BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED ORDER
Registered Nurse License Number 869701	§	FOR
issued to EVAN G. BRIETZKE	§	KSTAR PILOT PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of EVAN G. BRIETZKE, Registered Nurse License Number 869701, 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 29, 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 professional nurse in the State of Texas is in current status.

4. Respondent received a Baccalaureate Degree in Nursing from Texas Woman's University, Denton, Texas, on December 13, 2014. Respondent was licensed to practice professional nursing in the State of Texas on January 8, 2015.

5. Respondent's nursing employment history includes:

1/2015 - 7/2016	Medical Intensive Care Unit (ICU) Staff Nurse	CHI Baylor St. Luke's Medical Center Houston, Texas

Respondent's nursing employment history continued:

8/2016 - Present   Unknown

6.   At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Medical Intensive Care Unit (ICU) Staff Nurse with CHI Baylor St. Luke's Medical Center, Houston, Texas, and had been in that position for one (1) year and three (3) months.

7.   On or about April 22, 2016, while employed as a Medical ICU Staff Nurse with CHI Baylor St. Luke's Medical Center, Houston, Texas, Respondent failed to administer nighttime scheduled insulin for Patient Medical Record Number 02310352, and failed to notify the physician that the insulin dose was not administered. Respondent's conduct was likely to injure the patient from ineffective treatment and deprived the patient's physician the opportunity to institute timely medical interventions.

8.   On or about June 4, 2016, while employed as a Medical ICU Staff Nurse with CHI Baylor St. Luke's Medical Center, Houston, Texas, Respondent failed to obtain stat blood cultures, a ventilation profusion scan, and obtain and document oxygen saturations for Patient Medical Record Number 05184119, who had been transferred to the ICU with shortness of breath. Respondent's conduct was likely to injure the patient from delayed diagnosis and treatment of possible disease processes.

9.   In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that the reason the insulin dose was withheld was because the Levemir, which by procedure was hand delivered by the pharmacy, didn't arrive until about 2:30 am the next morning, almost five (5) hours late. Respondent adds that Levemir is a long acting insulin and that administering it after such a long delay would create overlap with the subsequent dose, and cause potentially dangerous low blood sugar levels. Respondent states that on June 4, 2016, the patient had already begun a regimen of antibiotics, so he didn't obtain blood cultures, but understands that the decision wasn't his to make. Respondent states that he discussed the patient's respiratory status with a resident physician who instructed that the ventilation scan be held until the following morning, but he failed to document the order. Respondent adds that he monitored the patient's oxygen saturations throughout his shift with a portable monitor which doesn't automatically record the levels, and he failed to chart the oxygen saturation levels.

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),(1)(D),(1)(M),(1)(N)&(3)(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 Registered Nurse License Number 869701, heretofore issued to EVAN G. BRIETZKE.

5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I.   SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive

the sanction of **WARNING WITH STIPULATIONS** in accordance with the terms of this Order.

    A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

    B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

    C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

II.   COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to comply in all respects

with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and

Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1

et seq., and this Order.

III.   **KNOWLEDGE, SKILLS, TRAINING, ASSESSMENT AND RESEARCH (KSTAR) PILOT PROGRAM**

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

(A)   Within forty-five (45) days of entry of this Order, apply to and enroll in the KSTAR Pilot Program, including payment of any fees and costs, unless otherwise agreed in writing;

(B)   Submit to an individualized assessment designed to evaluate RESPONDENT'S nursing practice competency and to support a targeted remediation plan;

(C)   Follow all requirements within the remediation plan, if any;

(D)   Successfully complete a Board-approved course in Texas nursing jurisprudence and ethics as part of the KSTAR Pilot Program; and

(E)   Provide written documentation of successful completion of the KSTAR Pilot Program to the attention of Monitoring at the Board's office.

IV.   **FURTHER COMPETENCY ISSUES AND VIOLATIONS**

IT IS FURTHER AGREED, SHOULD RESPONDENT'S individualized KSTAR Pilot Program assessment identify further competency issues and violations of the Nursing Practice Act, including inability to practice nursing safely, further disciplinary action, up to and including revocation of Respondent's license(s) to practice nursing in the State of Texas, may be taken based on such results in the assessments.

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.
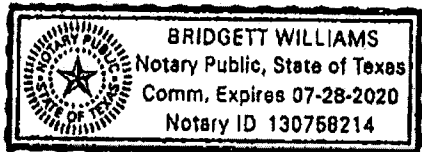
RESPONDENT'S CERTIFICATION

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 27 day of April, 20 17.

_____
EVAN G. BRIETZKE, Respondent

Sworn to and subscribed before me this 27 day of April, 20 17.

SEAL

_____
Notary Public in and for the State of Texas

BRIDGETT WILLIAMS
Notary Public, State of Texas
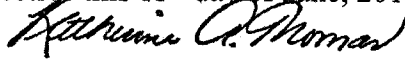Comm. Expires 07-28-2020
Notary ID 130758214

Approved as to form and substance.

_____
David Langenfeld, Attorney for Respondent

Signed this 2nd day of May, 20 17

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does

hereby ratify and adopt the Agreed Order that was signed on the 27th day of April, 2017, by EVAN

G. BRIETZKE, Registered Nurse License Number 869701, and said Order is final.

Effective this 13th day of June, 2017.

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