BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse License Number 184106, issued to ADRIANA PATRICIA MUNOZ	§ § §	AGREED ORDER

TEXAS BOARD OF NURSING
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.
Executive Director of the Board

An investigation by the Texas Board of Nursing, hereinafter referred to as the B produced evidence indicating that ADRIANA PATRICIA MUNOZ, hereinafter referred Respondent, Vocational Nurse License Number 184106, may have violated Se 301.452(b)(10)&(13), Texas Occupations Code.

An informal conference was held on February 15, 2011, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Taralynn R. Mackay, Attorney at Law. In attendance were Mary Beth Thomas, PhD, RN, Director of Nursing, Executive Director's Designee; John F. Legris, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Noemi Leal, Supervising Investigator.

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 consented to the entry of this Order.

3. Respondent is currently licensed to practice vocational nursing in the State of Texas.

4. Respondent received a Certificate in Vocational Nursing from St. Philips College, San Antonio, Texas, on August 10, 2001. Respondent was licensed to practice vocational nursing in the State of Texas on April 4, 2002.

5. Respondent's nursing employment history includes:

04/02 - 05/04	Charge Nurse	Manor Care San Antonio, Texas

Respondent's nursing employment history continued:

06/03 - 06/04	Agency LVN	Medical Staffing Network San Antonio, Texas
06/04 - 06/08	LVN	Millennium Home Health Care San Antonio, Texas
06/08 - unknown	LVN	Lifespan Home Health San Antonio, Texas
06/09 - Present	LVN	Adaptive Health Services San Antonio, Texas

6. At the time of the incidents, Respondent was employed as a LVN with Millennium Home Health Care, San Antonio, Texas, and had been in this position for four (4) years.

7. On or about April 2008 through June 2008, while employed with Millennium Home Health Care, San Antonio, Texas, Respondent failed to ensure that Patient Medical Record Number 522630771 had Xopenex available for administration as ordered by the physician. In addition, Respondent failed to notify the case manager that Patient Medical Record Number 522630771 needed a refill of her PRN(whenever necessary) medication Xopenex. Respondent's conduct exposed the patient unnecessarily to a risk of harm from a delay of timely intervention with Xopenex nebulizer for symptoms of coughing and wheezing. Respondent's conduct was also likely to deceive subsequent care givers who relied on her information while providing care to the patient.

8. On or about June 20, 2008, while employed with Millennium Home Health Care, San Antonio, Texas, Respondent failed to notify the case manager and/or the physician that Patient Medical Record Number 522630771 had numerous ant bites on her left buttocks. Respondent's conduct was likely to deceive other caregivers who needed complete information on which to base their care.

9. In response to Finding of Fact Number Seven (7), Respondent states she informed the Mother of the patient the Xopenex was required to be in the home in case it was needed. When no refills of the Xopenex were available, Respondent scheduled a physician appointment for the patient to obtain a refill of the Xopenex. Respondent provided phone records to show she informed the RN case manager about the issues with the medication.

   In response to Finding of Fact Number Eight (8), Respondent states the written policy at Millennium Health Care, Policy CL.006a, required field staff to call in changes in the patient's status to the Director or the RN case manager and the RN is responsible for passing information to . . .physicians. . . when there is a change in the orders or status of the patient. Respondent did not contact the physician directly due to the policy, but Respondent provided phone records to show she contacted the RN case manager so that the RN case manager could contact the physician.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.455, 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)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(D),(M),(P) and 217.12(1)(A),(B)&(4).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 184106, heretofore issued to ADRIANA PATRICIA MUNOZ, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE § 211.1 *et seq.* and this Order.

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

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

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It 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. 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 at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: 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. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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 at the following Board website address: http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete 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 program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: http://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary.*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL 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 A VOCATIONAL NURSE (LVN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD.

(4) RESPONDENT SHALL notify each present employer in 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 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 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 nurse.

(6) RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.

(7) 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 Registered Nurse or Licensed Vocational Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for one (1) year of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall 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 Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, 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 Board. When this Order is ratified, the terms of this Order become effective, 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 revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 22 day of March, 2011.

Adriana Patricia Munoz

ADRIANA PATRICIA MUNOZ, Respondent

Sworn to and subscribed before me this 22 day of march, 2011.

SEAL

Notary Public in and for the State of Texas

SUSAN A ELIZONDO
Notary Public
STATE OF TEXAS
My Comm. Exp.12-18-11

Approved as to form and substance.

Taralynn R. Mackay

Taralynn R. Mackay, Attorney for Respondent

Signed this 23rd day of March, 2011.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the ____ day of _____, 2011, by ADRIANA PATRICIA MUNOZ, Vocational Nurse License Number 184106, and said Order is final.

Effective this _____ day of _____, 20___.

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

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, 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 Board. When this Order is ratified, the terms of this Order become effective, 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 revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 22 day of March, 2011.

Adriana Patricia Muñoz

ADRIANA PATRICIA MUNOZ, Respondent

Sworn to and subscribed before me this 22 day of march, 2011.

SEAL

Notary Public in and for the State of Texas

SUSAN A ELIZONDO
STATE OF TEXAS
My Comm. Exp.12-18-11

Approved as to form and substance.

Taralynn R. Mackay

Taralynn R. Mackay, Attorney for Respondent

Signed this 23rd day of March, 2011.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 22nd day of March, 2011, by ADRIANA PATRICIA MUNOZ, Vocational Nurse License Number 184106, and said Order is final.

Effective this **28th** day of **April**, **2011**.

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