



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

In the Matter of	§	AGREED ORDER
ANNALISA DAMANTE,	§	FOR
Registered Nurse License Number 908116	§	ELIGIBILITY &
& PETITIONER for Eligibility for Licensure	§	DISCIPLINE

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of Registered Nurse License Number 908116 and the Application for Licensure as an Advanced Practice Registered Nurse and Prescriptive Authority, which has been processed as a Petition for Declaratory Order, hereinafter referred to as the Petition, pursuant to 22 TEX. ADMIN. CODE §221.4(a)(7), and supporting documents filed by ANNALISA DAMANTE, hereinafter referred to as Petitioner, requesting a determination of eligibility for licensure in compliance with Section 301.257, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §221.4(a), together with any documents and information gathered by staff and Petitioner's Certification contained herein.

Information received by the Board produced evidence that Petitioner may be subject to discipline and ineligible for licensure pursuant to Sections 301.452(b)(10)&(13) and 301.453, Texas Occupations Code.

Petitioner waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on November 4, 2020.

FINDINGS OF FACT

1. On or about August 30, 2017, Petitioner submitted the Petition requesting a determination of eligibility for licensure.
2. Petitioner received a Baccalaureate Degree in Nursing from the University of San Francisco, San Francisco, California, on December 1, 2003, and received a Master's Degree in Nursing from the University of San Francisco, San Francisco, California, on December

1, 2004. Petitioner was licensed to practice professional nursing in the State of Texas on September 9, 2016.

3. Petitioner's license to practice professional nursing in the State of Texas is in current status.

4. Petitioner's nursing employment history includes:

12/2003 – 1/2005		Unknown
2/2005 – 1/2006	RN	Seton Medical Center Daly City, California
1/2006 – 9/2006	RN	White Memorial Medical Center Los Angeles, California
1/2006 – 7/2007	RN	University of California Los Angeles, California
7/2007 – 2/2013	RN	Queen of the Valley Medical Center Napa, California
3/2008 – 11/2009	FNP	Dermalounge San Francisco, California
3/2009 – 2/2013	FNP	Plastic Surgery Associates & Allegro MedSpa Santa Rosa, California
3/2013 – 5/2013		Unknown
6/2013 – 11/2014	FNP	Dr. John J. Corey Scottsdale, Arizona
8/2014 – 4/2016	FNP	Spectrum Dermatology Scottsdale, Arizona
3/2016 – 7/2016	FNP	Dr. Shaun Parson Scottsdale, Arizona
9/2016 – 6/2017	RN	Hall Plastic Surgery & Rejuvenation Center Austin, Texas
7/2017 – 6/2018	RN	Spa810 Lakeway, Texas
7/2018 – Present	RN	Austex Wellness and MedSpa (formerly known as Spa810) Lakeway, Texas

5. At the time of the incident, Petitioner was employed as a Registered Nurse at Spa810, Lakeway, Texas, and had been in that position for one (1) week.
6. On or about July 12, 2017, through July 25, 2017, while employed as a Registered Nurse at Spa 810, Lakeway, Texas, Petitioner exceeded her scope of practice in that she inappropriately diagnosed conditions and determined treatment with injectable medical cosmetic procedures for Staff Members LB, CS, GF, ER, and SC, and Client LW. Petitioner's conduct could have exposed patients to risk for harm from adverse effects of medical cosmetic procedures.
7. On or about July 12, 2017, through July 25, 2017, while employed as a Registered Nurse at Spa 810, Lakeway, Texas, Petitioner failed to assess and/or document the assessment of Staff Members LB, CS, GF, ER, SC, and KB, and Client LW who were receiving injectable cosmetic procedures. Petitioner's conduct could have injured patients from clinical care decisions based on incomplete assessment information and created incomplete medical records.
8. In response to Findings of Facts Numbers Six (6) and Seven (7), Respondent states that she was acting under the verbal delegation authority given by the physician when she performed injections and that the physician approved and signed the medical charts without incident. Respondent also acknowledges she should have done a better job of documenting the assessments that she performed and that she now fully documents all her patient assessments.
9. The Executive Director considered evidence of Petitioner's past behavior in light of the factors set out in 22 TEX. ADMIN. CODE §213.27 and determined that Petitioner currently demonstrates the criteria required for licensure.
10. Formal Charges were filed on June 22, 2018.
11. The Executive Director's review of the grounds for potential ineligibility has been made on the basis of Petitioner's disclosures.
12. Petitioner has been advised by the Board that any information found to be incomplete, incorrect or misleading to the Board or a subsequent discovery of a basis of ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility or the later revocation of a license obtained through fraud or deceit.
13. Petitioner shall immediately notify the Board of any fact or event that could constitute a ground of ineligibility for licensure under Section 301.452(b), Texas Occupations Code.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. On or about August 30, 2017, Petitioner submitted the Petition requesting a determination of eligibility for licensure in compliance with Section 301.257, Texas Occupations Code, and the Board's Rules at 22 TEX. ADMIN. CODE §221.4(a).
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) and §217.12(1)(A),(1)(B),(1)(C)&(4).
4. Petitioner's history reflects conduct which may constitute grounds for discipline and denial of a license under Section 301.452(b)(10)&(13), Texas Occupations Code.
5. The Board may probate the denial of a license under conditions for a specified term pursuant to Section 301.453, Texas Occupations Code.
6. The Board may license an individual upon evaluation of the factors in 22 TEX. ADMIN. CODE §213.27, and pursuant to 22 TEX. ADMIN. CODE §213.33, if the Board is satisfied that the individual is able to consistently conform her conduct to the requirements of the Nursing Practice Act, the Board's Rules and Regulations, and generally accepted standards of nursing practice.
7. This Order is conditioned upon the accuracy and completeness of Petitioner's disclosures. Any subsequently discovered discrepancies will result in investigation and possible disciplinary action, up to revocation of Petitioner's license(s).
8. 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, ELIGIBILITY FOR LICENSURE AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that PETITIONER SHALL receive the sanction of **WARNING WITH STIPULATIONS AND A FINE** and the PETITION for licensure as an Advanced Practice Registered Nurse and Prescriptive Authority is hereby **GRANTED**, and upon payment of any required fees and meeting all other applicable requirements, and upon successfully completing the requirements of Section III of this Order (REQUIREMENTS FOR CERTIFICATION EXAMINATION REVIEW COURSE & REFRESHER

COURSE / EXTENSIVE ORIENTATION FOR ADVANCED PRACTICE REGISTERED NURSES), PETITIONER SHALL then be issued the applicable license to practice as an Advanced Practice Registered Nurse (APRN) in the State of Texas in accordance with the terms of this Order, and:

- A. Until successfully completed, any and all licenses issued to Petitioner shall be subject to the terms of this Order.
- B. Until successfully completed, this Order SHALL be applicable to PETITIONER'S nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. As a result of this Order, PETITIONER'S license(s) will be designated "single state" as applicable and PETITIONER may not work outside the State of Texas in another nurse licensure compact party state using a Texas compact license.

II. COMPLIANCE WITH LAW

While under the terms of this Order, PETITIONER 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. REQUIREMENTS FOR CERTIFICATION EXAMINATION REVIEW COURSE & REFRESHER COURSE / EXTENSIVE ORIENTATION FOR ADVANCED PRACTICE REGISTERED NURSES

Prior to practicing as an advanced practice registered nurse in the State of Texas, PETITIONER SHALL:

- A. **Complete a certification examination review** for nurse practitioners that is at least fifteen (15) hours in length and which includes nurse practitioners as the target audience.
- B. **Apply for a Six Month Temporary Permit for Advanced Practice Registered Nurses** for the limited purpose of completing a refresher course / extensive orientation for advanced practice registered nurses. The application for a Six Month Temporary Permit for Advanced Practice Registered Nurses is available via the Nurse Portal on the Board's website at *www.bon.texas.gov*. PETITIONER

SHALL NOT, in any way, attempt to use the temporary permit for any purpose other than completing the refresher course/extensive orientation.

- C. **Successfully complete a refresher course/extensive orientation for advanced practice registered nurses** which meets the Board's requirements, which can be obtained from the Board's website www.bon.texas.gov under Forms / Applications / Advanced Practice Registered Nurse / Refresher Course/Extensive Orientation for APRNs Returning to Practice after 4 Years. PETITIONER SHALL obtain Board approval of the course prior to enrollment. The refresher course/extensive orientation must cover the full scope of practice for the applicable advanced practice role and population focus area through clinical and/or didactic learning experiences. At a minimum, the content must include:

- Advanced assessment;
- Pharmacotherapeutics;
- Diagnosis and management of diseases and conditions consistent with current standards of care;
- Ordering and interpreting diagnostic and laboratory tests;
- Demonstration of safe and competent performance of procedures; and
- Demonstration of knowledge of the scope of practice as defined by the Nursing Practice Act and Board rules related to professional and advanced practice nursing role and responsibilities, as appropriate.

The course must contain no less than a total of 400 hours of clinical practice supervised by a qualified instructor who meets or exceeds the Board's minimum criteria for eligibility as an Instructor.

- D. **Upon completion of the refresher course,** PETITIONER SHALL return the temporary permit to the Board's office and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required 400 hours of supervised practice.
- E. **Upon verification of successful completion of the conditions of reinstatement** as set out in Paragraphs A through D of this Section, PETITIONER SHALL submit an updated Application for Licensure as an Advanced Practice Registered Nurse and Prescriptive Authority, which is available via the Nurse Portal on the Board's website at www.bon.texas.gov/licensure_renewal.asp. RESPONDENT waives the registration fees (but PETITIONER shall pay the Six (6) month temporary permit fees) and, subject to meeting all other requirements for APRN licensure in Texas, shall be issued the applicable license to practice as an advanced practice registered nurse in the State of Texas, which shall be subject to the terms of this Order.

IV. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, PETITIONER 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 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.
- 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 has already been completed by Respondent on or about Nov. 4, 2020 for which she shall be given credit in this order. Respondent shall provide a true and correct copy of her certification for completion of that course to the TBON Monitoring Dept.

In order to receive credit for completion of this/these course(s), PETITIONER 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. PETITIONER 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.*

V. MONETARY FINE

PETITIONER SHALL pay a monetary fine in the amount of seven hundred fifty dollars (\$750.00) within one hundred eighty (180) days of the effective date of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

VI. EMPLOYMENT REQUIREMENTS PRIOR TO LICENSURE AND EMPLOYMENT AS AN APRN

In order to complete the terms of this Order, prior to becoming licensed and employed as an advanced practice registered nurse, PETITIONER 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 four (4) quarterly periods [one (1) year] of employment until PETITIONER becomes licensed and employed as an advanced practice registered nurse. This requirement will not be satisfied until four (4) 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) will not apply to this period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** PETITIONER 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, PETITIONER 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:** PETITIONER 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. PETITIONER 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 Employment as a RN with Austex Wellness and MedSpa, Lakeway, Texas:** For so long as PETITIONER remains employed as a RN with Austex Wellness and MedSpa, Lakeway, Texas, PETITIONER SHALL CAUSE her employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving PETITIONER, as well as documentation of any internal investigations regarding action by PETITIONER, to the attention of Monitoring at the Board's office.
- D. **Indirect Supervision for Subsequent Employers as a RN, if any:** Should PETITIONER'S employment as a RN with Austex Wellness and MedSpa, Lakeway, Texas, cease while under the terms of this Order, PETITIONER SHALL be supervised by another RN **who is on the premises.** The supervising nurse is not required to be on the same unit or ward as PETITIONER, 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 of experience in the same or similar practice setting to which the PETITIONER is currently working. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.
- E. **Nursing Performance Evaluations:** PETITIONER SHALL CAUSE each employer to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the individual who supervises the PETITIONER 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 four (4) quarters [one (1) year] of employment as a nurse.

VII. EMPLOYMENT REQUIREMENTS AFTER LICENSURE AND EMPLOYMENT AS AN APRN

Upon becoming licensed and employed as an advanced practice registered nurse (APRN), in order to complete any remaining terms of this Order, PETITIONER must work as an APRN 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 the remainder of the four (4) quarterly periods [one (1) year] of employment, if any. This requirement will not be satisfied until a total of four (4) quarterly periods of employment as either a RN and/or as

an APRN under the terms of this Order have elapsed. Periods of unemployment or of employment that do not require the use of an APRN license will not apply to this period and will not count towards completion of this requirement. Further, Respondent may not work as a RN while under the terms of this Order after becoming licensed and employed as an APRN.

- A. **Notifying Present and Future Employers, Practice Sites and Credentialing Agencies:** PETITIONER SHALL notify each present employer, practice site and/or credentialing agency in nursing of this Order of the Board and the stipulations on PETITIONER'S license(s). PETITIONER 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, PETITIONER 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:** PETITIONER 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 PETITIONER by the Board, to the Board's office within ten (10) days of receipt of this Order. PETITIONER 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 PETITIONER by the Board, to the Board's office within five (5) days of employment as a nurse.
- C. **Incident Reporting for Employment as an APRN with Austex Wellness and MedSpa, Lakeway, Texas:** Should PETITIONER obtain and retain employment as an APRN with Austex Wellness and MedSpa, Lakeway, Texas, while under the terms of this Order, PETITIONER SHALL CAUSE her employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving PETITIONER, as well as documentation of any internal investigations regarding action by PETITIONER, to the attention of Monitoring at the Board's office.
- D. **Indirect Supervision for Any Other Employment as an APRN:** Should PETITIONER obtain employment as an APRN with any employer other than Austex Wellness and MedSpa, Lakeway, Texas, while under the terms of this Order, PETITIONER SHALL be supervised by an Advanced Practice Registered Nurse or Physician who is on the premises. The supervising Advanced Practice

Registered Nurse or Physician is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising Advanced Practice Registered Nurse or Physician shall have a minimum of two (2) years of experience in the same or similar practice setting to which the PETITIONER is currently working. If being supervised by an Advanced Practice Registered Nurse, the supervising APRN must be in the same advanced role and population focus area as PETITIONER. PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s). PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

- E. **Nursing Performance Evaluations:** PETITIONER SHALL CAUSE each supervising Advanced Practice Registered Nurse or Physician to submit, on forms provided to the PETITIONER by the Board, periodic reports as to PETITIONER'S capability to practice nursing. These reports shall be completed by the Advanced Practice Registered Nurse or Physician who supervises the PETITIONER and these reports shall be submitted by the supervising Advanced Practice Registered Nurse or Physician to the office of the Board at the end of each three (3) month quarterly period for the remainder of the four (4) quarters [one (1) year] of employment as a nurse, if any.

VIII. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from PETITIONER'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, PETITIONER may be eligible for nurse licensure compact privileges, if any.

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PETITIONER'S CERTIFICATION

I am the Petitioner in this matter. I have fully and truthfully disclosed all of my past conduct which could constitute grounds for licensure ineligibility, and I have caused a complete and accurate criminal history to be submitted to the Texas Board of Nursing from each jurisdiction in which I have been adjudged guilty by way of conviction or deferred order. I certify that my past behavior, except as disclosed in my application/petition, has been in conformity with the Board's character rule. I have provided the Board with complete and accurate documentation of my past conduct in violation of the penal law of any jurisdiction which was disposed of through any procedure short of conviction, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

In connection with my application, I acknowledge that I have read and I understand Sections 301.157(d), 301.252, 301.253, 301.257, 301.258, 301.260, 301.452, and 301.453, Texas Occupations Code, and Chapter 53, Section 53.001 *et seq.*, Texas Occupations Code, and 22 TEX. ADMIN. CODE §§213.27, 213.28, 213.29, and 213.30. I agree with all terms of this Order, including the Findings of Fact and Conclusions of Law and any stipulations as set out in this Order. I acknowledge that this Order is stipulated and I understand that I am not eligible to receive a Temporary Permit to practice nursing, except as otherwise set out in this order in regards to Six Month Temporary Permit for Advanced Practice Registered Nurses. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to accepting any license from the Texas Board of Nursing.

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 REVOCATION of my license(s) and/or nurse licensure compact privileges, if any, to practice nursing in the State of Texas, as a consequence of my noncompliance.

I understand that I can be represented by an attorney in this matter. I waive notice, administrative hearing, and judicial review of this Order and request that the Texas Board of Nursing ratify this Order.

Signed this 6th day of November, 2020.

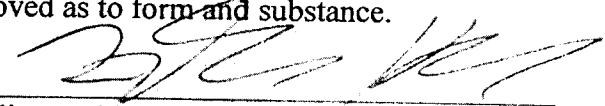

ANNALISA DAMANTE, PETITIONER

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.


Franklin Hopkins, Attorney for Petitioner

Signed this 6th day of November, 2020.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 6th day of November, 2020, by ANNALISA DAMANTE, Registered Nurse License Number 908116 & PETITIONER for Eligibility for Licensure, and said Agreed Order is final.

Effective this 8th day of December, 2020.

A handwritten signature in black ink, reading "Katherine A. Thomas". The signature is written in a cursive style with a horizontal line underneath.

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