



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

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In the Matter of § AGREED  
Vocational Nurse License Number 145261 §  
issued to REBECCA RUTH KLIMA § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of REBECCA RUTH KLIMA, Vocational Nurse License Number 145261, 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 July 17, 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 Kilgore College- Longview Center, Longview, Texas, on August 27, 1993. Respondent was licensed to practice vocational nursing in the State of Texas on December 1, 1993.
5. Respondent's nursing employment history includes:

12/1993 - 6/2004	Unknown	
7/2004 - 9/2010	LVN	Pine Hill Nursing Home Jefferson, Texas



Respondent's nursing employment history continued:

3/2005 - 9/2010	LVN	Jordan Home Health Mt. Vernon, Texas
8/2007 - Present	LVN	First Pediatrics Jefferson, Texas
9/2010 - Present	LVN	Epic Health Services Tyler, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as an LVN with Epic Health Services, Tyler, Texas, and had been in that position for three (3) years and eleven (11) months.
7. On or about August 24, 2014, while employed as an LVN with Epic Health Services, Tyler, Texas, Respondent administered oxygen to Patient K.K. without a physician's order. Respondent's conduct exposed the patient unnecessarily to a risk of harm from oxygen administered without the benefit of a physician's expertise which could result in the patient suffering from adverse reactions.
8. On or about August 24, 2014, while employed as an LVN with Epic Health Services, Tyler, Texas, Respondent failed to document in the medical record of Patient K.K. that she administered oxygen to the patient, that his lips were pale/blue, that she was concerned that he may be developing pneumonia, and that she advised the parents to have him evaluated at the emergency department. Respondent's conduct resulted in an inaccurate medical record, and was likely to injure the patient from subsequent care decisions made without the benefit of accurate and complete information.
9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that at no time during her shift was oxygen administered to the patient, and since oxygen was not administered, it would not be documented. Respondent adds that the patient's lips were never blue or pale on her shift, once again the reason for no documentation. Respondent relates that pneumonia was never mentioned to the parents during her shift. Respondent adds that the patient produced thick, clear secretions during her shift in which routine and as-needed breathing treatments were administered. Respondent states that in the morning, she woke the patient's mother to express concern regarding his increased secretions with lower than his normal oxygen saturations, which never decreased below ninety-six (96) percent. Respondent states that the patient's mother was anxious and asked what Respondent would suggest, and Respondent suggested to monitor the patient, and if she became concerned with changes in his status, she could have him evaluated by a physician at the nearest hospital.
10. Formal Charges were filed on August 17, 2015.

11. Formal Charges were mailed to Respondent on August 17, 2015.

### 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)&(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 145261, heretofore issued to REBECCA RUTH KLIMA.
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).

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. 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Rebecca Ruth Klima  
REBECCA RUTH KLIMA, Respondent

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_

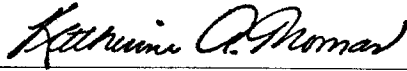
Approved as to form and substance.

Andre D'Souza  
Andre D'Souza, Attorney for Respondent

Signed this 15<sup>th</sup> day of AUGUST, 2012.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 15<sup>th</sup> day of August, by REBECCA RUTH KLIMA, Vocational Nurse License Number 145261, and said Order is final.

Effective this 12<sup>th</sup> day of September, 2017.

A handwritten signature in cursive script, appearing to read "Katherine A. Thomas".

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