

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 709155	§	FOR
issued to NALLELY TRUJILLO-CONLEY	§	DEFERRED DISCIPLINE

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of NALLELY TRUJILLO-CONLEY, Registered Nurse License Number 709155, 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)(13), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order for Deferred Discipline approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on September 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 for Deferred Discipline.
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 University of Texas Medical Branch, Galveston, Texas, on April 23, 2004. Respondent was licensed to practice professional nursing in the State of Texas on August 19, 2004.
5. Respondent's nursing employment history includes:

8/2004 – 4/2007	Registered Nurse	Woman's Hospital of Texas Houston, Texas
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Respondent's nursing employment history continued:

4/2007 – 1/2008	Research Nurse	Baylor College of Medicine Houston, Texas
2/2008 – 12/2010	Registered Nurse	University of Texas M.D. Anderson Cancer Center Houston, Texas
1/2011 – 6/2016	Unknown	
7/2016 – 1/2018	Research Nurse	University of Texas M.D. Anderson Cancer Center Houston, Texas
2/2018 – Present	Unknown	

6. At the time of the incident, Respondent was employed as a Research Nurse with the University of Texas M.D. Anderson Cancer Center, Houston, Texas, and had been in that position for one (1) year and five (5) months.
7. On or about December 13, 2017, through December 15, 2017, while employed as a Research Nurse with the University of Texas M.D. Anderson Cancer Center, Houston, Texas, Respondent failed to timely notify the physician/principal investigator (PI) that the elevated liver enzymes in the laboratory results for Patient/Subject 05 occurred on the last day of a reporting cycle for the clinical research trial in which the Patient was a participant so the PI could determine whether or not there was an occurrence of dose-limiting toxicity (DLT) due to the trial medication that needed to be reported to the clinical trial sponsor within twenty-four (24) hours, per protocol, because occurrences of DLT can affect the starting dosage given to other patients entering the clinical research trial. Respondent's conduct may have exposed other patients participating in the clinical research trial to a risk of harm by not timely communicating critical lab results to the PI to interpret and communicate, if necessary, to the clinical trial sponsor according to protocol. Subsequently, on or about December 15, 2017, Respondent failed to collaborate with the PI prior to writing a note regarding the laboratory results of Patient/Subject 05 on a memorandum pre-signed by the PI, and submitting the memorandum via electronic mail to the clinical trial sponsor.

8. In response to the incident in Finding of Fact Seven (7), Respondent states that she transmitted the memo and the patient's labs to the clinical trial sponsor, Columbia, without input from the physician. Respondent further states that Columbia was aware at all times that the PI used pre-signed memos, and, in response to the pre-signed memo, Columbia requested that the PI or another qualified physician validate the DLT. Respondent states that her actions fell within the scope of practice in that she reviewed the patient's labs and recognized the labs were drawn within the DLT reporting period; she asked her supervisor to further assess whether the labs were drawn during the DLT reporting period; she sought guidance from her supervisor on next steps; and under the circumstances in which the physician was absent, protocol requirements and timing, Respondent evaluated the situation and determined the best course of action was to transmit information regarding the patient's status and lab values to Columbia. Respondent states that she kept in routine communication with relevant personnel at M.D. Anderson and Columbia, and she asked other physicians to intercede and confirm whether the labs met DLT. Respondent states that factors beyond her control caused her to take proactive steps to assure patient safety and maintain compliance with the clinical trial protocol. Respondent stated that the PI engaged in a practice of negligent conduct by using pre-signed forms, failing to put in place policies, procedures, guidelines, a chain-of-command, or even a list of phone numbers to call, failing to make Respondent aware of any covering physician, and failing to respond to the email correspondence regarding the DLT. Respondent states that her supervisor was derelict in her duties as a nurse and as a supervisor in that her supervisor did not take any action, failed to show any personal initiative toward solving the issue or communicating the issue up the chain of command.

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)(D)&(1)(P).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 709155, heretofore issued to NALLELY TRUJILLO-CONLEY.
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, DEFERRED** 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 Deferred Discipline.

Further, RESPONDENT SHALL not commit any violation of 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.* **for a period of three (3) years from the date of 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 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.

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.

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 four (4) quarterly periods [one (1) year] of employment. 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) 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. **Indirect Supervision:** 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. 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 of 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.

- D. **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 four (4) quarters [one (1) year] of employment as a nurse.

VI. EFFECT OF DEFERRED DISCIPLINE

Upon successful completion of the stipulated requirements of this Agreed Order for Deferred Discipline, 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.

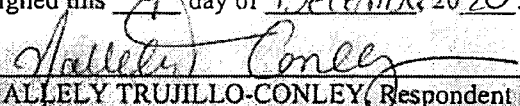
Upon the successful completion of the required three (3) year period of deferral, the complaint or complaints which formed the basis for this action will be dismissed and this Order will be made confidential to the same extent as a complaint filed under Section 301.466, Texas Occupations Code. Until such time that this Order is made confidential, this Order is subject to disclosure in accordance with applicable law.

Should an additional allegation, complaint, accusation, or petition be reported or filed against RESPONDENT prior to the time this Order is made confidential, the deferral period shall be extended until the allegation, accusation, or petition has been finally acted upon by the Board.

Should RESPONDENT commit a subsequent violation of the Nursing Practice Act or Board Rules, this Order shall be treated as prior disciplinary action.

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.

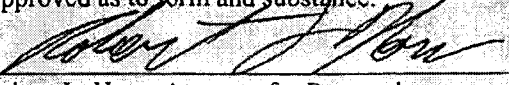
Signed this 9 day of December, 2020.

NALLELY TRUJILLO-CONLEY (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.


Robert L. Horn, Attorney for Respondent

Signed this 9th day of December, 2020.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 9th day of December, 2020, by NALLELY TRUJILLO-CONLEY, Registered Nurse License Number 709155, and said Agreed Order is final.

Effective this 21st day of January, 2021.

A handwritten signature in black ink, reading "Katherine A. Thomas". The signature is written in a cursive, flowing style.

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