BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 749003	§	FOR
issued to ARSENIO GABOLE DEZA	§	KSTAR PROGRAM
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of ARSENIO GABOLE DEZA, Registered Nurse License Number 749003, 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 Agreed Order for KSTAR Program approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on November 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 Agreed Order for KSTAR Program.

3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.

4. Respondent received a Baccalaureate Degree in Nursing from Ateneo de Zamboanga University, Philippines, on March 1, 1992. Respondent received a Masters of Science in Nursing on August 19, 2012. Respondent was licensed to practice professional nursing in the State of Texas on December 14, 2007.

5. Respondent's nursing employment history includes:

12/2007 – 11/2008	RN	Special Select Hospital Houston, Texas
11/2008 – 04/2009	RN	Methodist Hospital Houston, Texas
05/2009	Unknown	
06/2009 – 04/2010	RN	Memorial Hermann Houston, Texas
05/2010 – 06/2010	Unknown	
07/2010 – 09/2010	RN	Select Specialty Hospital Houston, Texas
09/2010 – 01/2011	RN	Acuity Hospital Houston Houston, Texas
02/2011 – 04/2011	Unknown	
05/2011 – 01/2014	RN	Supplemental Health Care Houston, Texas
11/2013 – 06/2018	RN	Pro Health Staffing Houston, Texas
08/2017 – 03/2018	RN	Houston Methodist San Jacinto Baytown, Texas
04/2018 – 12/2018	RN	CHI St. Luke's Medical Center Pasadena Pasadena, Texas
01/2019 – 02/2019	Unknown	
02/2019 – 06/19	Health Consultant	Aetna CVS Sugar Land, Texas
08/19 – present	RN	Oakbend Medical Center

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with CHI St. Luke's Health Pasadena, Pasadena, Texas, and had been in that position for six (6) months.

7. On or about October 10, 2018, through October 11, 2018, while employed as a Registered Nurse at CHI St. Luke's Health, Pasadena, Texas, Respondent failed to intervene and/or notify the physician when Patient Medical Record M147071, had oxygen saturations ranging between 84-95% throughout his shift.

8. On or about October 10, 2018, through October 11, 2018, while employed as a Registered Nurse at CHI St. Luke's Health, Pasadena, Texas, Respondent failed to completely reassess and/or document the vital signs which were recorded by the telemetry monitor. Respondent failed to document the nursing interventions taken to address the abnormal vital signs or to make corrections to any inaccuracies recorded by the telemetry monitor within the medical record. There was no documentation of reassessment and/or indication of vital signs being reassessed for accuracy. Respondent's conduct created an incomplete medical record.

9. In response to Finding of Fact Number Seven (7), Respondent states throughout his shift, the oxygen saturation of Patient Medical Record M147071 had decreased to the mid 80's when he assisted her to the bathroom and the telemetry was disconnected so he increased the flow of oxygen to 3 liters per nasal cannula to sustain an oxygen saturation within the nineties. Respondent also states that the patient did not complain of shortness of breath, was able to walk unassisted to the bathroom with no shortness of breath, had a diagnosis of COPD; therefore, there was no need to notify the physician of the patient's temporary desaturation. In regards to Finding of Fact Number Eight (8), Respondent states that per the units protocol, all vital signs are recorded by the telemetry monitors. Also, Respondent states that he documented an initial assessment of the patient upon her arrival to the unit and felt that she exhibited no change in her baseline status that warranted a focused assessment, per policy.

10. Formal Charges were filed on May 1, 2019.

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), (1)(P), and (3)(A) and 22 TEX. ADMIN. CODE §217.12 (1)(A), (1)(B), (1)(C), & (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 749003, heretofore issued to ARSENIO GABOLE DEZA.

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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed Order for KSTAR Program.

III.   **KNOWLEDGE, SKILLS, TRAINING, ASSESSMENT AND RESEARCH (KSTAR) PROGRAM**

IT IS AGREED and ORDERED that RESPONDENT SHALL, **within one (1) year of the effective date of this Order,** successfully complete the Knowledge, Skills, Training, Assessment and Research (KSTAR) Program and RESPONDENT SHALL:

A. **Within forty-five (45) days** following the effective date 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 Agreed Order for KSTAR Program, all encumbrances will be removed from RESPONDENT'S license(s) and/or privilege(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.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this 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 this Order is subject to ratification by the Texas Board of Nursing and a copy of this Order will be mailed to me once the Order becomes effective. 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) and/or privileges to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 12 day of November, 20 19.

_____
ARSENIO GABOLE DEZA, 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.

_____
Joyce Lily, Attorney for Respondent

Signed this 12 day of November 19

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order for KSTAR Program that was signed on the 12th day of November, 2019, by ARSENIO GABOLE DEZA, Registered Nurse License Number 749003, and said Agreed Order for KSTAR Program is final.

Effective this 10th day of December, 2019.

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