

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 300298 §  
issued to LUCINDA GALVAN § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of LUCINDA GALVAN, Vocational Nurse License Number 300298, 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 September 29, 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 Brightwood College, San Antonio, Texas, on August 13, 2010. Respondent was licensed to practice vocational nursing in the State of Texas on April 14, 2011.
5. Respondent's nursing employment history includes:

4/2011 - 6/2012	Charge Nurse	Silver Creek Manor San Antonio, Texas
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Respondent's nursing employment history continued:

6/2012 - 11/2015	Charge Nurse	Morningside Manor San Antonio, Texas
11/2015 - 1/2017	Staff Nurse	Regent Care San Antonio, Texas
2/2017	Unknown	
3/2017 - Unknown	Contract Charge Nurse	APN Healthcare Solutions Monmouth Junction, NJ
Unknown - Present	LVN Case Manager	UT Health San Antonio San Antonio, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed by APN Healthcare Solutions, and working as a Contract Charge Nurse with Colonial Manor Care Center, New Braunfels, Texas, and had been in that position for less than one (1) month.
7. On or about March 29, 2017, while employed by APN Healthcare Solutions, and working as a Contract Charge Nurse with Colonial Manor Care Center, New Braunfels, Texas, Respondent initially assessed Resident DB, who was found lying on the floor of the dining room at 5 pm, with a bruise to the right cheek and swelling above her right eye. Respondent called the physician, but failed to recognize a change in status and failed to continue to assess and ensure that vital signs and neurological assessments were obtained after the resident had episodes of vomiting. Respondent's conduct was likely to injure the resident in that significant changes in the resident's status may have gone undetected and prevented timely interventions.
8. On or about March 29, 2017, while employed by APN Healthcare Solutions, and working as a Contract Charge Nurse with Colonial Manor Care Center, New Braunfels, Texas, Respondent failed to completely and accurately document the status of Resident DB after she experienced an unwitnessed fall. The resident declined dinner, vomited, and vomited again several times. Respondent's conduct resulted in an incomplete medical record and was likely to injure the resident from subsequent care decisions made without the benefit of reliable information.
9. On or about March 29, 2017, while employed by APN Healthcare Solutions, and working as a Contract Charge Nurse with Colonial Manor Care Center, New Braunfels, Texas, Respondent failed to call 911 Emergency Medical Services (EMS) after obtaining a physician order to send Resident DB to the hospital after an unwitnessed fall with vomiting episodes, and instead called for non-emergent ambulance transport. The non-emergent ambulance

arrived at the facility about one (1) hour after Respondent called them, and transported the resident to the hospital. Despite treatment, the resident died from a subdural hematoma, and multiple facial fractures three (3) hours and twenty (20) minutes later. Respondent's conduct resulted in an unnecessary delay in care and was likely to injure the resident from delayed medical treatment and timely interventions.

10. In response to the incidents in Findings of Fact Numbers Seven (7) through Nine (9), Respondent states that the resident was found in a half sitting/laying position on the floor at 5:30 pm, and she started neuro checks immediately. Respondent indicates that due to the resident's initial facial bruising, she called an ambulance service ahead of time. Respondent relates that she had the Certified Nursing Assistants (CNAs) doing vitals and neuro checks while she called the physician's service. Respondent explains that the resident didn't want to eat so was taken to bed with her head elevated; she was responsive, and vitals were normal. Respondent adds that the resident then vomited. Respondent states that the provider called, and gave an order to send the resident to the hospital. Respondent indicates that the resident had some swelling to the bruised area of her face, was responsive, was talking, and had stable vitals. Respondent relates that the resident vomited again, and she called the ambulance to ensure that they were on their way. Respondent explains that the resident's injury to her face had increased in swelling, and she had vomited again. Respondent adds that the ambulance arrived within fifteen (15) minutes from the second call. Respondent states that the resident's vitals continued to be stable. Respondent states that 911 EMS wasn't called because the resident's vital signs were stable, she was responsive, was talking, and never lost consciousness.
11. Formal Charges were filed on June 16, 2017.
12. Formal Charges were mailed to Respondent on June 16, 2017.

#### 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 300298, heretofore issued to LUCINDA GALVAN, 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. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

#### **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 physical assessment with a didactic portion of not less than six (6) hours and a clinical component of not less than twenty-four (24) hours. Both the didactic and clinical components must be provided by the same Registered Nurse. The course's content shall include physical assessment of all body systems. The clinical component SHALL include physical assessment of live patients in a clinical setting; Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. Successful completion of this course requires RESPONDENT to successfully complete both the didactic and clinical portions of the course.
- C. 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.
- D. 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 Case Manager with UT Health San Antonio, San Antonio, Texas:** for so long as Respondent remains employed as a Licensed Vocational Nurse Case Manager with UT Health San Antonio, San Antonio, Texas. RESPONDENT

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 Compliance at the Board's office.

**D. Should RESPONDENT'S employment as a Licensed Vocational Nurse Case Manager with UT Health San Antonio, San Antonio, San Antonio, Texas, Cease or Change:**

1. **Indirect Supervision:** Should RESPONDENT'S employment as a Licensed Vocational Nurse Case Manager with UT Health San Antonio, San Antonio, Texas, cease or change while under the terms of this Order, RESPONDENT 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 for the remainder of the first year [four (4) quarters] of employment under the terms of this Order, if any. 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:** Should RESPONDENT'S employment as a Licensed Vocational Nurse Case Manager with UT Health San Antonio, San Antonio, Texas, cease or change while under the terms of this Order, RESPONDENT 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 for the remainder of the second year [four (4) quarters] of employment under the terms of this Order, if any.

**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 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.

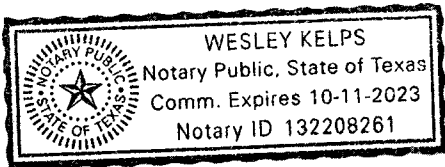
I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when 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 23 day of Feb, 2020.

Lucinda Galvan  
LUCINDA GALVAN, Respondent

Sworn to and subscribed before me this 23 day of February, 2020.


SEAL



Wesley Kelps  
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 23rd day of February, 2020, by LUCINDA GALVAN, Vocational Nurse License Number 300298, and said Order is final.

Effective this 23rd day of April, 2020.



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