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*Katherine A. Thomas*  
Executive Director of the Board

## BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED ORDER
Registered Nurse License Number 708132	§	
issued to FRANK JOSEPH BOLANOS	§	
	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of FRANK JOSEPH BOLANOS, Registered Nurse License Number 708132, 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 October 16, 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.
4. Respondent received an Associate Degree in Nursing from Texas Southmost College, Brownsville, Texas, on May 15, 2004. Respondent was licensed to practice professional nursing in the State of Texas on July 27, 2004.
5. Respondent's nursing employment history includes:

07/2004 – 09/2007	Registered	Valley Regional Medical Center Brownsville, Texas
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Respondent's nursing employment history continued:

10/2007 – 12/2009	Registered Nurse	Heart Hospital of Austin Austin, Texas
01/2010-09/2011	Registered Nurse	Memorial Hermann Northwest Hospital Houston, Texas
2010 – 02/2013	Registered Nurse	Westlake Medical Center Westlake Hills, Texas
03/2013 – 01/2017	Registered Nurse Working as OR Circulator	Westlake Medical Center Austin, Texas
02/2017 - 04/2019	Registered Nurse Working as OR	Williamson Surgery Center Round Rock, Texas
05/2019 - Present	Unknown	Unknown

6. At the time of the initial incident, Respondent was employed as a Registered Nurse, working as Operating Room Circulator with Williamson Surgery Center, Round Rock, Texas, and had been in that position for two (2) years and one (1) month.
7. On or about March 19, 2019, while employed as a Registered Nurse, working as Operating Room Circulator with Williamson Surgery Center, Round Rock, Texas, and providing care for Patient Medical Record Number 22032, Respondent failed to verify the correct surgery site was marked by the physician in the pre-operative area by comparing the physician marked surgery site to the consent. Respondent's conduct was likely to injure the patient from lack of pre-operative surgery verification checks.
8. On or about March 19, 2019, while employed as a Registered Nurse, working as Operating Room Circulator with Williamson Surgery Center, Round Rock, Texas, and providing care for Patient Medical Record Number 22032, Respondent failed to perform a timeout procedure in the operating room before the procedure, as required by facility policy. Subsequently, the surgeon injected Exparel and inserted guide wire into the left foot of the patient, who was to receive right foot ligament repair surgery. Respondent's conduct was likely to injure the patient from wrong site surgery.
9. On or about March 19, 2019, while employed as a Registered Nurse, working as Operating Room Circulator with Williamson Surgery Center, Round Rock, Texas, and providing care

for Patient Medical Record Number 22032, Respondent incorrectly documented a time out was done at surgery start time. Respondent's conduct created an inaccurate medical record upon which others would rely when providing patient care.

10. On or about April 9, 2019, while employed as a Registered Nurse, working as Operating Room Circulator with Williamson Surgery Center, Round Rock, Texas, and providing care for Patient Medical Record Number 7718, who was undergoing left gluteal battery swap surgery, Respondent failed to visually check the surgery site mark made by the surgeon, and compare it to the consent, in the pre-operative area. Subsequently, during the time out procedure that Respondent performed in the operating room prior to the start of the surgery, it was discovered that the consent and physician's orders incorrectly specified right gluteal battery swap surgery. Respondent's conduct was likely to injure the patient from lack of surgical verification checks.
11. In response to Finding of Fact Number Seven (7), Respondent reports he returned to the pre-operative area to pick up the patient and asked if the physician had marked her foot; she said yes and Respondent confirmed there was an initial on her foot. In response to Finding of Fact Number Eight (8), Respondent reports the patient moved herself onto the Operating Room table, anesthesia induced her, a tourniquet was placed on the ankle that was marked by the first assistant, and the surgeon pre-medicated the patient with local anesthesia. Respondent reports he had not yet performed a time-out and did not realize one had not been performed until he looked at the consent form. In response to Finding of Fact Number Nine (9), Respondent reports he did not fill out the checklist ahead of time. In response to Finding of Fact Number Ten (10), Respondent reports the consent form and MD orders were incorrect; these errors were made in the surgeon's office and not verified in the pre-operative area. Respondent states after he verified the consent and History and Physical, he gave report to another nurse because it was time for Respondent to take a break. Respondent reports the patient was prepped and draped when he arrived from break; he read the consent, found the conflict in the site, and stopped the line before starting procedure.

1. Formal Charges were filed on June 1, 2020.

#### 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)&(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 708132, heretofore issued to FRANK JOSEPH BOLANOS.
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** and RESPONDENT'S license(s) shall be placed in **INACTIVE** status.

Should RESPONDENT decide in the future to reactivate his/her license(s) to practice nursing in the State of Texas, RESPONDENT SHALL be required to petition the Board for reactivation of the license and satisfy all then existing requirements for reactivation. Further, RESPONDENT'S reactivated license(s) SHALL BE subject to, at a minimum, the remedial education courses, work restrictions, supervised practice, and employer reporting which would have been requirements of this Order had RESPONDENT not chosen to inactivate his/her nursing license(s).

Until such time that RESPONDENT'S license(s) to practice nursing in the State of Texas is/are reactivated, RESPONDENT SHALL NOT use a Privilege to Practice Nursing in the State of Texas from any Nurse License Compact member state.

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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. I further understand that, should I decide in the future to reactivate my license(s), I will be required to satisfy, at a minimum, the additional requirements that would have been part of this Order had the license(s) not been placed in inactive status, as stated herein, as well as all then existing requirements for reactivation.

Signed this 16 day of October, 2020.

FRANK JOSEPH BOLANOS, RESPONDENT

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 16<sup>th</sup> day of October, 2020, by FRANK JOSEPH BOLANOS, Registered Nurse License Number 708132, and said Agreed Order is final.

Effective this 10<sup>th</sup> day of November, 2020.

A handwritten signature in black ink, reading "Katherine A. Thomas". The signature is written in a cursive style with a horizontal line extending from the end of the name.

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