

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Vocational Nurse § VOLUNTARY  
License Number 197915 §  
issued to MICHELLE ANN GUADARRAMA § SURRENDER



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.  
*Michelle Ann Guadarrama*  
Executive Director of the Board

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board, has accepted the voluntary surrender of Vocational Nurse License Number 197915, issued to MICHELLE ANN GUADARRAMA, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Respondent is currently licensed to practice vocational nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received a Certificate in Vocational Nursing from Gadsden State Community College, Gadsden, Alabama, on September 26, 1980. Respondent was licensed to practice vocational nursing in the State of Texas on March 10, 2005.
4. Respondent's vocational nursing employment history includes:

09/80 - 1994	Unknown	
1994 - 1995	LVN	Limestone Correctional Facility Capshaw, Alabama
1995 - 1997	LVN	Sharp-Rees-Stealy San Diego, California

Respondent's vocational nursing employment history continued:

08/97 - 06/99	LVN	Scripps Clinic San Marcos, California
06/99 - 04/01	LVN	Scripps Clinic Rancho Bernardo, California
04/01 - 10/01	LVN	Centre for Healthcare Ramona, California
11/01 - 01/02	LVN	Dr. Arsham Ramona, California
01/02 - 04/02	LVN	Home of Guiding Hands Lakeside, California
05/02 - 11/04	LVN	SunPlus Homecare San Diego, California
12/04 - 08/05	Unknown	
09/05 - 02/07	LVN	Choice Homecare El Dorado, Texas
02/07 - 06/08	LVN	Kinder Hearts Homecare Inc. San Angelo, Texas
07/08 - 10/08	Unknown	
11/08 - 10/09	LVN	El Paso County Jail Annex El Paso, Texas
11/09 - Present	Not employed in nursing	

5. On or about December 1, 2009, the Texas Board of Nursing notified the Respondent of the following allegations:
  - a. On or about September 18, 2009, while employed with Prison Health Services, Inc. - El Paso County Detention Facility, El Paso, Texas, Respondent falsely documented that she performed a narcotic inventory count at shift change. The oncoming shift nurse noticed a discrepancy in the Klonopin and Tylenol #3 during her narcotic count. Respondent later admitted to the charge nurse that she failed to count those narcotics and had only counted the hydrocodone.

- b. On or about September 18, 2009, while employed with Prison Health Services, Inc. - El Paso County Detention Facility, El Paso, Texas, Respondent misappropriated, or failed to take precautions to prevent such misappropriation of, Tylenol #3 from the facility and patients thereof.
6. On February 17, 2011, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's notarized statement, dated February 15, 2011, is attached and incorporated herein by reference as part of this Order.

#### 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)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A)&(D) and 217.12(1)(A), (1)(B), (4), (6)(A), (6)(G), (6)(H)&(10)(B).
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.452 (b), Texas Occupations Code, and 22 TAC §§213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

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ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of Vocational Nurse License Number 197915, heretofore issued to MICHELLE ANN GUADARRAMA, to practice vocational nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice vocational nursing, use the title of "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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

Effective this 3<sup>rd</sup> day of March, 2011.

TEXAS BOARD OF NURSING

By:



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

February 15, 2011

Katherine A. Thomas, MN, RN  
Executive Director Texas Board of Nursing  
333 Guadalupe Street  
Ste. 3-460  
Austin, Texas 78701

Dear Ms. Thomas:

I received your proposed Agreed Order and have duly reviewed the contents as requested.

I am still in shock at what I have read and I feel the need to answer, although I realize it will make no difference.

I have been unemployed for over a year. I do not have \$500 and have no way of obtaining it at this time. Also, under the stipulations in the Order, whom do you think would hire me? I am a 60-year-old Caucasian nurse who is not bilingual, living in a border town. Things are very different here than they are in Austin. Add to that the restraints an employer would be under to comply with the Order, and the fact that I am under monitoring/probation, my chances of obtaining employment are next to impossible.

I cannot even begin to tell you how grieved I am to end my 30-year career in nursing, an UNBLEMISHED career up until this point, on such a sad note. In my opinion, I feel that your judgment was unfair and the punishment unduly harsh. I made a huge mistake, but the circumstances were not thoroughly investigated either, in my opinion.

There was retaliation involved, and I did not forget to count alone, it takes two to count. I also did NOT sign that I had counted, as I was accused of. I was not turned in until I left employment there and wrote a letter to the corporate office complaining that I had been promised to be cross-trained but instead, had been left on the medication cart for 11 months without a break.

A month after my letter was received at corporate, there were some big changes and my previous bosses were not happy about them. (A [REDACTED] P [REDACTED], RN and C [REDACTED] G [REDACTED], RN). It was not until then that I was reported, three months after the incident occurred. Be that as it may, I did forget to count....there was an argument going on that morning between two Hispanic nurses, in Spanish...the medication room was in complete disarray due to Mrs. L [REDACTED] running behind and paperwork all over the place making it impossible to get into the med room and get the cart out for medicating. These are the circumstances, but I do not feel they excuse me...that is not what I am saying. I simply wish somebody would understand what happened that day, and how this happened, that I and Mrs. L [REDACTED] forgot to count. Had we counted, we would have discovered immediately that Mrs. L [REDACTED] medicated inmate A [REDACTED] W [REDACTED] with a Tylenol-3 instead of the Klonepin he was supposed to receive. I am sure they tried to pin the medication error on me as well. They were angry that I left the job and angry that I reported to corporate.

When I read between the lines of the Order, it appears the true agenda is to force me to "voluntarily" surrender my license. That is what this letter is for, surrender of my license. You have given me no other choice.

Sincerely,

*Michelle A. Guadarrama*

Michelle A. Guadarrama  
License # 197915

MATT: 16:26

cc:

Linda Rounds, PhD, FNP, RN  
President - Galveston

Kristin Benton, MSN, RN - Austin

Noemi Vezina, Investigator  
Enforcement Division

Singed this 15 day of February 2011.

*Michelle A. Guadarrama*

MICHELLE ANN GUADARRAMA, Respondent

Sworn to and subscribed before me on this 15 day of feb, 2011.

SEAL

*Shannon King*

Notary Public in and for the State of Texas.

