



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or its 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 § AGREED ORDER
Registered Nurse License Number 847420 § FOR
issued to GABRIELA MOBLEY § KSTAR PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of GABRIELA MOBLEY, Registered Nurse License Number 847420, 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 12, 2019.

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 an Associate Degree in Nursing from Houston Community College, Houston, Texas, on May 1, 2013. Respondent was licensed to practice professional nursing in the State of Texas on November 26, 2013.
5. Respondent's nursing employment history includes:

11/2013	Unknown	
12/2013 - 8/2015	Case Manager	Altus Hospice Sugarland, Texas

Respondent's nursing employment history continued:

7/15/2015 - 10/2015	House Supervisor	Oakmont of Katy Katy, Texas
8/2015 - 10/2015	Charge Nurse	Legacy Community Health Houston, Texas
11/2015 - 3/2017	Staff Registered Nurse (RN)	Courtyard Residence and Rehabilitation Houston, Texas
7/2016-Present	Registered Nurse	Kelsey-Seybold Clinic Houston, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Registered Nurse (RN) with Courtyard Residence and Rehabilitation Houston, Texas, and had been in that position for one (1) year and four (4) months.
7. On or about March 18, 2017, while employed as a Staff RN with Courtyard Residence and Rehabilitation, Houston, Texas, Respondent failed to properly complete a comprehensive assessment on Resident RH when it was reported that the aforementioned resident had a change of condition. Respondent performed an incomplete assessment and failed to document the findings. Respondent's conduct could have injured the resident based upon incomplete assessment information, and created an incomplete medical record.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that she wasn't assigned to the resident in question, nor was she supervising the LVN who was assigned to the resident. Respondent indicates that there wasn't a nursing supervisor working that day. Respondent relates that she was at the nurses station when a certified nursing assistant (CNA) informed the LVN that the resident was acting different. Respondent explains that she entered the room and the LVN was speaking to the resident. Respondent adds that she asked the resident if he was in pain and if he knew where he was, and he said no, and that he was in a nursing home. Respondent states she didn't see that the patient was in any distress or pain, and he didn't present with any altered mental status, but she advised the LVN to send him to the ER just to be cautious. Respondent indicates that the resident stated he didn't want to go, and the LVN said she wasn't going to send him out, but was going to call the on-call physician. Respondent adds that around noon she went into the resident's room and saw a CNA feeding him, and soon after the LVN said she had received orders for a chest x-ray. Respondent states that she was charting at the nurses station when the resident's roommate came and said that the resident was foaming at the mouth. Respondent indicates that she ran into his room and saw the resident lying in bed watching TV with no foam in his mouth; she asked him if he was having any pain, problems or difficulty breathing, and he said no. Respondent relates that he told her where he was and asked her to let him watch TV, so she

left. Respondent adds that she gave report to the 2-10 pm nurse and left.

9. Formal Charges were filed on April 3, 2018.
10. Formal Charges were mailed to Respondent on April 4, 2018.

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 Registered Nurse License Number 847420, heretofore issued to GABRIELA MOBLEY.
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. 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. KNOWLEDGE, SKILLS, TRAINING, ASSESSMENT AND RESEARCH (KSTAR) 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) Program and RESPONDENT SHALL:

- (A) Within forty-five (45) days of entry of this Order, apply to and enroll in the KSTAR 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 Program; and
- (E) Provide written documentation of successful completion of the KSTAR 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 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.

V. 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

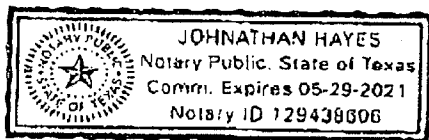
I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary 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 17 day of July, 2019.

Gabriela Mobley, Respondent
GABRIELA MOBLEY, Respondent

Sworn to and subscribed before me this 17th day of July, 2019.

SEAL



[Signature]
Notary Public in and for the State of Texas


Approved as to form and substance.

Taralynn R. Mackay
Taralynn R. Mackay, Attorney for Respondent

Signed this 18th day of July, 2019.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 17th day of July, 2019, by GABRIELA MOBLEY, Registered Nurse License Number 847420, and said Order is final.

Effective this 13th day of August, 2019.


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