

# BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED
Vocational Nurse License Number 331720	§	
issued to EMILY CASTILLO DELUMPA	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Bo  
considered the matter of EMILY CASTILLO DELUMPA, Vocational Nurse License Number  
331720, 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 5, 2018.

## 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 Nursing from Bell Tech Career Institute, Houston, Texas, on February 19, 2016. Respondent was licensed to practice vocational nursing in the State of Texas on May 10, 2016.
5. Respondent's nursing employment history includes:

5/2016 - Present	Charge Nurse	Brooksdale Galleria Houston, Texas
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Respondent's nursing employment history continued:

6/15/16 - Present      Charge Nurse      The Concierge  
Houston, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Charge Nurse with The Concierge, Houston, Texas, and had been in that position for four (4) months.
7. On or about October 19, 2016, while employed as a Charge Nurse with The Concierge, Houston, Texas, Respondent failed to call 911 for Resident DL who was needing urgent transport to the Emergency Room (ER), when another Charge Nurse initially only called for non-emergent ambulance transport for the aforementioned resident. The resident was hypotensive, diaphoretic, exhibiting weakness and unstable vital signs, and had gastrointestinal bleeding with large blood clots coming from his rectum. The ambulance arrived to transport the resident to the ER two (2) hours after the resident's symptoms began, and upon arrival at the ER was subsequently found to be in hemorrhagic shock.
8. On or about October 19, 2016, while employed as a Charge Nurse with The Concierge, Houston, Texas, Respondent failed to document the condition of the aforementioned Resident DL in the ninety (90) minutes prior to the arrival of Emergency Medical Services (EMS) at 8 pm.
9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that she was with the resident when he first had symptoms, addressed his most urgent needs, and immediately called for help when he had his acute change of condition. Respondent indicates that the mid-level provider was called, transfer to St. Luke's facility via EMS was arranged as the wife preferred, and calls to three (3) EMS providers were made with the quickest expected time of arrival (ETA) chosen. Respondent relates that she remained at the resident's bedside to monitor him, and that she did document his condition. Respondent also relates she was not made aware of the policy.
10. Respondent submitted a work performance evaluation and letters of support from her employer's executive director and director of nursing.

#### 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),(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 331720, heretofore issued to EMILY CASTILLO DELUMPA, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
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 **REPRIMAND 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. As a result of this Order, Respondent's license(s) will be designated "single state" and Respondent may not work outside the State of Texas in another nurse licensure compact party state.

#### **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. UNDERSTANDING BOARD ORDERS**

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders," which can be accessed on the

Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

#### IV. 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 nursing documentation** that shall be a minimum of six (6) hours in length. The course's content shall include: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. Home study courses and video programs will not be approved.
- 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](http://www.bon.texas.gov/compliance).*

## 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 eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as a nurse have elapsed. 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 for Current Position as a Licensed Vocational Nurse with The Concierge Rehabilitation and Healthcare Center, Houston, Texas:** for so long as Respondent remains employed as a Licensed Vocational Nurse with The Concierge Rehabilitation and Healthcare Center, Houston, Texas RESPONDENT SHALL CAUSE The Concierge Rehabilitation and Healthcare Center, Houston, Texas 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. Should Respondent's employment as a Licensed Vocational Nurse with The Concierge Rehabilitation and Healthcare Center, Houston, Texas cease or change:**

- 1. Indirect Supervision for the Remainder of the First Year [Four (4) Quarters] of Employment:** Should Respondent's employment as a Licensed Vocational Nurse with The Concierge Rehabilitation and Healthcare Center, Houston, Texas cease or change while under the terms of this Order, RESPONDENT must work as a nurse in the State of Texas and SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- 2. Incident Reporting Following Completion of the First Year [Four (4) Quarters] of Employment:** Should Respondent's employment as a Licensed Vocational Nurse with The Concierge Rehabilitation and Healthcare Center, Houston, Texas cease or change while under the terms of this Order, RESPONDENT must work as a nurse in the State of Texas and 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

**E. 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 individual who supervises the RESPONDENT and these reports shall be submitted by the supervising individual to the office of the Board at the end of each three (3) month quarterly period for eight (8) quarters [two (2) years] 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, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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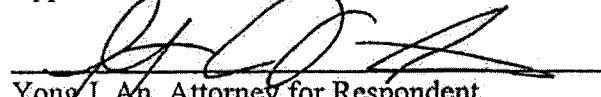
RESPONDENT'S CERTIFICATION

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 5 day of April, 20  .

  
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EMILY CASTILLO DELUMPA, Respondent

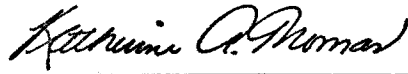
Approved as to form and substance.

  
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Yong J. An, Attorney for Respondent

Signed this 5 day of April, 20  .

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 5<sup>th</sup> day of April, 2018, by EMILY CASTILLO DELUMPA, Vocational Nurse License Number 331720, and said Order is final.

Effective this 8<sup>th</sup> day of May, 2018.

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