



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 227959 §
issued to RITA LYNN GUIDRY § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of RITA LYNN GUIDRY, Vocational Nurse License Number 227959, 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)(1),(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 10, 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 Tyler County Hospital, Woodville, Texas, on December 18, 2009. Respondent was licensed to practice vocational nursing in the State of Texas on April 29, 2010.
5. Respondent's nursing employment history includes:

04/10 - 2010	LVN	Clairmont Nursing Home Beaumont, Texas
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Respondent's nursing employment history continued:

2010 - 2010	LVN	Beaumont Health Care Center Beaumont, Texas
2010 - 2012	LVN	Group Care Home Health Beaumont, Texas
2013 - 01/14	Unknown	
02/14 - 09/14	LVN	Texas Home Health Beaumont, Texas
10/14 - Present	LVN	MD's Choice Home Health Silsbee, Texas
05/16 - Present	LVN	Pulse Home Care Beaumont, Texas

6. At the time of the incident, Respondent was employed as a Licensed Vocational Nurse with MD's Choice Home Health, Silsbee, Texas, and had been in that position for one (1) year.
7. On or about October 1, 2015, through April 27, 2016, while employed as a Licensed Vocational Nurse with M.D.'s Choice Home Health, Silsbee, Texas, Respondent practiced vocational nursing without a valid license. Board records indicate that Respondent's license expired on September 30, 2015, and was not renewed until April 27, 2016. Respondent's conduct deceived patients, their families, fellow care givers, and the public in that they believed Respondent's nursing practice was in compliance with all Board Rules and Regulations.
8. On or about February 12, 2016, while employed as a Licensed Vocational Nurse with M.D.'s Choice Home Health, Silsbee, Texas, Respondent failed to follow physician's orders, in that Respondent removed a wound vac for Patient SR1N09 prior to the authorized date. Respondent's conduct could have potentially injured the patient in that removing a wound vac for a patient before the ordered date by the physician could result in non-efficacious treatment and unnecessarily exposed the patient to risk of harm from complications associated with wounds.
9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states she underwent a very trying and tumultuous period during the time in which she should have renewed her license. Respondent states when she found out she was working with a delinquent license, she immediately contacted her employer, resigned and contacted the Board. Respondent states she removed the wound vac as instructed by her RN Supervisor.

Respondent further states the removal of the wound vac most likely prevented potential harm to the patient as it was malfunctioning and causing redness, additional swelling, and blisters on the patient's knee.

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) & (2) and 22 TEX. ADMIN. CODE § 217.12(1)(A), (1)(B), (4), (6)(H) & (11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1), (10) & (13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 227959, heretofore issued to RITA LYNN GUIDRY.
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. 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 two hundred fifty dollars (\$250.00) 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 clinical 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. **Incident Reporting:** RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.

- 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.

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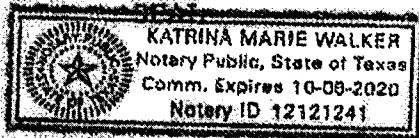
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RESPONDENT'S CERTIFICATION

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 18th day of February, 2017.
Rita Lynn Guidry
 RITA LYNN GUIDRY, Respondent

Sworn to and subscribed before me this 18th day of February, 2017.



Katrina Marie Walker
 Notary Public in and for the State of Texas

Approved as to form and substance.

C. Victor Haley
 C. Victor Haley, Attorney for Respondent

Signed this 18th day of February, 2017.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 13th day of February, 20 17, by RITA LYNN GUIDRY, Vocational Nurse License Number 227959, and said Order is final.

Effective this 21st day of March, 20 17.



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