

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED
Registered Nurse License Number 745266	§	
& Vocational Nurse License Number 199865	§	
issued to GUADALUPE H TORREZ	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of GUADALUPE H TORREZ, Registered Nurse License Number 745266 and Vocational Nurse License Number 199865, 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 March 8, 2017.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in delinquent status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Odessa College, Odessa, Texas, on August 5, 2005, and received an Associate Degree in Nursing from Odessa College, Odessa, Texas, on May 11, 2007. Respondent was licensed to practice vocational nursing in the State of Texas on September 6, 2005, and was licensed to practice professional nursing in the State of Texas on July 24, 2007.

5. Respondent's nursing employment history includes:

09/2005-01/2006	Licensed Vocational Nurse	Deerings Nursing and Rehabilitation Odessa, Texas
02/2006-04/2006	Unknown	
05/2006-12/2007	Field Nurse	St. Joseph's home Health Midland, Texas
01/2008-10/2008	Field Nurse/Case Manager	Express Nursing Odessa, Texas
10/2008-12/2009	Field Nurse/Case Manager	Hands of Compassion Midland, Texas
01/2010-06/2010	Field Nurse/Case Manager	Home Care Connections Odessa, Texas
07/2010	Unknown	
08/2010-01/2012	Case Manager	Home Care Plus Midland, Texas
02/2012	Unknown	
03/2012-11/2012	Staff Nurse	Texas PRN Odessa, Texas
12/2012	Unknown	
01/2013-12/2013	Staff Nurse	Sienna Nursing Odessa, Texas
01/2014-02/2014	Unknown	
03/2014-08/2014	Nurse Manager	MHMR Turning Point Midland, Texas
08/2014-01/2015	Field Nurse/Case Manager	Express Nursing Odessa, Texas

Respondent's nursing employment history continued:

09/2014-Unknown	Staff Nurse	Parks Methodist Odessa, Texas
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09/2015-Unknown	Case Manager	Hospice Midland Midland, Texas
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6. At the time of the incident, Respondent was employed as a Case Manager with Hospice Midland, Midland, Texas, and had been in that position for four (4) months.
7. On or about January 1, 2016, through February 8, 2016, while employed as a Case Manager with Hospice Midland, Midland, Texas, Respondent failed to notify the physician of a change in condition when Patient J.B. experienced subnormal body temperatures. The patient was emergently transported to an acute care facility on or about February 9, 2016, where laboratory testing revealed bacteria in his blood and he was diagnosed with a urinary tract infection. Respondent's conduct exposed the patient unnecessarily to a risk of harm from adverse effects of low body temperature.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states Patient J.B. was a home health hospice patient who was terminally ill with end stage Parkinson's disease and Parkinson's dementia. Respondent states hospice care focuses on comfort and quality of life, rather than a cure. Respondent states hospice works with the patient's family to provide care to the patient, and the hospice team provides medical care to relieve pain and other symptoms arising from a life-limiting and terminal illness. Respondent states the patient's wife was the only family member present during Respondent's visits, and the patient's wife failed to notify Respondent about his symptoms. Respondent states she asked the patient's wife how he was doing and the wife would respond that he is eating well and drinking plenty of water. Respondent states when she asked the patient if he had any pain or discomfort the patient would mumble "no" or move his head from side to side.
9. Formal Charges were filed on July 22, 2016.
10. Formal Charges were mailed to Respondent on July 26, 2016.

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) and 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 745266 and Vocational Nurse License Number 199865, heretofore issued to GUADALUPE H. TORREZ.
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 **REMEDIAL EDUCATION** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Order.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) **within one (1) year of the effective date of this Order, unless otherwise specifically indicated:**

- A. **A Board-approved course in Texas nursing jurisprudence and ethics** that shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. Home study courses and video programs will not be approved.
- B. **A Board-approved course in physical assessment** with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include physical assessment of all body systems. The clinical component SHALL include physical assessment of live patients in a clinical setting; 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. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.
- C. **The course "Sharpening Critical Thinking Skills,"** a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

In order to receive credit for completion of this/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

IV. 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

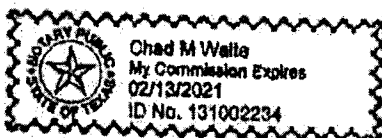
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary 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 12 day of April, 2017.

[Signature]
GUADALUPE H. TORREZ, Respondent

Sworn to and subscribed before me this 12 day of April, 2017.

SEAL



Chad M. Waite

Notary Public in and for the State of Texas

Approved as to form and substance.

[Signature]
Bridget Eyler, Attorney for Respondent

Signed this 12 day of April, 2017.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 12th day of April, 2017, by GUADALUPE H TORREZ, Registered Nurse License Number 745266 and Vocational Nurse License Number 199865, and said Order is final.

Effective this 14th day of April, 2017.

A handwritten signature in cursive script, reading "Katherine A. Thomas".

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