



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

In the Matter of	§	
ADELA RENEE SANTOS,	§	AGREED ORDER
Advanced Practice Registered Nurse License	§	FOR
Number AP122367 with Prescription	§	DISCIPLINE &
Authorization Number 12994,	§	ELIGIBILITY
Registered Nurse License Number 725855,	§	
& PETITIONER for Eligibility for Licensure		

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of Advanced Practice Registered Nurse License Number AP122367 with Prescription Authorization Number 12994, Registered Nurse License Number 725855, and the Application for Licensure as an Advanced Practice Registered Nurse and Prescriptive Authority as a Psychiatric/Mental Health Nurse Practitioner, herein referred to as the Petition, and supporting documents filed by ADELA RENEE SANTOS, hereinafter referred to as PETITIONER, requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.253, 301.257 and 301.258, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §213.30, together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that Petitioner may be subject to discipline and ineligible for licensure pursuant to Sections 301.452(b)(10)&(13) and 301.453, Texas Occupations Code.

Petitioner waived notice and hearing and agreed to the entry of this Agreed Order for Discipline & Eligibility approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on May 28, 2019.

FINDINGS OF FACT

1. On or about October 1, 2018, Petitioner submitted the Petition requesting a determination of eligibility for licensure as a psychiatric/mental health nurse practitioner.
2. Petitioner received a Baccalaureate Degree in Nursing from TX A&M University, Corpus Christi, Texas, on December 17, 2005. Petitioner completed a Family Nurse Practitioner Program from Texas A&M University, Corpus Christi, Texas, on May 12, 2012. Petitioner was licensed to practice professional nursing in the State of Texas on March 7, 2006. Petitioner was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Family Nurse Practitioner with Prescription Authorization on August 21, 2012 and graduated from the University of Texas Rio Grande Valley, Brownsville, Texas in May, 2018 with a post-master's certificate as a psychiatric/mental health nurse practitioner.
3. Petitioner's license to practice as a professional nurse in the State of Texas is in current status. Petitioner's license to practice as an advanced practice registered nurse in the State of Texas is in current status.
4. Petitioner's nursing employment history includes:

2006-2010	Registered Nurse	Christus Spohn South Corpus Christi, Texas
2010-10/2012	Registered Nurse	South Texas Surgical Hospital Corpus Christi, Texas
10/2012-2/2014	Family Nurse Practitioner	South Texas Surgical Hospital Corpus Christi, Texas
10/2012-2/2014	Family Nurse Practitioner	Christus Spohn System Corpus Christi, Texas
10/2012-2/2014	Family Nurse Practitioner	Bay Area System Corpus Christi, Texas
10/2012-2/2014	Family Nurse Practitioner	Corpus Christi Rehab Hospital Corpus Christi, Texas
2/2014-8/2018	Family Nurse Practitioner	Office of Dr. Raul Capitaine Corpus Christi, Texas
10/2/18-1/2019	Family Nurse Practitioner	Karefirst Corpus Christi, Texas

5. At the time of the initial incident, Respondent was employed as a Family Nurse Practitioner with the Office of Dr. Raul Capitaine, Corpus Christi, Texas, and had been in that position for less than one (1) month.
6. On or about February 26, 2014, through April 5, 2016, while employed as a Family Nurse Practitioner with the Office of Dr. Raul Capitaine, Corpus Christi, Texas, Respondent exceeded her scope of practice as a Family Nurse Practitioner by treating psychiatric patients, though she was not licensed as a Psychiatric Mental Health Practitioner at that time. Additionally, Respondent's practice fell below the minimum standards of nursing practice in that she engaged in non-therapeutic prescribing practices. Further, Respondent failed to completely/accurately document collaboration with a delegating/collaborating physician in the patients' medical records and failed to completely/accurately document more thorough assessments in the patients' medical files.
7. In response to the incident in Finding of Fact Number Six (6), Respondent states that during the time period at issue, she was providing care and treatment for exclusively psychiatric patients working under the supervision of psychiatrist, Raul Capitaine, MD. Respondent states that she had received considerable training in the area of psychiatry and did not perform the initial assessment nor diagnose patients. This was done by her supervising psychiatrist. Respondent's role was performing monthly follow up visits for stable patients that had already been seen by Dr. Capitaine with a plan of care and initial medications instituted by him. Respondent states that she was closely supervised in the office by Dr. Capitaine and that her prescriptions for patients were appropriate and therapeutic. Respondent states that any patients on controlled substances were seen at least monthly and evaluated. Respondent states that she lead the way in instituting the use of controlled substance contracts and lab monitoring of clinic patients, that she was responsible for instituting the performance of random drug screens to check for compliance and abuse of drugs, as well as instituting the use of the prescription monitoring program to ensure that the patients were only receiving controlled medications through Dr. Capitaine's office.

Respondent feels that for a multitude of reasons, it was reasonable for her to believe that she was within her scope of practice to care for this patient population as a Family Nurse Practitioner. However, Respondent respects the authority of this Board and prior to the entry of this Order, began and graduated from a post-graduate certificate program in 2018 for a Psychiatric/Mental Health Nurse Practitioner. With that additional training, she recognizes that she is more qualified to provide comprehensive and careful care to this population of patients about whose well-being she is passionate.

8. The Executive Director considered evidence of Petitioner's past behavior in light of the factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for licensure.

9. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
10. Petitioner has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.
11. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. On or about October 1, 2018, Petitioner submitted the Petition requesting a determination of eligibility for licensure in compliance with Sections 301.252, 301.253, 301.257 and 301.258, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §213.30.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(D)&(4); 217.12(1)(A),(1)(B),&(4); 222.4(a)(1)(B); 222.10(a)(3); and 221.12(1).
4. Petitioner's history reflects conduct which may constitute grounds for discipline and denial of a license under Section 301.452(b)(10)&(13), Texas Occupations Code.
5. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
6. The Board may license an individual upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, if the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
7. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).
8. 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, ELIGIBILITY FOR LICENSURE AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED subject to ratification by the Texas Board of Nursing, that:

Advanced Practice Registered Nurse License Number AP122367 with Prescription Authorization Number 12994, and Registered Nurse License Number 725855, previously issued to ADELA RENEE SANTOS, to practice nursing in the State of Texas are hereby **SUSPENDED** and said suspension is **STAYED** and RESPONDENT is hereby placed on **PROBATION** for a minimum of two (2) years **AND** until RESPONDENT fulfills the additional requirements of this Order.

The PETITION is hereby **GRANTED**, and upon payment of the required fees and meeting all other applicable requirements, PETITIONER SHALL be issued authorization to practice as a Psychiatric/Mental Health Nurse Practitioner with Prescription Authorization in the State of Texas, subject to the terms of this Order.

- A. Until successfully completed, any and all licenses issued to Petitioner shall be subject to the terms of this Order.
- B. This Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. As a result of this Order, PETITIONER'S license as a Registered Nurse will be designated "single state" and PETITIONER may not work as a Registered Nurse outside the State of Texas in another nurse licensure compact party state.

II. COMPLIANCE WITH LAW

While under the terms of this Order, PETITIONER agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and

Regulations Relating to Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Eligibility Agreed Order.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, PETITIONER 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 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.
- D. The course "Prescriptive Authority for APRNs," a 1.2 contact hour online program provided by the Texas Board of Nursing. Information about this course is available at <https://www.bon.texas.gov/catalog/product/#bon-course-rx> or from the "CNE Workshops/Webinars" section of the Board's website under "News" menu.

In order to receive credit for completion of this/these course(s), PETITIONER 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. PETITIONER 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. EMPLOYMENT REQUIREMENTS

Upon becoming authorized to practice as a Psychiatric/Mental Health Nurse Practitioner, in order to complete the terms of this Order, RESPONDENT must work as a Psychiatric/Mental Health Nurse Practitioner 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 an advanced practice registered nurse have elapsed. Periods of unemployment or of employment that do not require the use of an advanced practice registered nurse (APRN) license will not apply to this period and will not count towards completion of this requirement. Further, Respondent may not work as a registered nurse (RN) or a vocational nurse (LVN) license, as applicable, while under the terms of this Order.

A. Notifying Present and Future Employers, Practice Sites and Credentialing Agencies: PETITIONER SHALL notify each present employer, practice site and/or credentialing agency in nursing of this Order of the Board and the stipulations on PETITIONER'S license(s). PETITIONER SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer, practice site and/or credentialing agency in nursing within five (5) days of receipt of this Order. While under the terms of this Order, PETITIONER SHALL notify all future employers, practice sites and/or credentialing agencies in nursing and present a complete copy of this Order, including all attachments, if any, to each future employer, practice site and/or credentialing agency in nursing prior to accepting an offer of employment and/or assignment.

B. Notification of Employment Forms: PETITIONER SHALL CAUSE each present employer, practice site and/or credentialing agency in nursing to submit the Board's "Notification of Employment" form, which is provided to the PETITIONER by the Board, to the Board's office within ten (10) days of receipt

of this Order. PETITIONER SHALL CAUSE each future employer, practice site and/or credentialing agency in nursing to submit the Board's "Notification of Employment" form, which is provided to the PETITIONER by the Board, to the Board's office within five (5) days of employment as a nurse.

- C. **Monitored Practice:** PETITIONER'S advanced practice registered nursing must be monitored by a Physician or an Advanced Practice Registered Nurse in the same advanced role and population focus area as PETITIONER who has been approved by the Board. PETITIONER MUST, within ten (10) days of entry of this Order or within (10) days of employment as an advanced practice registered nurse, provide to the Board a list of three (3) Advanced Practice Registered Nurses and/or three (3) Physicians from which the Board shall select an approved monitor. For each Advanced Practice Registered Nurse and Physician, the list must include name, license number or social security number, educational background and professional employment history. Monitoring shall commence no later than thirty (30) days following the date of PETITIONER'S receipt of the name of the approved monitor selected by the Board. The monitor will offer guidance, advice and assistance to the PETITIONER as necessary to ensure that deficiencies such as those set forth in this Order do not reoccur. PETITIONER SHALL meet with the monitor at least twice a month, at least one (1) hour duration each. Meetings may be longer and more frequent if the monitor determines necessary. **Multiple employers are prohibited, except that PETITIONER is permitted to work as a Family Nurse Practitioner in the State of Texas, provided she meets the supervisory and reporting requirements of this section. Further, there is no monthly minimum hourly requirement for PETITIONER's employment as a Family Nurse Practitioner while under the terms of this Order.**

- D. **Nursing Performance Reports:** PETITIONER SHALL CAUSE each supervising/monitoring Advanced Practice Registered Nurse or Physician to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the Advanced Practice Registered Nurse or Physician who supervises/monitors the PETITIONER and these reports shall be submitted by the supervising/monitoring Advanced Practice Registered Nurse or Physician 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.

V. **RESTORATION OF UNENCUMBERED LICENSE(S)**

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from PETITIONER'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, PETITIONER may be eligible for nurse licensure compact privileges, if any.

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PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past conduct which could constitute grounds for licensure ineligibility, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my application/petition, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past conduct in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.27, 213.28, 213.29, and 213.30. I agree with the terms of this Order. I agree these are Findings of Fact and Conclusions of Law of the Board. I do not agree with those findings, but have agreed to these terms as a compromise of this matter in lieu of trial. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

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 REVOCATION of my license(s) and/or nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

Signed this 28 day of May, 2019.

Adela R. Santos
ADELA RENEE SANTOS, Petitioner

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.

Stacey D. Simmons
Stacey Simmons, Attorney for Petitioner

Signed this 28th day of May, 2019.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order for Discipline and Eligibility that was signed on the 28th day of May, 2019, by ADELA RENEE SANTOS, Advanced Practice Registered Nurse License Number AP122367 with Prescription Authorization Number 12994, Registered Nurse License Number 725855 & PETITIONER for Eligibility for Licensure, and said Agreed Order is final.

Effective this 11th day of June, 2019.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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