



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

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In the Matter of Registered Nurse           §        AGREED  
License Number 658423                       §  
issued to MARIA DAVIS                       §        ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MARIA DAVIS, Registered Nurse License Number 658423, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(1)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on January 14, 2011, by Katherine A. Thomas, MN, RN, Executive Director.

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 representation by counsel, informal proceedings, 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 El Paso, El Paso, Texas, on December 19, 1998, and received a Master's Degree in Nursing from the Family Nurse Practitioner program of The University of Texas at El Paso, El Paso, Texas, on May 12, 2007. Respondent was licensed to practice professional nursing in the State of Texas on February 22, 1999, and became Board recognized as a Family Nurse Practitioner (FNP) with Prescriptive Authority in the State of Texas on September 4, 2007.
5. Respondent's nursing employment history includes:

1999 - 2004	Staff Nurse	R. E. Thomason Hospital El Paso, Texas
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Respondent's nursing employment history continued:

2000 - 2001	Contract Nurse	Saratoga Medical Center San Antonio, Texas
2001 - 2002	Contract Nurse	Spectrum Healthcare Resources St. Louis, Missouri
2003 - 2004	Staff Nurse	Planned Parenthood Center El Paso, Texas
2004 - 2008	Float Nurse	Veteran's Administration Outpatient Clinics El Paso, Texas
9/2007 - 9/2008	FNP	Sun City Medical Practice El Paso, Texas
12/2007 - 2/2008	FNP	HealthNet Medical Clinic Santa Teresa, New Mexico
10/2008 - Present	FNP	Family Doctor, PA Tony Martinez, MD El Paso, Texas
11/2008 - 3/2009	FNP	Pediatric Urgent Care Clinics El Paso, Texas
6/2009 - Present	FNP	Army Physical Fitness Research Institute Carlisle Barracks, Pennsylvania, assigned to US Army Sergeants Major Academy Ft. Bliss, Texas

6. At the time of the initial incident, Respondent was employed as a FNP with Family Doctor, PA, Tony Martinez, MD, El Paso, Texas, and had been in this position for three (3) months.
7. On or about January 2009 through April 2009, while employed as a FNP with Family Doctor, PA, Tony Martinez, MD, El Paso, Texas, and assigned to Hollywood Cosmetic Spa, El Paso, Texas, Respondent administered Botox to patients without:
  - Having been adequately trained by licensed practitioners, including medical management of adverse events and reactions to Botox;
  - Maintaining practice protocols or other written authorization for managing medical aspects of patient care;
  - Ensuring medical records were maintained; and
  - Having her collaborating physician on site at least 20% of the time.Respondent's conduct resulted in an absence of medical records and was likely to injure patients from possible adverse reactions to Botox.

8. In response to the incidents in Finding of Fact Number Seven (7), Respondent states that she attended Botox training sessions provided by certified product line representatives. Regarding the medical records, Respondent indicates that participants filled out consent forms, she filled out the patient documentation, and she asked the spa owners to provide copies of the records for Dr. Martinez to co-sign. According to Respondent, the owners assured her that they would make the copies available, and Respondent states that she was not aware they had not provided the copies.

#### 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)(1)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(C),(1)(D), (1)(T)&(4)(A), 221.13(b)&(d), and 222.9(1)&(2)[effective 11/26/03].
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 658423, heretofore issued to MARIA DAVIS, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

#### ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION AND A FINE, 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 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, 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 pay a monetary fine in the amount of one thousand dollars (\$1000.00). RESPONDENT SHALL pay this fine within ninety (90) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

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

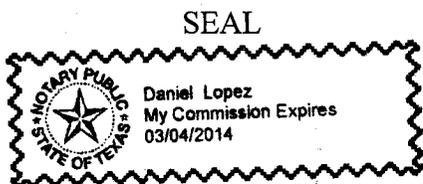
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, 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 4<sup>th</sup> day of March, 2011.

Maria Davis, FNP-C  
MARIA DAVIS, Respondent

Sworn to and subscribed before me this 4<sup>th</sup> day of March, 2011.

[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 4<sup>th</sup> day of March, 2011, by MARIA DAVIS, Registered Nurse License Number 658423, and said Order is final.



Effective this 11<sup>th</sup> day of March, 2011.

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