BEFORE THE TEXAS BOARD OF NURSING

* *

In the Matter of   §   .   AGREED ORDER
Registered Nurse License Number 729068   §
issued to LINDA GRANIELLA   §
                                    §

On this day the Texas Board of Nursing, hereinafter referred to as the Board, consider the matter of LINDA GRANIELLA, Registered Nurse License Number 729068, 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)&(14)(effective 9/1/21), 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 March 23, 2023.

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 a Baccalaureate Degree in Nursing from Texas A&M International University, Laredo, Texas, on May 13, 2006. Respondent was licensed to practice professional nursing in the State of Texas on June 20, 2006.

5. Respondent's nursing employment history includes:

   6/2006 – 8/2007   Registered Nurse   Laredo Medical Center
                                                  Laredo, Texas

Respondent's nursing employment history continued:

3/2007 – 1/2013	House Supervisor	Fort Duncan Regional Medical Center Eagle Pass, Texas
3/2013 1/2016	Registered Nurse Case Manager	Superior Home Health & Hospice Eagle Pass, Texas
8/2022 – 10/2022	Registered Nurse	Aveanna Healthcare San Antonio, Texas
10/2022 – Present	Unknown	

6. At the time of the incident, Respondent was employed as a Registered Nurse (RN) with Aveanna Healthcare, San Antonio, Texas, and had been in that position for two (2) months.

7. On or about October 21, 2022, while employed as a Registered Nurse (RN) with Aveanna Healthcare, San Antonio, Texas, and assigned to provide skilled nursing care to patient S.C., Respondent lacked fitness to practice professional nursing in that she was found to be sleeping while on shift. Respondent's conduct was likely to injure the patient in that it adversely affected her ability to recognize subtle signs, symptoms or changes in the patient's conditions, and could have affected her ability to make rational, accurate, and appropriate assessments, judgements, and decisions regarding patient care, thereby placing the patient in potential danger.

8. In response to Finding of Fact Number Seven (7), Respondent reported to her shift on October 20, 2022, despite telling her supervisors she did not feel comfortable working. She was going through many stressors in her personal life, including a car accident just a few days prior. She contacted her scheduler to advise she wouldn't be able to work her scheduled shift on October 20, 2022. The schedule respondent with "Linda u better go to Sebastian please don't call out she needs help. I am very frustrated on this situation." Respondent felt she needed to report for the shift or her livelihood could be in danger. During the shift, she was exhausted, and closed her eyes for a brief minute to relax. Respondent states she was not sleeping and she cared for the patient appropriately.

9. On March 16, 2023, Respondent successfully completed Texas Nursing Jurisprudence and Ethics course, which would have been a requirement of this order.

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)(B) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(E)&(4).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(14)(effective 9/1/21), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 729068, heretofore issued to LINDA GRANIELLA.

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** 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. Until successfully completed, RESPONDENT may not practice nursing in the State of Texas except in accordance with the terms of this Order.

D. 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. 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, <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 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 <u>and will not count towards completion of this requirement.</u>

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.

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 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 _____ day of _____, 20_____.

Linda Graniella   11/06/2023

LINDA GRANIELLA, 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.

Yong J. An   11/06/2023

Yong J. An, Attorney for Respondent

Signed this _____ day of _____, 20_____.

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, 2023, by LINDA GRANIELLA, Registered Nurse License Number 729068, and said Agreed Order is final.

Effective this 12th day of December, 2023.

Kristin K. Benton, DNP, RN

Kristin K. Benton, DNP, RN
Executive Director on behalf
of said Board