



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 BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 254878 § AGREED
issued to CYNTHIA G. BANHART § ORDER

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, considered the matter of CYNTHIA G. BANHART, License Number 254878, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(13), Texas Occupations Code. Respondent waived ~~representation by counsel, informal conference,~~ notice and hearing, and agreed to the entry of this Order offered on October 19, 2003, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

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.
2. Respondent waived ~~representation by counsel, informal conference,~~ notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received a Baccalaureate Degree in Nursing from the University of Texas at Austin, Austin, Texas, on May 22, 1981. Respondent was licensed to practice professional nursing in the State of Texas on September 8, 1981.

5. Respondent's professional employment history includes:

9/81 to 6/88	Unknown
7/88 to 4/94	Field Nurse St. David's Home Health Austin, Texas
7/94 to 12/94	Field Nurse Austin Travis County Health Department Austin, Texas
12/94 to 11/95	Not employed in nursing
11/95 to 8/99	Field Nurse/Case Manager Outreach Health Services Austin, Texas
10/99 to 2/01	Telephone Triage Austin Regional Clinic Austin, Texas
2/01 to 8/01	Unknown
8/01 to 11/02	School Nurse Seton Healthcare Network Children's/AISD Student Health Services Austin, Texas
11/02 to present	Unknown

6. At the time of the initial incident, Respondent was employed as a School Nurse with Seton Healthcare Network, Children's/AISD Student Health Services, Austin, Texas, and assigned to Jordan Elementary School, Austin, Texas, and had been in this position for approximately two (2) months.

7. On or about October 25, 2001, while employed with Seton Healthcare Network, Children's/AISD Student Health Services, Austin, Texas, and assigned to Jordan Elementary School, Austin, Texas, Respondent failed to ensure that Student KH received Trileptal as directed by the parent, and ordered by the physician. The physician's order was for Trileptal one (1) tablet at noon. Respondent reviewed the medication on October 25, 2001, but the medication was not administered until November 1, 2001. Respondent's conduct exposed the student unnecessarily to a risk of harm from seizures.
8. On or about February 8, 2002, while employed with Seton Healthcare Network, Children's AISD/Student Health Services, Austin, Texas, and assigned to Pecan Springs Elementary School, Austin, Texas, Respondent failed to ensure that Student DC had a current Plan of Care. Student DC was in the special needs classroom and had seizures during the normal school day. Respondent's conduct exposed the student unnecessarily to a risk of harm in that non-licensed staff would rely on the Plan of Care for guidance when providing care to the student in the event of seizure activity.
9. On or about November 11, 2002, while employed with Seton Healthcare Network, Children's/AISD Student Health Services, Austin, Texas, and assigned to Galindo Elementary School, Austin, Texas, Respondent mistakenly took the keys to the students' medications home. The following day she gave the keys to her 13-year-old daughter to return to the appropriate person. The keys were eventually taken by a teacher, who saw Respondent's daughter attempting to give the keys to a younger child. Respondent's conduct exposed the students to a risk of harm from unsupervised access to medications, and exposed the other students unnecessarily to a risk of harm in that subsequent caregivers would not be able to access the medications without the keys.

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 of Section 301.452(b)(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(2),(3)&(21).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 254878, heretofore issued to CYNTHIA G. BANHART, including revocation of Respondent's professional license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice professional nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-size license issued to CYNTHIA G. BANHART, to the office of the Board of Nurse Examiners within ten (10) days from date of ratification of this Order for appropriate notation.

(2)RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a Texas course in nursing jurisprudence. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Registered Nurses. It shall

be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Registered Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation.

RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form, provided by the Board, to the office of the Board to verify RESPONDENT's successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board approved courses may be found on the Board's website www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) RESPONDENT SHALL notify each present employer in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT 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 within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge,

if any, to each future employer prior to accepting an offer of employment.

(5) RESPONDENT SHALL CAUSE each present employer in professional nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a professional nurse.

(6) 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 professional nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising Registered Nurse to the office of the Board at the end of each three (3) months for one (1) year of employment as a professional nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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Agreed Order
License No. 254878

RESPONDENT'S CERTIFICATION

I, the undersigned, certify that I have the right to legal counsel prior to the signing of the foregoing Agreed Order and I further certify that I have obtained legal counsel which has been satisfactory to me. I further certify that I have read and that I understand the foregoing agreed order and by signing this certification I neither admit nor deny the violations alleged in the agreed order. By my signature below I agree to the findings of fact, conclusions of law, the order and any conditions of the order. Such agreement is made to avoid further disciplinary action in this matter and I waive judicial review of the order. I understand that this agreed order is subject to ratification by the Board of Nurse Examiners and that when the order is so ratified this order becomes effective and that a copy of the ratified order will be mailed to me at the address of 1616 Cattle Trail, Austin, Texas 78748. I further certify that I understand that if I fail to comply with all terms and conditions of this order then I will be subject to investigation, discipline, and that such discipline could include revocation of my license to practice professional nursing in the State of Texas.

Witness my hand this the 1st day of April, 2004

Cynthia G. Banhart
Cynthia G. Banhart, Respondent

Approved as to form:

Michael R. Davis
Michael R. Davis, Attorney for Respondent

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 1st day of April, 2004, by CYNTHIA G. BANHART, License Number 254878, and said Order is final.

Effective this 11th day of May, 2004.



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