



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 TEXAS BOARD OF NURSING

In the Matter of	§	AGREED ORDER
Registered Nurse License Number 605070	§	
& Vocational Nurse License Number 130355	§	
issued to CYNTHIA ANN MYERS	§	

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of CYNTHIA ANN MYERS, Registered Nurse License Number 605070, and Vocational Nurse License Number 130355, 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)&(13), 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 November 5, 2018.

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 delinquent 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 Lee College, Baytown, Texas, on August 9, 1990. Respondent received an Associate Degree in Nursing from Lamar University, Beaumont, Texas, on May 1, 1994. Respondent was licensed to practice vocational nursing in the State of Texas on November 28, 1990. Respondent was licensed to practice professional nursing in the State of Texas on June 22, 1994.

5. Respondent's nursing employment history includes:

11/1990 – 2004	Unknown	
7/2004 – 7/2006	Registered Nurse	Dr. Mahesh Kanojia, Beaumont, Texas
10/2006 – 2/2016	Registered Nurse	Baptist Hospitals of Southeast Texas Beaumont, Texas
2/2016 – 3/2017	Registered Nurse	Altus Beaumont, Texas
3/2017 – present	Registered Nurse	Baptist Hospitals of Southeast Texas Beaumont

6. At the time of the initial incident, Respondent was employed as a Registered Nurse with Baptist Hospitals of Southeast Texas, Beaumont, Texas, and had been in that position for nine (9) years and eight (8) months.
7. On or about February, 2015 through September, 2015, while employed as a Registered Nurse in the Oncology Unit with Baptist Hospitals of Southeast Texas, Beaumont, Texas, Respondent failed to completely document assessment data, vital signs and/or weights for Patient Identifiers 120251892, 120356698, 101666023, 120253004, 12026215, 120262881, 120315968, 120191538, 120257831, 120043167, 120375786, 100375837, 120118424, 100553131, 120003761 and 120013874. Respondent's conduct resulted in incomplete treatment records and was likely to injure the patients from subsequent care decisions made without the benefit of accurate and reliable information
8. On or about July 16, 2015, while employed as a Registered Nurse in the Oncology Unit with Baptist Hospitals of Southeast Texas, Beaumont, Texas, Respondent administered a partial chemotherapy treatment to Patient 120375786, in that the prescribed Carboplatin was not given. Respondent's conduct was likely to injure the patient in that failure to administer medications as ordered by the physician could have resulted in non-efficacious treatment of the patient's squamous cell carcinoma.
9. On or about August 13, 2015 through August 20, 2015, while employed as a Registered Nurse in the Oncology Unit with Baptist Hospitals of Southeast Texas, Beaumont, Texas, Respondent administered one (1) unit of packed red blood cells (PRBCs) to Patient Identifiers 120226477 and 120252688 per MD orders, but failed to document administration of the PRBCs. Respondent's conduct resulted in inaccurate treatment records and was likely to injure the patients in that subsequent care givers would not have accurate and complete information on which to base their care decisions.

10. In response to the incident in Finding of Fact Number Seven (7), Finding of Fact Number Eight (8), and Finding of Fact Number Nine (9), Respondent states poor time management skills and problems concentrating prevented her from charting in a timely manner.

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)(D) 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)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 605070, and Vocational Nurse License Number 130355, heretofore issued to CYNTHIA ANN MYERS.
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** 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.

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. **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) 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

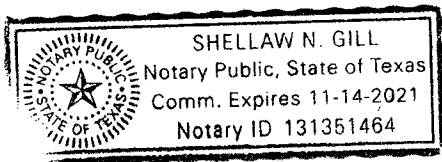
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, 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 29th day of NOVEMBER, 2018.

Cynthia Ann Myers
CYNTHIA ANN MYERS, Respondent

Sworn to and subscribed before me this 29th day of November, 2018.

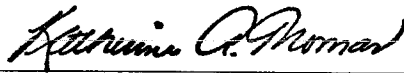
SEAL



[Signature]
Notary Public in and for the State of Texas

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 29th day of November, 2018 by CYNTHIA ANN MYERS, Registered Nurse License Number 605070, and Vocational Nurse License Number 130355, and said Agreed Order is final.

Effective this 7th day of December, 2018

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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