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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Vocational Nurse License Number 35035 §
issued to CARMEN V. RODRIGUEZ § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CARMEN V. RODRIGUEZ, Vocational Nurse License Number 35035, 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 April 27, 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 current status.
4. Respondent received a Certificate in Vocational Nursing from Kermit Nursing School, Kermit, Texas, on June 27, 1966. Respondent was licensed to practice vocational nursing in the State of Texas, on July 30, 1966.
5. Respondent's nursing employment history includes:

7/1966 - 11/1969	LVN / Labor & Delivery	Kermit Memorial Hospital
		Kermit, Texas

Respondent's nursing employment history continued:

12/1969 - 6/1972	Unknown	
7/1972 - 12/1978	LVN / Labor & Delivery	Midland Memorial Hospital Midland, Texas
1/1977 - 8/2001	Licensed Vocational Nurse	Dr. Atilano Diaz, OB/GYN Midland, Texas
9/2001 - 9/2004	Licensed Vocational Nurse	Dr. Eric Venegas, OB/GYN Midland, Texas
4/2004 - 2005	Licensed Vocational Nurse Part Time	Dr. Guillermo Callo, OB/GYN Midland, Texas
4/2004 - 2005	OB/GYN Instructor	Southeastern Career Institute Midland, Texas
3/2006 - 12/2011	Licensed Vocational Nurse	Midland Community Health Care Center Midland, Texas
8/2012 - 7/2013	Not employed in Nursing	
8/2013 - 12/2015	Licensed Vocational Nurse	Midland Independent School District Midland, Texas
1/2016-Present	Not employed in Nursing	

6. At the time of the initial incident, Respondent was employed as a Licensed Vocational Nurse with Midland Independent School District, Midland, Texas, and had been in that position for two (2) years and three (3) months.
7. On or about November 12, 2015, through November 13, 2015, while employed as a Licensed Vocational Nurse with Midland Independent School District, Midland, Texas, and assigned to Midland Freshman High School, Midland, Texas, Respondent left the campus without notifying the Nursing Supervisor and before completing required hours on duty. Respondent left the campus on two (2) days, at 3:30 PM, and was to be on the campus until 4:15 PM. Additionally, Respondent failed to ensure the health and safety of students in that Respondent came to work with a diagnosis of Pink Eye and had not been on antibiotics for twenty-four (24) hours. Respondent's conduct was likely to injure patients in that leaving the nursing assignment could have resulted in patients not receiving the care that they needed.

Respondent's conduct also exposed patients unnecessarily to risk of contamination and infection of Pink Eye.

8. On or about November 30, 2015, while employed as a Licensed Vocational Nurse at Midland Independent School District, Midland, Texas, and assigned to Fasken Elementary School, Midland, Texas, Respondent failed to ensure the health and safety of Student Numbers 843465 and 856728, in that Respondent gave the keys to the Medication Cabinet to the students so they could obtain and administer their own medications. Respondent's conduct was likely to injure the patients from adverse effects due to possible over dosage of medication and/or wrong medication being administered.
9. In response to the incident in Finding of Fact Number Seven (7), Respondent states that she was evaluated by the physician and obtained a prescription for eye drops for the diagnosis of Pink Eye. Respondent states that she came back to work because she knew what precautions to take to prevent contamination. Respondent admitted leaving the campus forty-five (45) early because it was nearing the end of the work day so she didn't think it was required to notify the supervisor. In response to the incident in Finding of Fact Number Eight (8), Respondent admits to giving the keys to the Medication Cabinet to the students because she had been suffering from arthritis and it was difficult to rotate the keys, but states that she pulled the medications for the students and that they only helped in opening the cabinet.

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)(I)&(1)(O) 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 35035, heretofore issued to CARMEN V. RODRIGUEZ.
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 Respondent's license(s) shall be placed in **INACTIVE** status.

Should RESPONDENT decide in the future to reactivate his/her license(s) to practice nursing in the State of Texas, RESPONDENT SHALL be required to petition the Board for reactivation of the license and satisfy all then existing requirements for reactivation. Further, RESPONDENT'S reactivated license(s) SHALL BE subject to, at a minimum, the remedial education courses, work restrictions, supervised practice, and employer reporting which would have been requirements of this Order had Respondent not chosen to inactivate his/her nursing license(s).

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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. I further understand that, should I decide in the future to reactivate my license(s), I will be required to satisfy, at a minimum, the additional requirements that would have been part of this Order had the license(s) not been placed in inactive status, as stated herein, as well as all then existing requirements for reactivation.

Signed this 26 day of May, 2017.

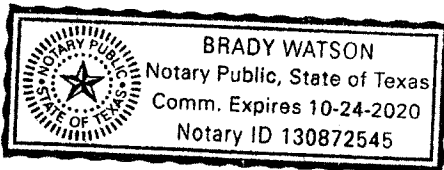
Carmen V. Rodriguez
CARMEN V. RODRIGUEZ, Respondent

Sworn to and subscribed before me this 26 day of May, 2017.

SEAL

Brady Watson

Notary Public in and for the State of Tx



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 26th day of May, 2017, by CARMEN V. RODRIGUEZ, Vocational Nurse License Number 35035, and said Order is final.

Effective this 20th day of July, 2017.



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