSIE LYNN BAUMBACH  
1710 JONES STREET  
WESTLAKE, LA 70669

Via USPS First Class Mail

BY:



KATHERINE A. THOMAS, MN, RN, FAAN  
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of § BEFORE THE TEXAS  
Permanent Vocational Nurse §  
License Number 182350 §  
Issued to CASSIE LYNN BAUMBACH, §  
Respondent § BOARD OF NURSING

### FORMAL CHARGES

~~This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CASSIE LYNN BAUMBACH, is a Vocational Nurse holding License Number 182350, which is in current status at the time of this pleading.~~

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

#### CHARGE I.

On or about March 19, 2015, Respondent failed to comply with the Order of WARNING WITH STIPULATIONS - DEFERRED, issued to her on March 18, 2014, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number one (1) of the Order which states, in pertinent part:

(1) Respondent SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics....

A copy of the Findings of Fact, Conclusions of Law and Agreed Order dated March 18, 2014, is attached and incorporated herein, by reference, as part of this Order.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

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## CHARGE II.

On or about March 19, 2015, You failed to comply with the Order of WARNING WITH STIPULATIONS - DEFERRED, issued to your on March 18, 2014, by the Texas Board of Nursing. Non-compliance is the result of Your failure to comply with Stipulation Number two (2) of the Order which states, in pertinent part:

(2) Respondent SHALL, within one (1) year of entry of this Order, successfully complete a course in physical assessment...

A copy of the Findings of Fact, Conclusions of Law and Agreed Order dated March 18, 2014, is attached and incorporated herein, by reference, as part of this Order

~~The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).~~

## CHARGE III.

On or about March 19, 2015, You failed to comply with the Order of WARNING WITH STIPULATIONS, issued to your on March 18, 2014, by the Texas Board of Nursing. Non-compliance is the result of Your failure to comply with Stipulation Number three (3) of the Order which states, in pertinent part:

(3) Respondent SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills,"....

A copy of the Findings of Fact, Conclusions of Law and Agreed Order dated March 18, 2014, is attached and incorporated herein, by reference, as part of this Order

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1)&(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

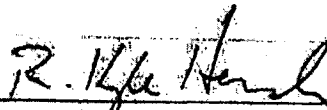
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, [www.bon.texas.gov](http://www.bon.texas.gov).

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Order dated March 19, 2015.

Filed this 8<sup>th</sup> day of September, 2015.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel  
Board Certified - Administrative Law  
Texas Board of Legal Specialization  
State Bar No. 10838300

Jena Abel, Assistant General Counsel  
State Bar No. 24036103

Natalie E. Adelaja, Assistant General Counsel  
State Bar No. 24064715

John R. Griffith, Assistant General Counsel  
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel  
State Bar No. 50511847

John F. Legris, Assistant General Counsel  
State Bar No. 00785533

John Vanderford, Assistant General Counsel  
State Bar No. 24086670

333 Guadalupe, Tower III, Suite 460  
Austin, Texas 78701  
P: (512) 305-8657  
F: (512) 305-8101 or (512)305-7401

Attachments: Order of the Board dated March 19, 2015

D(2015.07.29)



BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of  
Vocational Nurse License Number 182350  
issued to CASSIE LYNN BAUMBACH

§ AGREED ORDER  
§  
§ FOR DEFERRED DISCIPLINE

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

On this day the Texas Board of Nursing, hereinafter referred to as the Board,

~~considered the matter of CASSIE LYNN BAUMBACH, Vocational Nurse License Number 182350,~~  
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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on November 4, 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 representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice vocational nursing in the State of Texas.
4. Respondent received a Certificate in Vocational Nursing from Lee College, Baytown, Texas, on August 15, 2001, and was licensed to practice vocational nursing in the State of Texas on October 25, 2001.
5. Respondent's nursing employment history includes:
 

|                  |                                |  |
|------------------|--------------------------------|--|
| 10/2001 - 1/2009 | Staff LVN,<br>Labor & Delivery | San Jacinto Methodist Hospital<br>Baytown, Texas |
|------------------|--------------------------------|--|



|                  |                      |  |
|------------------|----------------------|--|
| 2/2009 - 1/2011  | Day Shift Charge LVN | St. James House<br>Baytown, Texas              |
| 2/2011           | Unknown              |  |
| 3/2011 - 7/2011  | Staff LVN            | Allenbrook Healthcare Center<br>Baytown, Texas |
| 8/2011 - Present | Unknown              |  |

6. At the time of the incident, Respondent was employed as a Staff LVN with Allenbrook Healthcare Center, Baytown, Texas, and had been in that position for four (4) months.

7. On or about July 25, 2011, while employed as a Staff LVN with Allenbrook Healthcare Center, Baytown, Texas, Respondent failed to notify the Director of Nursing, who was also the facility Abuse Coordinator, that Resident ES had sustained an injury of unknown origin. Respondent assessed the resident and noted a large bruise on her right arm, from her armpit to her elbow. The arm was very swollen and warm to the touch, causing the resident to cry out in pain. Respondent believed these findings to be the result of a blood clot and not trauma. Respondent failed to stabilize the resident's right arm and continued with her assessment by asking the resident to move her arm in different directions and to grip Respondent's fingers. Respondent contacted an on-call physician's service and received an order to x-ray the resident's arm, and the x-ray revealed an acute fracture to the resident's right upper arm. Respondent's conduct placed the resident at increased risk of additional and possibly life threatening internal bleeding, damage to nerves, compartment syndrome (a painful condition that occurs when pressure within the muscles builds to dangerous levels) shock, and embolisms.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states she never had any reason to believe this was an instance of abuse or any type of reportable occurrence. She states the resident can tell staff when something has happened to her and Respondent believes if the resident had hurt herself or been hurt that she would have been able to report it. Respondent states this is what led her to believe the resident had a possible blood clot.

#### 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) & (2)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A), (1)(B), (4) & (6)(C).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 182350, heretofore issued to CASSIE LYNN BAUMBACH, 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 a WARNING with STIPULATIONS, DEFERRED, 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 and ORDERED that RESPONDENT SHALL not commit any violation of 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.* for a period of five (5) years from the date of this Order.

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 ONE (1) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) 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) 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.

(7) 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 one (1) year(s) of employment as a nurse.

IT IS FURTHER AGREED, that upon successful completion of Stipulations Numbers One (1) through Seven (7) 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.

IT IS FURTHER AGREED, that upon the successful completion of the required period of deferral, the complaint or complaints which formed the basis for this action will be dismissed and this Order will be made confidential to the same extent as a complaint filed under Section 301.466, Texas Occupations Code.

IT IS FURTHER AGREED that until such time that this Order is made confidential,  
this Order is subject to disclosure in accordance with applicable law.

IT IS FURTHER AGREED and ORDERED that should an additional allegation,  
complaint, accusation, or petition be reported or filed against Respondent prior to the time this Order  
is made confidential, the deferral period shall be extended until the allegation, accusation, or petition  
has been finally acted upon by the Board.

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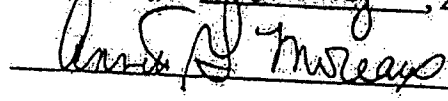
RESPONDENT'S CERTIFICATION

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 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, the Board may stay the dismissal of the complaint filed against me, and that I will be subject to investigation and possible disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 14 day of February, 2014.

  
CASSIE LYNN BAUMBACH, Respondent

Sworn to and subscribed before me this 14 day of February, 2014.

 #77306


Notary Public in and for the State of Louisiana





WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order for Deferred Discipline that was signed on the 14 day of February, 2014, by CASSIE LYNN BAUMBACH, Vocational Nurse License Number 182350, and said Order is final.

Effective this 18 day of March, 2014.



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