BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of	§	AGREED ORDER
Advanced Practice Registered Nurse License	§	
Number AP129941	§	
& Registered Nurse License Number 802769	§	
issued to GERARDO CISNEROS	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of GERARDO CISNEROS, Advanced Practice Registered Nurse License Number AP129941, and Registered Nurse License Number 802769, 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 approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on August 24, 2020.

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.

3. Respondent's license to practice as a professional nurse in the State of Texas is in current status. Respondent's license to practice as an advanced practice registered nurse in the State of Texas with authorization as a Nurse Anesthetist without Prescription Authorization is in current status.

4. Respondent received a Baccalaureate Degree in Nursing from Texas Tech University, Lubbock, Texas, on May 21, 2011. Respondent completed a Nurse Anesthetist Program from Texas Wesleyan University, Fort Worth, Texas, on December 4, 2015. Respondent was licensed to practice professional nursing in the State of Texas on June 21, 2011. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Nurse Anesthetist on December 31, 2015.

5. Respondent's nursing employment history includes:

6/2011 – 1/2016	Unknown	
2/2016 – 8/2016	Nurse Anesthetist	US Anesthesia Partners Unknown
4/2016-Present	Nurse Anesthetist	El Paso Specialty Hospital El Paso, Texas
7/2016-Present	Nurse Anesthetist	University Medical Center El Paso, Texas
4/2017-8/2018	Nurse Anesthetist	Texas Tech University Health Science Center El Paso, Texas
4/2017-8/2018	Nurse Anesthetist	Texas Tech Anesthesiology El Paso Children's Hospital
4/2019-present	Nurse Anesthetist	Somnia Anesthesia Group Memorial Medical Center
6/2020 - present	Nurse Anesthetist	Premier Specialty Surgical Hospital Independent Contractor

6. At the time of the initial incident, Respondent was employed as a Nurse Anesthetist with Texas Tech University Department of Anesthesia, and providing care to patients at El Paso Children's Hospital, El Paso, Texas, and had been in that position for one (1) year.

7. On or about April 18, 2018, while employed as a Nurse Anesthetist with Texas Tech University Department of Anesthesia, and providing care to patients at El Paso Children's Hospital, El Paso, Texas, Respondent inappropriately administered intravenous Morphine 8mg to pediatric Patient Number 1548784, in addition to other sedating medication. The Morphine was given over 15 minutes, in too high of a dose and too quickly for a five (5) year old patient weighing 21.3kg. Subsequently, the patient arrived to the Post Anesthesia Care Unit (PACU) unresponsive, experienced airway obstruction, and required airway support and seven (7) doses of Narcan for reversal of the narcotic sedation, before being admitted to the hospital for observation. Respondent's conduct was likely to injure the patient from adverse effects from excessive dosage of sedating narcotic medication, including respiratory depression.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that the patient appeared resistant to medications, and had an elevated heart rate and blood pressure during the start of the case, seeming to be in pain. Respondent states that he does not perceive 8 mg of Morphine to be an excessive dose for a five (5) year old child. Respondent adds that the patient had spontaneous ventilation throughout most of the dental procedure, and did not require re-intubation at any point in the post-operative phase. Respondent states that when he left the child's bedside in the PACU, spontaneous ventilation was maintained with satisfactory oxygenation. Respondent states that in his professional opinion the patient had a case of delayed emergence; Respondent adds that he has performed thousands of pediatric cases without any complications.

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)(C),(1)(M)&(4)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 Advanced Practice Registered Nurse License Number AP129941, and Registered Nurse License Number 802769, heretofore issued to GERARDO CISNEROS.

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 Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed 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 and video programs will not be approved.

B. **A Board-approved Pharmacology Update/Refresher Course for Advanced Practice Nurses** of at least six (6) hours, all of which must classroom time and not include homework assignments. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Advance Practice Nurses and content must include, at a minimum: all of the major drug classifications and their physiological and therapeutic effects; dosages and administration; precautions; contraindications; and nursing implications. Courses focusing on only one (1) or two (2) groups of drugs, or relating to only one (1) clinical area of practice, 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.

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 <u>not</u> 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.*

V.   **EMPLOYMENT REQUIREMENTS**

In order to complete the terms of this Order, RESPONDENT must work as an advanced practice registered nurse in the State of Texas, providing direct patient care in a clinical healthcare setting, <u>for a minimum of sixty-four (64) hours per month</u> for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until

four (4) 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 <u>and will not count towards completion of this requirement.</u> 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:** RESPONDENT SHALL notify each present employer, practice site and/or credentialing agency in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT 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, RESPONDENT 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:** RESPONDENT 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 RESPONDENT by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT 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 RESPONDENT by the Board, to the Board's office within five (5) days of employment as a nurse.

C. **Incident Reporting:** For the duration of the stipulation period, RESPONDENT SHALL CAUSE each employer, practice site and/or credentialing agency in nursing 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. **Nursing Performance Reports:** 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 submitted to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

VI.   RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed 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 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 24th day of August , 20 20 .

Gerardo Cisneros

GERARDO CISNEROS, Respondent

Sworn to and subscribed before me this _____ day of _____, 20____.

SEAL

_____

Notary Public in and for the State of _____
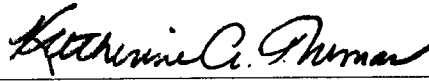
Approved as to form and substance.

Alejandro Mora

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Alejandro Mora, Attorney for Respondent

Signed this **24** day of **August** , 20 **20**

AP129941/0/802769/0:187

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 24th day of August, 2020, by GERARDO CISNEROS, Advanced Practice Registered Nurse License Number AP129941, and Registered Nurse License Number 802769, and said Agreed Order is final.

Effective this 8th day of September, 2020.

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