

Respondent's nursing employment history continued:

12/2019 – 04/2020	Registered Nurse	Post-Acute Specialty Hospital of Victoria Southeast, Victoria, Texas
05/2020 – Present	Unknown	

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Post-Acute Specialty Hospital of Victoria Southeast, Victoria, Texas, and had been in that position for four (4) months.
7. On or about April 7, 2020, through April 8, 2020, while employed as a Registered Nurse with Post-Acute Specialty Hospital of Victoria Southeast, Victoria, Texas, Respondent failed to wear a face mask, as mandated by her employer during a national pandemic, to prevent the transmission of COVID-19 to herself, colleagues, and patients. On or about April 8, 2020, Respondent produced a specimen for a COVID-19 virus screen, and returned to work the following day with results pending. On or about April 9, 2020, through April 10, 2020, Respondent continued to work an entire shift with results pending and periodically removed her mask. At the end of her shift, her COVID-19 test results returned positive. Subsequently, Respondent admitted to management that she knew the face mask was mandatory, but did not wear it because it was uncomfortable and she could not breathe. Respondent's conduct created an unsafe environment and exposed patients and staff to infectious pathogens and communicable conditions.
8. In response to the incident in Finding of Fact Number Seven (7), Respondent states that she did remove her N95 mask at times while working, primarily when eating or drinking in the breakroom or at the nurse's station. Respondent states that when she was at the nurse's station and needed to remove her mask in order to improve her breathing, she did so only after informing the other staff around her so that they would be wearing their face masks when she was not. Respondent states that she never entered into any patient rooms without a face mask. Respondent explains that she was exposed to and contracted COVID-19 by carpooling with a nurse who tested positive. Respondent states that following exposure, she frequently requested and pleaded with management to be tested beginning April 1, 2020, but they refused because she didn't work at the facility the carpool nurse did. Respondent states that she did not receive testing until April 8, 2020 despite being symptomatic. Respondent states that while she does acknowledge violating an outdated policy by removing her mask while indoors, she did not do so with malice and would not have been in the building had the facility been proactive and tested her after a known exposure.
9. Formal Charges were filed on September 18, 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)(M),(1)(O)&(1)(T) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B), (4)&(5).
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 980702, heretofore issued to DAKOTA AUTRY.
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** 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" as applicable and RESPONDENT 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, 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. **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.

- C. **The course "Professional Accountability,"** a 4.6 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. **RESTORATION OF UNENCUMBERED LICENSE(S)**

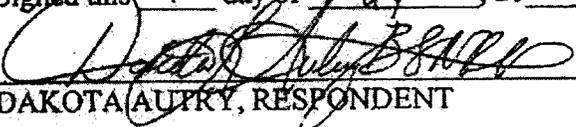
Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) and/or privilege(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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RESPONDENT'S CERTIFICATION

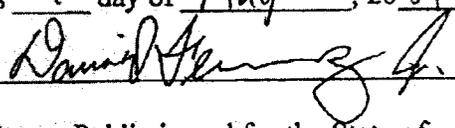
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, 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 7 day of May, 2021.


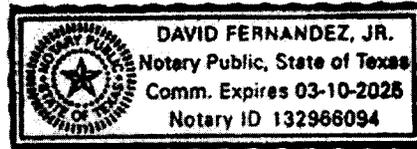
DAKOTA AUTRY, RESPONDENT

Sworn to and subscribed before me this 7 day of May, 2021.

SEAL



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 7th day of May, 2021, by DAKOTA AUTRY, Registered Nurse License Number 980702, and said Agreed Order is final.

Effective this 8th day of June, 2021.

A handwritten signature in cursive script that reads "Katherine A. Thomas".

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