BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of: CAROL DE CASEMBROOT License No. N-17471, )  ) Case No. BON 10-055 )  ) COMPLAINT )  )

To: Carol De Casembroot 4511 Mariners Mooring Street Dickinson, TX 77539

Complainant, the Idaho State Board of Nursing ("Board"), charges Respondent, CAROL DE CASEMBROOT, with violating the laws and rules governing the practice of nursing as follows:

FACTS

1. The Board regulates Idaho nursing practice under Idaho Code § 54-1404.
2. Carol De Casembroot ("Respondent") is licensed by the Board under License No. N-17471 to engage in the practice of nursing.
3. Respondent's continued right to licensure is subject to Respondent's compliance with the laws of the Board codified at title 54, chapter 14, Idaho Code, and the rules of the Board, promulgated at IDAPA 23.01.01, et seq.
4. At times relevant to these proceedings Respondent was employed as a surgical circulating nurse with Clear Lake Regional Medical Center in Webster, TX.
5. On or about April 9, 2010, the Texas Board of Nursing (the "Texas Board") filed

Formal Charges alleging as follows:

On or about September 21, 2007, while utilizing Respondent’s multistate licensure compact privilege associated with her license to practice professional nursing in the State of Idaho, and employed as a surgical circulating nurse with Clear Lake Regional Medical Center, Webster, Texas, Respondent failed to accurately conduct a surgical sponge count of Patient KS, resulting in two (2) laparotomy surgical sponges being left in the abdominal surgical site. Consequently, Patient KS presented to the Clear Lake Regional Medical Center on December 10, 2007, with an intra-abdominal infection requiring emergency
surgery to remove the laparotomy sponges, which were adhered to the patient's intestines. Respondent's conduct caused substantial injury to the patient and could have resulted in the patient's demise.

See Formal Charges, In the Matter of Multistate Licensure Compact Privilege Associated with Idaho Registered Nurse License Number 17471 issued to Carol De Casembroot, filed April 9, 2010 (A true and correct copy is attached hereto as Exhibit A).

6. On or about June 9, 2010, based upon the Formal Charges and Respondent's failure to appear, the Texas Board entered the Order of the Board revoking "the Multistate Licensure Compact Privilege Associate with Idaho Permanent Certificate Number 17471, previously issued to Carol B. Bancroft De Casembroot, to practice professional nursing in the State of Texas." See Order of the Board, In the Matter of Multistate Licensure Compact Privilege Associated with Idaho Registered Nurse License Number 17471 issued to Carol De Casembroot, entered June 9, 2010 (A true and correct copy is attached hereto as Exhibit B).

CONTROLLING LAW

1. Respondent's conduct as described above violates the laws and rules governing Idaho nursing practice, including:
   a. Idaho Code § 54-1413(1)(d) (a nurse shall not engage in conduct that is grossly negligent or reckless when performing nursing functions);
   b. Idaho Code § 54-1413(1)(g) and Board Rule 100.08 (a nurse shall not violate the Board's laws, rules or standards of conduct and practice);
   c. Idaho Code § 54-1413(1)(h) and Board Rule 100.09 (a nurse shall not engage in conduct of a character likely to deceive, defraud or endanger patients or the public);
   d. Idaho Code § 54-1413(1)(i) (a nurse shall not have his/her license to practice nursing suspended or revoked in any jurisdiction) and Board Rule 100.10 (a nurse shall not have action or discipline taken against his/her license or privilege to practice nursing by any jurisdiction);
   e. Board Rule 101.04.a (a nurse shall have knowledge of the statutes and rules governing nursing and shall function within the defined legal scope of nursing practice);
f. Board Rule 101.04.d (a nurse shall act to safeguard the patient from the incompetent practice, verbal or physical abusive acts or illegal practice of any person); and

g. Board Rule 101.05.c (a nurse shall be responsible and accountable for his/her nursing judgments, actions and competence).

REQUESTED RELIEF

WHEREFORE, Complainant requests that the Board provide the following relief:

1. That the Board conduct a hearing to allow the State and Respondent to present evidence on the Complaint’s allegations;

2. That after the hearing, the waiver of a hearing, or Respondent’s failure to file an Answer to the Complaint, the Board, or its designated hearing officer, shall issue findings of fact and conclusions of law finding the violations of law alleged herein;

3. That the Board determine whether Respondent’s license should be suspended, revoked or otherwise disciplined;

4. That Respondent be ordered to pay the Board’s expenses incurred in investigating this matter; and

5. For such other and further relief as the Board deems just and proper.

DATED this 6th day of January, 2011.

IDAHO STATE BOARD OF NURSING

By ____________________________
 Sandra Evans, M.A.Ed., R.N.
 Executive Director

COMPLAINT - 3
NOTIFICATION OF PROCEDURAL RIGHTS

Pursuant to the provisions of the Administrative Procedure Act codified at title 67, chapter 52, Idaho Code, and the Idaho Rules of the Administrative Procedure of the Attorney General, promulgated at IDAPA 04.11.01, if you wish to contest the charges set forth in this Complaint, you must: (1) file with the Idaho State Board of Nursing a written Answer to the allegations contained herein within twenty-one (21) days of issuance of this Complaint and (2) request an evidentiary hearing on the charges. You are further notified that if you fail to answer, request a hearing and/or fail to appear at a schedule hearing, the Board may enter a default against you and be granted the relief sought in this Complaint. Upon receipt of your Answer and request for hearing, the matter will be reviewed and a hearing scheduled. You will then be notified of the date, time and place of the hearing, the name of the hearing officer appointed by the Board (if any) and further notification of your procedural rights and responsibilities.

You also have the right to be represented by legal counsel, at your own expense, during this administrative proceeding.

Copies of the Administrative Procedure Act and of the Idaho Rules of the Administrative Procedure of the Attorney General may be obtained at the Idaho State Law Library and at many county law libraries. The Idaho Administrative Procedure Act is available on the internet at:
http://www3.state.id.us/idstat/TOC/67052KTOC.html.

The Idaho Rules of Administrative Procedure are available on the internet at:

All original official documents must be filed with the Board or mailed to the Board at the following address:

Idaho State Board of Nursing
280 N. 8th Street, Suite 210
Boise, ID 83720-0061
Telephone: (208) 334-3110
Facsimile: (208) 334-3262

All original official documents must be received by the Board between the hours of 8 a.m. and 5 p.m. except Saturdays, Sundays, and holidays. The Board does permit the filing of facsimile copies of documents that do not exceed ten pages provided that the facsimile transmission is received during the hours of 8 a.m. and 5 p.m. except Saturdays, Sundays, and holidays and is legible in its entirety. It shall be the responsibility of the filing party to verify with the staff of the Board staff that any facsimile transmission is successfully received and legible in its entirety.

A copy of the Answer and every pleading, motion or subsequent document filed with the Board must also be served upon the prosecutor for the Board at the following address:

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COMPLAINT - 4
CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of January, 2011, I caused to be served a true and correct copy of the foregoing addressed as follows:

Carol De Casembroot
4511 Mariners Mooring Street
Dickinson, TX 77539

☐ U.S. Mail
☐ Hand Delivery
☒ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile:
☐ Statehouse Mail

☐ U.S. Mail
☐ Hand Delivery
☐ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile:
☒ Statehouse Mail

[Signature]
Linda Coley
Management Assistant
Idaho Board of Nursing
In the Matter of Multistate Licensure
Compact Privilege Associated with Idaho
Registered Nurse License Number 17471 issued to
CAROL B. BANCROFT DE CASEMBROOT,
Respondent

BEFORE THE TEXAS
BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, CAROL B. BANCROFT DE CASEMBROOT, is a Registered Nurse holding a Multistate Licensure Compact Privilege Associated with the State of Idaho Registered Nurse License Number 17471, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about September 21, 2007, while utilizing Respondent's multistate licensure compact privilege associated with her license to practice professional nursing in the State of Idaho, and employed as a surgical circulating nurse with Clear Lake Regional Medical Center, Webster, Texas, Respondent failed to accurately conduct a surgical sponge count of Patient KS, resulting in two (2) laparotomy surgical sponges being left in the abdominal surgical site. Consequently, Patient KS presented to the Clear Lake Regional Medical Center on December 10, 2007, with an intra-abdominal infection requiring emergency surgery to remove the laparotomy sponges, which were adhered to the patient's intestines. Respondent's conduct caused substantial injury to the patient and could have resulted in the patient's demise.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(B)&(D), and 22 TEX. ADMIN. CODE §217.12(1)(B),(C)&(4).

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's Multistate Licensure Compact Privilege Associated with the State of Idaho Registered Nurse License Number 17471 to practice nursing in the State of Texas pursuant to the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars ($1200.00).

Exhibit A
Page 1 of 2
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Lying and Falsification, which can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.state.tx.us/disciplinaryaction/discp-matrix.html.

Filed this 9th day of April, 2010.

TEXAS BOARD OF NURSING

R. Kyle Hensley

James W. Johnson, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103
Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924
Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847
Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269
John F. Legris, Assistant General Counsel
State Bar No. 00785533
TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512) 305-7401
IN THE MATTER OF MULTISTATE LICENSURE COMPACT PRIVILEGE ASSOCIATED WITH IDAHO REGISTERED NURSE LICENSE NUMBER 17471 ISSUED TO CAROL B. BANCROFT DE CASEMBROOT

BEFORE THE ELIGIBILITY AND DISCIPLINARY COMMITTEE OF THE TEXAS BOARD OF NURSING

ORDER OF THE BOARD

TO: Carol B. Bancroft De Casembroot
15525 Killarney Lake Rd.
Cataldo, Idaho 83810

During open meeting held in Austin, Texas, on June 8, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(a) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's privilege to practice professional nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.
The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN. CODE § 213.2(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that the Multistate Licensure Compact Privilege Associated With Idaho Permanent Certificate Number 17471, previously issued to Carol B. Bancroft De Casembroot, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

Entered this 9th day of June, 2010.

TEXAS BOARD OF NURSING

BY:  
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD
CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of June, 2010, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Carol B. Bancroft De Casembroot
15525 Killarney Lake Rd.
Cataldo, Idaho 83810

BY: KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD
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**Cluster To:**

CAROL DE CASEMBROOT
4511 MARINERS MOORING ST
DICKINSON TX 77539

**Complete this section on delivery:**

1. Article Addressed to:

   CAROL DE CASEMBROOT
   4511 MARINERS MOORING ST
   DICKINSON TX 77539

2. Article Number
   (Transfer from service label)

   TCO7 3020 CC01 4130 9878

**Signature**

[Signature]

[Agent/Address]

[Received on]

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