



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

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED
Vocational Nurse License Number 304137	§	
issued to LOTOYA MONIQUE DORITY	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LOTOYA MONIQUE DORITY, Vocational Nurse License Number 304137, 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 May 19, 2016.

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 current status.
4. Respondent received a Certificate in Vocational Nursing from Galen College of Nursing, San Antonio, Texas, on July 12, 2011. Respondent was licensed to practice vocational nursing in the State of Texas on November 3, 2011.
5. Respondent's nursing employment history includes:

11/2011 - 12/2011 Unknown

Respondent's nursing employment history continued:

1/2012 - 6/2014	Licensed Vocational Nurse (LVN)	Angels of Care Pediatric Home Health Unknown
4/2012 - 6/2013	Staff LVN	Mentis Neuro Rehabilitation San Antonio, Texas
7/2013 - 10/2015	Private Duty LVN	Adaptive Health Services, LLC San Antonio, Texas
8/2015 - Present	Private Duty LVN	Maxim Healthcare San Antonio, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Private Duty Licensed Vocational Nurse (LVN) with Adaptive Health Services, LLC, San Antonio, Texas, and had been in that position for two (2) years and three (3) months.
7. On or about October 18, 2015, while employed as a Private Duty LVN with Adaptive Health Services, LLC, San Antonio, Texas, Respondent failed to maintain a safe environment while administering a bath to Patient Medical Record Number AMC14-008, and the patient received first and second degree burns to the buttocks. Respondent's conduct was likely to injure the patient from suffering pain and complications of burns.
8. On or about January 12, 2016, while employed as a Private Duty LVN with Maxim Healthcare Services, San Antonio, Texas, Respondent removed Patient Medical Record Number 06701881A-01 from the ventilator for about two (2) hours. The patient was released from the hospital the previous day for respiratory distress secondary to pneumonia, and had orders to stay on the ventilator 24/7. The patient experienced an elevated pulse and respirations. Respondent's conduct was likely to injure the patient from insufficient respiratory support.
9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), regarding Patient AMC14-008, Respondent states that she turned on the shower head and placed it face down in the shower chair as usual, and then transferred the patient to the shower chair. Respondent indicates that she was standing in the shower with the water hitting her feet, and didn't feel that the water was too hot. Respondent relates that as she was strapping the patient into the shower chair, she checked the water, and it was hot. Respondent explains that she added cold water until it was slightly cool to the touch. Respondent states that after the shower, she transferred her to the bed, and that is when she noticed the redness. Respondent indicates that she wasn't sure what happened, but figured that the water may have burned her at some point, or it was just too hot. Respondent relates that she called in the patient's Mother, and they noticed two (2) small blisters. Respondent states that the patient's Mother

put some zinc oxide diaper cream and aloe on the area. Respondent adds that the patient never cried during the shower, and was in a good mood while the cream was applied. Respondent adds that she talked with the patient's Mother on the evening of the incident and she told Respondent that the redness had gone away significantly. Respondent relates that regarding the incident on January 12, 2016, she got report from the night nurse who said that the patient was on the ventilator 24/7 during his recent hospital stay, but didn't state that it was still an order. Respondent explains that she looked through the patient's hospital discharge orders, but saw nothing about the ventilator, and the plan of care was the same as before. Respondent states that the office normally goes over important things with staff before going into the home, but that didn't happen, so she assumed care with the orders she had. Respondent states that she did get a call from Maxim that morning regarding a medication, but the ventilator didn't come up. Respondent states that she had him off the ventilator between 11 am - 1 pm for 1 ½ hours and at 3 pm for a very short period. Respondent states that in the afternoon around 3 pm the grandmother walked in and told her that there was an order for him to be on the ventilator, so she immediately put him back on it. Respondent states that the patient's Case Manager called, and she had the same order as Respondent with no vent order, but she also had a discharge order with the ventilator order, and told her to call the patient's physician as his respirations and pulse were elevated. Respondent indicates that the orders that she needed were in the mail that morning, which she didn't open as no one told her to.

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)(M),(1)(P)&(2)(A) 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 Vocational Nurse License Number 304137, heretofore issued to LOTOYA MONIQUE DORITY, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
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, subject to ratification by the Texas Board of Nursing, that Vocational Nurse License Number 304137, previously issued to LOTOYA MONIQUE DORITY, to practice nursing in Texas is hereby **SUSPENDED** with the suspension **STAYED** and Respondent is hereby placed on **PROBATION**, in accordance with the terms of this Order, for a minimum of two (2) years **AND** until Respondent fulfills the requirements 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. **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. 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 clinical 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. FURTHER COMPLAINTS

If, during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license(s), the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

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.

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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 7 day of July, 2016.

Loroya Monique Dority
LOROYA MONIQUE DORITY, Respondent

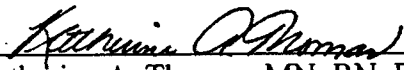
Sworn to and subscribed before me this 5th day of July, 2016.

SEAL

Michael P. Goff
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 5th day of July, 2016, by LOTOYA MONIQUE DORITY, Vocational Nurse License Number 304137, and said Order is final.

Effective this 9th day of August, 2016.



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