



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.
Kristin K. Benton, DNP, RN
Kristin K. Benton, DNP, RN
Executive Director
Texas Board of Nursing

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Registered Nurse License Number 1034505 §
& Vocational Nurse License Number 327385 §
issued to GISELA YAZMIN DAVILAMATA §
§

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of GISELA YAZMIN DAVILAMATA, Registered Nurse License Number 1034505, and Vocational Nurse License Number 327385, 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), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Kristin K. Benton, DNP, RN, Executive Director, on November 22, 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 vocational nurse in the State of Texas is in inactive status. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Central Louisiana Technical Community College - Huey P Long Campus, Jena, Louisiana, on May 8, 2015. Respondent received an Associates Degree in Nursing from Arkansas Rural Nursing Education Consortium, Nashville, Arkansas on December 1, 2020. Respondent was licensed to practice vocational nursing in the State of Texas on August 27, 2015. Respondent was licensed to practice professional nursing in the State of Texas on April 9, 2021.

5. Respondent's nursing employment history includes:

05/2015 – 09/2015	Unknown	
10/2015 – 08/2018	LVN	US Renal Care Harlingen, Texas
09/2018 – 12/2020	LVN	US Renal Care Paragoulv, Arkansas
01/2021 – 10/2021	LVN/RN	US Renal Care Schertz, Texas
11/2021 – 05/2022	RN	TRUSTAFF St. Bernard's Medical Center Jonesboro, Arkansas
06/2022 – 08/2022	RN	AYA Health Care Clackamas Fresenius Kidney Center Clackamas, Oregon
09/2022 – 11/2022	RN	Fresenius Medical Care St. John Medical Center Longview, Washington
12/2022 – 02/2023	RN	Cheyenne Regional Medical Center Cheyenne, Wyoming
03/2023 – 05/2023	RN	Medical Solutions – Cheyenne Regional Medical Center Cheyenne, Wyoming
06/2023 - Present	RN	Fresenius Medical Center Waltham, Massachusetts

6. At the time of the incident, Respondent was employed as a Registered Nurse with Medical Solutions, Omaha, Nebraska on assignment at Cheyenne Regional Health, Cheyenne, Wyoming, and had been in that position for two (2) months.

7. On or about May 2, 2023, while utilizing a Privilege to Practice nursing from Texas and employed as a Registered Nurse with Medical Solutions, Omaha, Nebraska on assignment at Cheyenne Regional Medical Center, Cheyenne, Wyoming, Respondent accessed the medical records of patient MRN 000303775 without authorization. Further, Respondent was not a member of the patients' treatment team and did not have any operational reason

to access the records. Respondent's conduct exposed the patient unnecessarily to a risk of harm from use, accessing or disclosure of their confidential medical information without their written authorization and placed the facility in violation of HIPAA (The Health Insurance Portability and Accountability Act).

8. In Response to Finding of Fact Number Seven (7) Respondent states she did not improperly access any medical chart, misuse any information, or violate HIPPA. Respondent states she was simply looking for dialysis patients at the hospital she was instructed to do.

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)(E) and 22 TEX. ADMIN. CODE §217.12(1)(C).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(14), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 1034505, and Vocational Nurse License Number 327385, heretofore issued to GISELA YAZMIN DAVILAMATA.
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 **REMEDIAL EDUCATION WITH FINE** 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. 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 "Upholding the Standard: Professional Accountability in Nursing,"** a 5.5 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) International Center for Regulatory Scholarship (ICRS).

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. **MONETARY FINE**

RESPONDENT SHALL **pay a monetary fine in the amount of two hundred fifty dollars (\$250.00) within forty-five (45) 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. **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 becomes effective upon acceptance by the Executive Director on behalf of the Texas Board of Nursing and a copy will be mailed to me. 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.

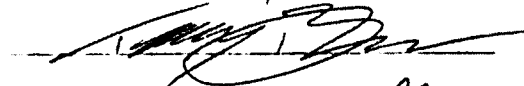
Signed this 2nd day of January, 2024.



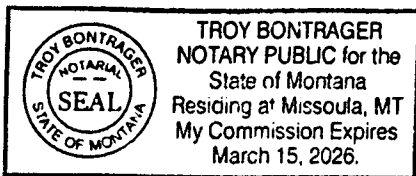
GISELA YAZMIN DAVILAMATA, RESPONDENT

Sworn to and subscribed before me this 2 day of January, 2024.

SEAL



Notary Public in and for the State of Montana



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 2nd day of January, 2024, by GISELA YAZMIN DAVILAMATA, Registered Nurse License Number 1034505, and Vocational Nurse License Number 327385, and said Agreed Order is final.

Effective this 9th day of January, 2024.

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